



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 75 (Substitute S-1 as reported)
Sponsor: Senator Margaret E. O'Brien
Committee: Veteran, Military Affairs and Homeland Security

Date Completed: 2-15-17

RATIONALE

In the aftermath of a performance audit of the Grand Rapids Home for Veterans, Public Act 198 of 2016 enacted a new statute to create the Office of the Michigan Veterans' Facility Ombudsman. Among other things, the 2016 legislation authorizes the Veterans Facility Ombudsman to investigate complaints about an administrative act, medical treatment of a resident veteran, or a condition at a Michigan veterans' facility that poses a significant health or safety issue for which there is no effective administrative remedy or allegedly is contrary to law or policy. Public Act 198 also requires the Ombudsman to be given access to residents' health records and other records in the possession of the Department of Military and Veterans Affairs or a veterans' facility. It now has been suggested that a veterans' facility should be required to notify legislators and the Veterans' Facility Ombudsman when a resident of a veterans' facility dies, as legislators and the Children's Ombudsman must be notified when a child dies while under court supervision in an abuse and neglect case.

CONTENT

The bill would amend Public Act 152 of 1885, which governs veterans' facilities, to require a facility's director to notify legislators and the Veterans' Facility Ombudsman when a facility resident died.

Specifically, upon the death of a resident of a veterans' facility, the director of that facility would have to notify the offices of the State Senator and State Representative representing the district or districts where the deceased was a resident before being admitted to a Michigan veterans' facility. The facility director also would have to notify the office of the Michigan Veterans' Facility Ombudsman of the death. Notices would have to be made within 30 days after the facility resident's death.

The bill would take effect 90 days after its enactment.

Proposed MCL 36.11a

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The performance audit of the Grand Rapids Home for Veterans, which was released in February 2016, assessed the Home's provision of member care services to be "not sufficient" and found a need for improvement in several areas of providing care for residents and administering the operation of the facility. Within months after of the audit report was issued, Public Act 198 of 2016 was enacted to create the Office of Michigan Veterans Facility Ombudsman and empower the Ombudsman to investigate certain matters at veterans' facilities. Requiring the notification of legislators and the Ombudsman when a veterans' facility resident dies would ensure that they

received information that could be pertinent to the oversight of facility operations and the care of residents. Although the Veterans' Facility Ombudsman has authority to investigate on his or her own initiative or in response to a complaint, he or she might not be aware that a death has occurred at a facility, absent a notification requirement. Notification of the legislators representing the district where the deceased resident veteran previously lived also would allow those elected officials to monitor veterans' facilities more closely.

The proposed notification requirement would be similar to a requirement enacted several years ago concerning the death of a child. As part of a package of legislation addressing the death of a child in State care, Public Act 67 of 2011 amended the Child Protection Law to require the Department of Health and Human Services to notify State legislators and the Children's Ombudsman if a child dies while under court jurisdiction in a suspected abuse or neglect case.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Bruce Baker

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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.