



HOUSE BILL No. 5921

June 4, 1996, Introduced by Reps. Freeman, Pitoniak, Brewer, Olshove, Owen, Gire, Alley, Willard, Yokich, Harder, Varga, Prusi, DeHart and Ciaramitaro and referred to the Committee on Health Policy.

A bill to amend Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," as amended, being sections 333.1101 to 333.25211 of the Michigan Compiled Laws, by adding section 21714.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 368 of the Public Acts of 1978, as
2 amended, being sections 333.1101 to 333.25211 of the Michigan
3 Compiled Laws, is amended by adding section 21714 to read as
4 follows:

5 SEC. 21714. (1) THIS SECTION AND SECTION 21714A SHALL BE
6 KNOWN AND MAY BE CITED AS THE "NURSING HOME CONSUMERS
7 RIGHT-TO-KNOW ACT".

8 (2) IT IS THE INTENT OF THIS LEGISLATURE TO ASSURE THE
9 HIGHEST QUALITY OF CARE POSSIBLE TO THE RESIDENTS OF NURSING

1 HOMES IN THIS STATE. THIS LEGISLATURE RECOGNIZES THE IMPORTANCE
2 OF SUFFICIENT STAFFING IN A NURSING HOME'S ABILITY TO PROVIDE
3 THIS QUALITY OF CARE. THIS LEGISLATURE RECOGNIZES THE DIFFICULTY
4 EXPERIENCED BY POTENTIAL CONSUMERS OF NURSING HOME SERVICES IN
5 ASSESSING THE COMPARABLE SERVICES PROVIDED BY NURSING HOMES IN
6 THIS STATE. THIS LEGISLATURE RECOGNIZES THE IMPORTANCE OF A
7 DETAILED AND ACCURATE DISCLOSURE OF INFORMATION TO POTENTIAL CON-
8 SUMERS OF NURSING HOME SERVICES WHEN THOSE CONSUMERS ARE MAKING
9 DECISIONS ON WHERE TO PLACE INDIVIDUALS WHO NEED NURSING HOME
10 CARE. IT IS THE INTENT OF THIS LEGISLATURE TO MAKE DETAILED AND
11 ACCURATE INFORMATION ON THE SERVICES PROVIDED IN EACH NURSING
12 HOME IN THIS STATE READILY AVAILABLE TO POTENTIAL CONSUMERS OF
13 NURSING HOME SERVICES. THIS LEGISLATURE RECOGNIZES THAT, BY
14 REQUIRING NURSING HOMES TO MAKE THIS DISCLOSURE RESULTING IN THE
15 INCREASED AVAILABILITY OF THIS INFORMATION, THE MARKET FORCES OF
16 CONSUMER CHOICE WILL PLAY A MORE DIRECT ROLE IN DETERMINING HOW
17 NURSING HOME ASSETS GET ALLOCATED, WITHOUT ADDITIONAL EXPENDI-
18 TURES BY THIS STATE.

19 (3) A NURSING HOME LICENSED UNDER THIS ARTICLE SHALL COM-
20 PLETE AND SUBMIT ANNUALLY A NURSING HOME DISCLOSURE FORM TO THE
21 DEPARTMENT AS PROVIDED FOR IN SECTION 21714A. THIS FORM SHALL BE
22 FILED SIMULTANEOUSLY WITH THE FILING OF MEDICAID COST REPORTS TO
23 THIS STATE BUT IN NO CASE LATER THAN 90 DAYS AFTER THE CLOSE OF
24 THE FISCAL YEAR.

25 (4) THE NURSING HOME DISCLOSURE FORM SHALL PROVIDE ALL OF
26 THE FOLLOWING INFORMATION FOR THE IMMEDIATELY PRECEDING FISCAL
27 YEAR:

1 (A) AVERAGE NURSING HOURS WORKED PER PATIENT DAY.

2 (B) THE REQUIRED NURSING HOURS BASED ON ACTUAL NURSING CARE
3 DAYS OF SERVICE AND THE COUNTY AVERAGE.

4 (C) THE TURNOVER RATE FOR NURSING STAFF.

5 (D) THE WORKER INJURY RATE.

6 (E) CURRENT LICENSURE STATUS AND INFORMATION ON WHETHER THE
7 NURSING HOME HAS EVER BEEN SUBJECT TO A PROVISIONAL LICENSE, A
8 BAN ON ADMISSION, A LICENSE SUSPENSION OR REVOCATION, OR HAD A
9 RECEIVER APPOINTED TO OPERATE THE NURSING HOME AND THE DATES OF
10 ANY OF THOSE OCCURRENCES.

11 (F) INFORMATION ON WHETHER THE NURSING HOME OPERATES ON A
12 GOVERNMENT-SPONSORED, PRIVATE NONPROFIT, OR PRIVATE FOR-PROFIT
13 BASIS.

14 (G) INFORMATION ON CORPORATE OWNERSHIP AND AFFILIATION.

15 (H) PRESETTLEMENT PROFITS.

16 (I) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE LOCAL OR
17 REGIONAL LONG-TERM CARE OMBUDSMAN AT THE AREA AGENCY ON AGING.

18 (5) REQUIRED STAFFING LEVELS, ACTUAL STAFFING LEVELS, TURN-
19 OVER RATES, INJURY RATES, PROFITS, AND OTHER INFORMATION
20 DESCRIBED IN SUBSECTION (4) SHALL BE COMPUTED AND REPORTED USING
21 THE NURSING HOME DISCLOSURE FORM PRESCRIBED IN SECTION 21714A.

22 (6) A NURSING HOME SHALL ALSO SEND COMPLETED DISCLOSURE
23 FORMS TO THE LOCAL OR REGIONAL LONG-TERM CARE OMBUDSMAN OF THE
24 AREA AGENCY ON AGING NO LATER THAN 90 DAYS AFTER THE CLOSE OF THE
25 FISCAL YEAR.

26 (7) A NURSING HOME SHALL POST FOR PUBLIC VIEWING IN THE
27 NURSING HOME THE MOST RECENT DISCLOSURE FORM AT THE SAME TIME THE

1 FORM IS SENT TO THE DEPARTMENT AND TO THE LOCAL OR REGIONAL
2 LONG-TERM CARE OMBUDSMAN, BUT IN NO CASE LATER THAN 90 DAYS AFTER
3 THE CLOSE OF THE FISCAL YEAR.

4 (8) A NURSING HOME SHALL KEEP ALL DISCLOSURE FORMS AND SUP-
5 PORTING DOCUMENTS ON FILE FOR A PERIOD OF AT LEAST 3 YEARS. A
6 NURSING HOME SHALL MAKE THESE FILES AVAILABLE FOR INSPECTION AND
7 COPYING AT THE NURSING HOME BY ANY PERSON DURING THE NORMAL BUSI-
8 NESS HOURS OF THE NURSING HOME. THE DEPARTMENT SHALL KEEP ON
9 FILE ALL FORMS FILED, SUBJECT TO PUBLIC INSPECTION UNDER THE
10 NORMAL TERMS AND CONDITIONS OF THE FREEDOM OF INFORMATION ACT,
11 ACT NO. 442 OF THE PUBLIC ACTS OF 1976, BEING SECTIONS 15.231 TO
12 15.246 OF THE MICHIGAN COMPILED LAWS.

13 (9) THE DEPARTMENT SHALL PRODUCE AN ANNUAL SUMMARY OF FIL-
14 INGS FOR EACH DEPARTMENT FIELD OFFICE AREA IN THE FORM OF AN
15 EASILY UNDERSTOOD RIGHT-TO-KNOW REPORT. THE REPORT SHALL SHOW
16 STAFFING LEVELS, TURNOVER RATES, INJURY RATES, AND PROFITS FOR
17 ALL REPORTING NURSING HOMES, ARRANGED BOTH ALPHABETICALLY BY
18 NURSING HOME NAME AND BY NUMERICAL RANK. THE DEPARTMENT SHALL
19 COMPLETE RIGHT-TO-KNOW REPORTS EVERY YEAR AT THE SAME TIME USING
20 THE MOST RECENTLY FILED INFORMATION AND INDICATING IF A NURSING
21 HOME IS LATE IN FILING REQUIRED DOCUMENTS. THE DEPARTMENT SHALL
22 MAIL 3 COPIES OF THE APPLICABLE RIGHT-TO-KNOW REPORT TO EACH
23 NURSING HOME. EACH NURSING HOME SHALL PROVIDE ACCESS TO THE
24 RIGHT-TO-KNOW REPORT AT THE SAME TIME AND IN THE SAME MANNER AS
25 ACCESS IS GRANTED TO THE DISCLOSURE FORMS, INCLUDING NOTIFICATION
26 OF PROSPECTIVE RESIDENTS AND THEIR FAMILIES AS DESCRIBED ABOVE.
27 IN ADDITION, THE DEPARTMENT SHALL MAIL 3 COPIES OF EACH

1 RIGHT-TO-KNOW REPORT TO THE STATE LONG-TERM CARE OMBUDSMAN, THE
2 OFFICE OF SERVICES TO THE AGING, AND TO THE MICHIGAN COMMISSION
3 ON AGING AND SHALL MAKE AVAILABLE ADDITIONAL COPIES AS REQUESTED
4 BY THE OMBUDSMAN, THE OFFICE OF SERVICES TO THE AGING, OR THE
5 COMMISSION ON AGING.

6 (10) DEPARTMENT COMPLIANCE INSPECTORS SHALL VERIFY THE
7 AVAILABILITY AND COMPLETENESS OF FORMS DURING ANNUAL CERTIFICA-
8 TION INSPECTIONS, SURVEYS, AND EVALUATIONS. IN ADDITION, THE
9 DEPARTMENT SHALL INVESTIGATE CITIZEN COMPLAINTS CONCERNING THE
10 AVAILABILITY OR ACCURACY OF THE DISCLOSURE MATERIALS OR OTHER
11 ISSUES REGARDING COMPLIANCE WITH THIS SECTION. THE DEPARTMENT
12 SHALL MONITOR NURSING HOMES' COMPLIANCE WITH THIS SECTION'S
13 REQUIREMENT FOR REGULAR FILING OF DISCLOSURE FORMS WITH THE
14 DEPARTMENT.

15 (11) IN THE EVENT A NURSING HOME FAILS TO FILE REQUIRED DIS-
16 CLOSURE FORMS, FAILS TO MAKE ANY DISCLOSURE FORMS OR REPORTS
17 AVAILABLE AS DESCRIBED IN THIS SECTION, OR WILLFULLY FALSIFIES OR
18 WITHHOLDS INFORMATION, THE DEPARTMENT SHALL NOTIFY THE LOCAL
19 MEDIA AND THE OMBUDSMAN OF THE FAILURE AND SHALL IMPOSE A FINE OF
20 \$5,000.00 FOR EACH OFFENSE.

21 Section 2. This amendatory act shall take effect upon the
22 expiration of 60 days after the date of its enactment.

23 Section 3. This amendatory act shall not take effect unless
24 Senate Bill No. _____ or House Bill No. 5922 (request
25 no. 05354'95 a) of the 88th Legislature is enacted into law.