

# HOUSE BILL NO. 5219

November 07, 2019, Introduced by Reps. Hood, Koleszar, Sabo, Hoadley, Sowerby, Lasinski, Chirkun, Cherry, Manoogian, Ellison, Clemente, Hope, Tate, Warren, Anthony, Stone, Haadsma, Shannon, Brixie, Hertel, Sneller, Kennedy, Pohutsky, Bolden, Tyrone Carter, Hammoud, Jones, Whitsett and Coleman and referred to the Committee on Military, Veterans and Homeland Security.

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 Michigan 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:**

1       Sec. 1. As used in this act:

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

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

5       (c) "Internal report of abuse" means a report of abuse that is  
6       reported to the department, the Michigan veterans affairs agency,  
7       or the Michigan veteran health system by any of the following  
8       individuals:

9       (i) A state employee, contractor employee, or volunteer  
10      employed by the department, the Michigan veterans affairs agency,  
11      or the Michigan veteran health system.

12      (ii) A resident veteran, a family member of a resident veteran,  
13      or a legal guardian or individual with power of attorney for a  
14      resident veteran.

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

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

23      (f) "Resident veteran" means a veteran who is a resident of a  
24      Michigan veterans' facility or an individual who is a resident of a  
25      Michigan veterans' facility by virtue of the individual's  
26      relationship with the veteran.

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



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

5       (a) Notify the department of health and human services within  
6 24 hours after receiving the report that the department has  
7 received an internal report of abuse.

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

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

21       Sec. 3. (1) Upon receipt of the notice provided by the  
22 department under section 2, the department of health and human  
23 services shall commence an investigation of the suspected or  
24 alleged abuse, neglect, or exploitation described in the notice  
25 that is independent of the department's investigation under section  
26 2.

27       (2) The department of health and human services shall conduct  
28 the investigation under this section in accordance with the  
29 requirements concerning investigations of abuse, neglect, and



1 exploitation under section 11b of the social welfare act, 1939 PA  
2 280, MCL 400.11b.

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

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

10 Enacting section 1. This act does not take effect unless all  
11 of the following bills of the 100th Legislature are enacted into  
12 law:

13 (a) Senate Bill No. \_\_\_\_ or House Bill No. 5220 (request no.  
14 04816'19 a).

15 (b) Senate Bill No. \_\_\_\_ or House Bill No. 5221 (request no.  
16 04895'19).

