

# Legislative Analysis

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## EXPAND GOVERNMENTAL IMMUNITY TO DMVA-OWNED/OPERATED NURSING HOMES

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**House Bill 6078**  
**Sponsor: Rep. Gail Haines**  
**Committee: Judiciary**

**Complete to 12-10-14**

### A SUMMARY OF HOUSE BILL 6078 AS INTRODUCED 12-3-14

The bill would expand the circumstances under which governmental immunity applies so as to include medical care or treatment provided to a patient at a veteran nursing home owned or operated by the Department of Military and Veterans Affairs (DMVA). [The DMVA currently provides residential and health care programs at the Grand Rapids Home for Veterans and the D.J. Jacobetti Home in Marquette.] "Veteran nursing home" would mean a state-run facility that provides domiciliary care, skilled nursing care, or special needs care for veterans.

The bill amends Public Act 170 of 1964, known as the Governmental Immunity Act. Generally speaking, the Governmental Immunity Act provides governmental agencies and their employees or agents immunity from tort liability if they are engaged in the exercise or discharge of a governmental function. A person may only sue if the conduct alleged to have caused the injury or damages falls within one of the listed exceptions or is the result of gross negligence.

For example, in the case of medical care, the act in general *does not grant immunity* to a governmental agency or its employee or agent for medical care or treatment provided to a patient. However, *immunity is granted* for medical care or treatment provided in a hospital owned or operated by the Department of Community Health or Department of Corrections, as well as for care or treatment provided by certain uncompensated medical assistants that are part of a search and rescue operation.

### FISCAL IMPACT:

The bill has an indeterminate fiscal impact on state government. The bill limits tort liability for the Department of Military and Veterans Affairs through its operation of the veteran nursing homes, which could reduce legal expenses and potential restitution judgments. However, these potential savings are speculative and incalculable.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.