



**House
Legislative
Analysis
Section**

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House Bill 5363

Mich. State Law Library

Sponsor: Rep. Nate Jonker

Committee: Senior Citizens & Retirement

Complete to 2-15-90

A SUMMARY OF HOUSE BILL 5363 AS INTRODUCED 12-12-89

The bill would create the Comprehensive Assessment of Needs Act to require that the Office of Services to the Aging develop a family access network throughout the state to provide persons in need of long-term care and their families with a range of long-term care services, including alternatives to nursing home care. The office would ensure -- through a family access network of care managers -- the following services:

- Personal care aides.
- Medical and home health services.
- Nutrition services.
- Chore and homemaker services.
- Respite and day-care services.
- Environmental aids.
- Mental health services.

The office could also provide services other than the above, including preventive services, in the family access network.

Under the bill, the office would also develop and implement a comprehensive assessment of needs program to determine what long-term care services an individual and his or her family needed to maintain independent living to the extent possible and to maximize human dignity. The office would be required to:

- Consult with the Departments of Mental Health, Public Health, Social Services, and Transportation to ensure that long-term care services were delivered in the most humane and efficient way.
- Promulgate rules.
- Develop and distribute to nursing homes a notice form to notify applicants of the requirements of the act; an application form for obtaining the comprehensive assessment of needs; and a comprehensive assessment of needs form for assessment teams.
- Establish a fee, based upon cost and the person's ability to pay, for a comprehensive assessment of needs for applicants who were not eligible for Medicaid.
- Develop assessment teams, consisting of two professionals, including

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one registered nurse, to perform the assessments.

-- Develop procedures and standards for the assessment teams.

The assessment team would conduct comprehensive assessments to determine whether an applicant had a need for long-term care, determine whether the specific level of care and services needed could be provided by alternatives to nursing home care through the family access network, present the options to the applicant, and provide a written report of its assessment to the nursing home, the applicant, the relative or other person designated by the applicant, and the office. Under the bill, a nursing home administrator could not admit an applicant as a resident unless the nursing home received the team's assessment of needs report, and the applicant provided the nursing home with a completed application form and an acknowledgment of receipt of the notice form. A nursing home could temporarily admit an applicant without meeting these requirements if provided with a signed physician's statement verifying that the applicant probably would be discharged from the home within 30 days, and that there would be serious harm to the applicant's physical or mental health if he or she were refused immediate admission. Under these circumstances, the home would, within three days of admission, provide written notice to an assessment team in the county where it was located, and the team would assess the resident's needs. Violation of the act by a nursing home administrator would be a misdemeanor, punishable by imprisonment for not more than 180 days, or a fine of not more than \$10,000, or both.