



Senate Fiscal Agency
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House Bill 5389 (Substitute S-1 as reported)
Sponsor: Representative Paul Clemente
House Committee: Health Policy
Senate Committee: Health Policy

CONTENT

The bill would amend the Public Health Code to do the following:

- Allow a nursing home to use a dining assistant to provide feeding assistance to a patient, under certain circumstances (discussed below).
- Require a nursing home that chose to use dining assistants to train individuals through a training curriculum approved by the Department of Licensing and Regulatory Affairs.
- Establish criteria for an approved dining assistants training curriculum.
- Prohibit a nursing home from employing or allowing a person under 17 years of age to provide feeding assistance as a dining assistant.
- Require a dining assistant to work under the supervision of a nurse; specify that feeding assistance would be a dining assistant's sole purpose; and prohibit a dining assistant from performing any other nursing or nursing-related services.
- Provide that dining assistants would be subject to criminal history checks required under the Code.
- Allow feeding assistance to be provided in a patient's room rather than a designated dining area, if approved by the charge nurse.
- Require a nursing home that used dining assistants to maintain a written record of each person used in that capacity.
- Specify that family members or friends could provide feeding assistance without completing the training curriculum.

Specifically, with the consent of the patient or the patient's representative, a nursing home could use a dining assistant to provide feeding assistance to a patient who, based on the charge nurse's assessment and the patient's most recent plan of care, needed assistance or encouragement with eating and drinking but did not have complicated feeding problems, including difficulty swallowing, recurrent lung aspirations, tube or parenteral feedings, or behavioral issues that could compromise nutritional intake.

Proposed MCL 333.21794

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have a minor, but negative, fiscal impact on the Department of Licensing and Regulatory Affairs (LARA) and no fiscal impact on local units of government. The bill would require LARA to work with the Long-Term Care Stakeholder Advisory Workgroup to develop a training curriculum for dining assistants. This requirement would result in some minor and likely nonrecurring costs for LARA that would be borne by existing resources.

Date Completed: 7-22-14

Fiscal Analyst: Josh Sefton