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SFA**BILL ANALYSIS**

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House Bill 4079 (Substitute H-2 as passed by the House)
Sponsor: Representative Gary Woronchak
House Committee: Senior Health, Security and Retirement
Senate Committee: Senior Citizens and Veterans Affairs

Date Completed: 3-19-03

CONTENT

The bill would amend the Public Health Code to do all of the following:

- Require the Department of Consumer and Industry Services (DCIS) to include a model standardized complaint form in the complaint pamphlet the Department must provide to a health facility or agency.**
- Require the Department periodically to distribute copies of the pamphlet to health facilities and agencies.**
- Require the DCIS to develop a model standardized complaint form specific to nursing homes.**
- Allow the DCIS to distribute current complaint pamphlets until they were exhausted or until October 1, 2003.**
- Require the DCIS to make the complaint pamphlet and model complaint form available on the Internet.**

("Health facility or agency" means an ambulance operation, aircraft transport operation, nontransport prehospital life support operation, or medical first response service; a clinical laboratory; a county medical care facility; a freestanding surgical outpatient facility; a health maintenance organization; a home for the aged; a hospital; a nursing home; a hospice; a hospice residence; or a facility listed above located in a university, college, or other educational institution.)

Complaint Pamphlet

Under the Code, a health facility or agency (other than an emergency medical services facility), including an unlicensed health facility that holds itself out as providing medical services, must conspicuously display in the patient waiting areas or other common areas of the facility or agency copies of a pamphlet provided by the DCIS. The pamphlet must outline the procedure for filing a complaint with the Department against a health facility or agency or a licensed or registered health professional employed by, under contract to, or granted privileges by the facility or agency. The DCIS must prepare the pamphlet in consultation with appropriate professional associations.

The bill would require the DCIS to include in the pamphlet a model standardized complaint form. The Department also could develop a separate model standardized complaint form that was specific to a particular health facility or agency or category of health facilities or agencies.

The Code requires the DCIS to print the pamphlet in languages that are appropriate to the ethnic composition of the patient population where the pamphlet will be displayed. The bill also would require the Department to use large, easily readable type and nontechnical, easily understood language.

The bill would require that the DCIS periodically distribute copies of the pamphlet to each health facility or agency and to each unlicensed health facility that holds itself out as providing medical services.

Nursing Home Complaint Form

The bill would require the DCIS to develop a model standardized complaint form that was specific to nursing homes. The Department would have to include on the model form simple instructions on how to file a complaint with the nursing home, the DCIS, the State Long-Term Care Ombudsman, the Michigan Protection and Advocacy Service, Inc., and the health care fraud unit of the Department of Attorney General. The Department also would have to include on the model form a telephone number for receiving oral complaints.

The DCIS would have to distribute copies of the model standardized complaint form for nursing homes simultaneously with copies of the pamphlet distributed to health facilities and agencies. A nursing home would have to display conspicuously and make available multiple copies of the pamphlet and complaint form with other complaint information that must be posted in the patient waiting areas or other common areas of the nursing home that are easily accessible to patients and their visitors. Also, a nursing home would have to provide a copy of the pamphlet and complaint form to each nursing home resident, or the resident's surrogate decision-maker, upon admission to the nursing home.

Under the Code, a person may request an investigation of a nursing home if he or she believes that there may have been a violation of Part 217 (Nursing Homes) of the Code, a rule promulgated under Part 217, or a Federal certification regulation applying to a nursing home. The person must submit the request to the DCIS as a written complaint, or the Department must assist the person in reducing an oral request to a written complaint within seven days after an oral request is made. The bill specifies that a person filing a complaint requesting an investigation could file the complaint on a model standardized complaint form developed and distributed by the DCIS pursuant to the bill, or could file the complaint as provided by the Department on the Internet.

Distribution of Pamphlets & Forms

The bill would allow the DCIS to continue to distribute the complaint pamphlets in its possession on the bill's effective date until those pamphlets were exhausted or until October 1, 2003, whichever was sooner. Beginning on October 1, 2003, the DCIS could distribute only the complaint pamphlets and model standardized complaint forms that complied with the bill.

The DCIS also would have to make the complaint pamphlet and model form available to the public on the Department's Internet website. The DCIS would have to take affirmative action toward the development and implementation of an electronic filing system that would allow an individual to file a complaint through the website.

MCL 333.20194 & 333.21799a

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would require small changes to the complaint form and the awareness pamphlet but the costs associated with these adjustments would be minimal; therefore, the bill would have no fiscal impact.

Fiscal Analyst: Maria Tyszkiewicz

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.