

HOUSE BILL No. 5781

April 11, 2018, Introduced by Rep. Kosowski and referred to the Committee on Military and Veterans Affairs.

A bill to require the department of military and veterans affairs to notify the department of health and human services of a report of abuse, neglect, or exploitation occurring in a veterans' facility; to require the department of health and human services to independently investigate the report; and to provide for the powers and duties of certain state and local governmental officers and entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1. As used in this act:

(a) "Department" means the department of military and veterans affairs.

(b) "Director" means the director of the department.

(c) "Internal report of abuse" means a report of abuse that is reported to the department, the Michigan veterans affairs agency,

1 or the Michigan veteran health system by any of the following
2 individuals:

3 (i) A state employee, contractor employee, or volunteer
4 employed by the department, the Michigan veterans affairs agency,
5 or the Michigan veteran health system.

6 (ii) A resident veteran, a family member of a resident
7 veteran, or a legal guardian or individual with power of attorney
8 for a resident veteran.

9 (d) "Michigan veterans' facility", "veterans' facility", or
10 "facility" means a Michigan veterans' facility established under
11 1885 PA 152, MCL 36.1 to 36.12, or a veterans' facility as that
12 term is defined in section 2 of the Michigan veterans' facility
13 authority act, 2016 PA 560, MCL 36.102.

14 (e) "Report of abuse" means a report of suspected or alleged
15 abuse, neglect, or exploitation, as those terms are defined in
16 section 11 of the social welfare act, 1939 PA 280, MCL 400.11,
17 concerning a resident veteran.

18 (f) "Resident veteran" means a veteran who is a resident of a
19 Michigan veterans' facility or an individual who is a resident of a
20 Michigan veterans' facility by virtue of the individual's
21 relationship with the veteran.

22 (g) "Veteran" means that term as defined in section 2a of 1885
23 PA 152, MCL 36.2a.

24 Sec. 2. (1) If the department, the Michigan veterans affairs
25 agency, or the Michigan veteran health system receives an internal
26 report of abuse concerning a resident veteran, the department shall
27 take both of the following actions:

1 (a) Notify the department of health and human services within
2 24 hours after receiving the report that the department has
3 received an internal report of abuse.

4 (b) Commence an investigation of the internal report of abuse
5 in accordance with a written policy as established or approved by
6 the director.

7 (2) The notice provided under subsection (1) shall include the
8 name of the resident veteran and a description of the suspected or
9 alleged abuse, neglect, or exploitation contained in the internal
10 report of abuse. If possible, the notice shall include the resident
11 veteran's age and the names and addresses of the resident veteran's
12 guardian or next of kin. The notice shall include other information
13 available to the department that may establish the cause of the
14 suspected or alleged abuse, neglect, or exploitation and the manner
15 in which the suspected or alleged abuse, neglect, or exploitation
16 occurred or is occurring.

17 Sec. 3. (1) Upon receipt of the notice provided by the
18 department under section 2, the department of health and human
19 services shall commence an investigation of the suspected or
20 alleged abuse, neglect, or exploitation described in the notice
21 that is independent of the department's investigation under section
22 2.

23 (2) The department of health and human services shall conduct
24 the investigation under this section in accordance with the
25 requirements concerning investigations of abuse, neglect, and
26 exploitation under section 11b of the social welfare act, 1939 PA
27 280, MCL 400.11b.

1 Sec. 4. (1) Upon completion of an investigation concerning an
2 internal report of abuse under section 2, the department shall
3 forward a written report of the investigation and its findings to
4 the department of health and human services.

5 (2) Upon completion of its investigation under section 3, the
6 department of health and human services shall forward a written
7 report of the investigation and its findings to the department.

8 Enacting section 1. This act takes effect 90 days after the
9 date it is enacted into law.

10 Enacting section 2. This act does not take effect unless all
11 of the following bills of the 99th Legislature are enacted into
12 law:

13 (a) House Bill No. 5616.

14 (b) House Bill No. 5617.