

HOUSE BILL NO. 4317

February 23, 2021, Introduced by Reps. Witwer and Kahle and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 21769.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 **Sec. 21769. (1) The nursing home advisory commission is**
2 **created within the department of health and human services.**
3 **(2) The commission shall consist of the following members,**
4 **appointed by the governor:**
5 **(a) The director or his or her designee.**

1 (b) The director of the department of health and human
2 services or his or her designee.

3 (c) At least 3 individuals representing area agencies on
4 aging. All of the following apply to an individual appointed under
5 this subdivision:

6 (i) Each individual must represent a different area agency on
7 aging.

8 (ii) One individual must be selected from a list of nominees
9 submitted by the speaker of the house of representatives.

10 (iii) One individual must be selected from a list of nominees
11 submitted by the senate majority leader.

12 (d) Five nursing home administrators licensed under article
13 15. Both of the following apply to an individual appointed under
14 this subdivision:

15 (i) One individual must be selected from a list of nominees
16 submitted by the speaker of the house of representatives.

17 (ii) One individual must be selected from a list of nominees
18 submitted by the senate majority leader.

19 (e) The chief medical executive in the office of chief medical
20 executive created within the department of health and human
21 services or his or her designee.

22 (f) An epidemiologist who is not employed by or under contract
23 with this state.

24 (g) The state long-term care ombudsman or his or her designee.

25 (h) Two individuals selected from a list of nominees submitted
26 by the speaker of the house of representatives. One individual
27 appointed under this subdivision must represent the majority party
28 in this state and 1 must represent the minority party in this
29 state.

1 (i) Two individuals selected from a list of nominees submitted
2 by the senate majority leader. One individual appointed under this
3 subdivision must represent the majority party in this state and 1
4 must represent the minority party in this state.

5 (3) If a vacancy occurs on the commission, the governor shall
6 make an appointment for the unexpired term in the same manner as
7 the original appointment.

8 (4) The governor may remove a member of the commission for
9 incompetence, dereliction of duty, malfeasance, misfeasance, or
10 nonfeasance in office, or any other good cause.

11 (5) The director of the department of health and human
12 services shall call the first meeting of the commission, which must
13 occur on or before June 1, 2021. At the first meeting, the
14 commission shall elect from among its members a chairperson and
15 other officers as it considers necessary or appropriate. After the
16 first meeting, the commission shall meet at least 4 times, or more
17 frequently at the call of the chairperson or if requested by a
18 majority of the members.

19 (6) A majority of the members of the commission constitute a
20 quorum for the transaction of business at a meeting of the
21 commission. A majority of the members present and serving are
22 required for official action of the commission.

23 (7) The business that the commission may perform shall be
24 conducted at a public meeting of the commission held in compliance
25 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

26 (8) A writing prepared, owned, used, in the possession of, or
27 retained by the commission in the performance of an official
28 function is subject to the freedom of information act, 1976 PA 442,
29 MCL 15.231 to 15.246.

1 (9) Members of the commission shall serve without
2 compensation, but shall be entitled to expenses incurred in
3 performance of official duties in accordance with section 1216.

4 (10) By September 1, 2021, the commission shall prepare and
5 submit a report to the governor and the house of representatives
6 and senate standing committees on health policy that makes
7 recommendations on all of the following:

8 (a) Indoor and outdoor visitation policies at nursing homes.

9 (b) Resident access to mental and physical health services.

10 (c) Methods to provide greater technological support to
11 increase communication between residents and their families.

12 (11) For purposes of developing recommendations under this
13 section, the commission may review best practices from other states
14 and consult with interested persons.

15 (12) After the report is submitted as described in subsection
16 (10), the commission is abolished.

17 (13) As used in this section:

18 (a) "Area agency on aging" means that term as defined in
19 section 2 of the older Michiganians act, 1981 PA 180, MCL 400.582.

20 (b) "Commission" means the nursing home advisory commission
21 created under subsection (1).