

NURSING HOMES: AVAILABILITY OF SURVEYS AND INSPECTION REPORTS

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House Bill 4792 (Substitute H-3)

Sponsor: Rep. Paula Zelenko

Committee: Senior Health, Security, and Retirement

Complete to 10-18-05

A PRELIMINARY SUMMARY OF HOUSE BILL 4792 AS REPORTED FROM COMMITTEE]

The bill would amend the Public Health Code (MCL 333.20155) to require that the Department of Community Health transmit to a nursing home a written or electronic copy of the results of each visit and survey it conducts within 10 business days after the visit. Within 24 hours after receiving the survey report, or within 24 hours after receiving notice that the department has approved a nursing home's plan of correction, the nursing home would have to post the report or plan in a conspicuous place in the home for public review.

Within 30 days after the report or correction plan is posted, the nursing home would have to notify its residents it had been received and was posted within the nursing home and that a summary was available through the Internet on the Department of Community Health website.

A nursing home could satisfy the notification requirement by including a notification in a monthly newsletter or other written documentation, distributed to the resident, the resident's family, or a designated representative. If the survey report or plan of correction includes an immediate jeopardy citation, the nursing home would be required to include a description of the citation and a description of how the situation was corrected.

If the department issues a notice of an immediate jeopardy situation to a nursing home, then the nursing home would be required to post the notice, with the nursing home's plan to rectify the situation, immediately after the removal of the immediate jeopardy situation. The notice would need to be placed in a conspicuous place for public view in the nursing home for not less than seven days.

If the immediate jeopardy situation results in serious injury, or a change in the health status of a resident or residents within the nursing home, the home would be required to immediately notify the resident's family, or designated representative, of the immediate jeopardy situation.

In addition, the bill would require that, before renewing a license, the department must review the most recent inspection, survey, and evaluation of that facility, and any written

determination made concerning a substantiated complaint filed within the previous two years.

The bill also contains a requirement that a nursing home surveyor or inspector from the state must post in a conspicuous place within the home a notice that a survey is being conducted.

FISCAL IMPACT:

Requiring the Department of Community Health to do all of the following: transmit a written or electronic copy of the results of each nursing home visit and survey conducted to the nursing home; post the survey report on the Department's website within 30 days after the nursing home visit is conducted; and review the most recent inspection, survey, evaluation, and written determination made concerning a complaint filed against a nursing home within the past 2 years before renewing a license, will result in an increase in costs for the Department. At a minimum, one FTE position will be required to implement the proposed provisions. The estimated cost for this position is \$100,000.

POSITIONS:

Department of Community Health supports the bill as it was reported from committee (10-11-05)

Elder Law of Michigan supports the bill. (10-11-05)

Michigan Advocacy Project, Michigan Campaign for Quality Care, supports the bill (10-11-05)

Michigan Protection and Advocacy Service supports the bill. (10-11-05)

Health Care Association of Michigan opposes the bill (10-11-05)

Legislative Analyst: E. Best
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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.