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## REVISE NURSING HOME SURVEY PROCESS

**House Bill 5460**

**Sponsor: Rep. Michael Green**

**Committee: Senior Health, Security and  
Retirement**

**Complete to 3-1-00**

### **A SUMMARY OF HOUSE BILL 5460 AS INTRODUCED 2-29-00**

Under the Public Health Code, the Department of Consumer and Industry Services is required to visit, at least biennially, each nursing home for the purpose of survey, evaluation, and consultation. The bill would amend this provision to require certain experience among survey team members, require these surveyors to participate in training, require the department to report to the legislature on its survey process and results, and require the department to define certain terms as they are applied in the regulatory process.

Survey team membership. The bill would amend the code to require that survey, evaluation, and consultation visits to nursing homes be conducted by a team that includes at least one surveyor who is a licensed registered professional nurse with at least three years experience as a health professional employee of a licensed nursing home. This person would have to be employed by or under contract to the department. Further, the bill specifies that a member of a survey team could not be a current employee of a nursing home or a nursing home management company doing business in the state at the time of conducting an inspection. And, a person who had been involuntarily discharged from employment with a nursing home or other long-term care facility within the previous five years could not be assigned to a survey team.

Continuing education. The department would be required to have its nursing home surveyors participate biennially in joint training with providers on the ten most frequently issued federal citations in this state. Further, the bill would require participation in targeted training designated by the department by a surveyor who had more than 15 percent of his or her citations amended by the informal deficiency dispute resolution process. And, the bill would require nursing home survey team members who are licensed health professionals to earn at least 50 percent of their required continuing education credits in the field of geriatric care.

Departmental reports to the legislature. The bill would require the department to make quarterly reports to the House and Senate Appropriations Committees on:

- the percentage of “statement of deficiency” forms returned to nursing homes within 10 days after a survey, evaluation, and consultation visit;
- the percentage of informal deficiency dispute resolution forms completed by nursing homes within 20 days after receiving a “statement of deficiency”;

- the percentage of return visitations to nursing homes by a survey team within 60 days after completing an informal deficiency dispute resolution form; and

- the percentage of times nurse aide training is reinstated within 14 days after the department receives federal approval to reinstate.

The department would have to report annually to the House and Senate Appropriations Committees on the percentage of nursing home citations that are appealed, and the percentage of nursing citations that are appealed and amended through the informal deficiency and dispute resolution process.

Definition of terms. Within one year after the effective date of the bill, the department, in consultation with nursing home provider groups, would be required to clarify and define certain terms, as those terms are used in Title XVIII and Title XIX of the federal Social Security Act and as applied by the department. The terms to be defined are: a) “immediate jeopardy”; b) “harm”; c) “potential harm”; d) “avoidable”; and e) “unavoidable”.

MCL 333.20155

Analyst: D. Martens

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