

HOUSE BILL No. 5363

December 12, 1989, Introduced by Reps. Jonker, Barns, Mathieu, Hertel, Brown, DeBeaussaert, Scott, Hart and Emerson and referred to the Committee on Senior Citizens and Retirement.

A bill to require a comprehensive assessment of the needs of nursing home applicants for long-term care; to establish a family access network and to prescribe its duties; to prescribe the powers and duties of certain state departments and agencies; and to provide for penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "comprehensive assessment of needs act".

3 Sec. 3. As used in this act:

4 (a) "Applicant" means an individual applying for admission
5 as a resident in a nursing home.

6 (b) "Assessment team" means a team of professionals desig-
7 nated under section 7(2)(e) to perform a comprehensive assessment
8 of the long-term care needs of an applicant.

1 (c) "Care management" means the organization and delivery of
2 long-term care services for a person who needs assistance with
3 normal activities of daily living.

4 (d) "Family access network" means a statewide network of
5 long-term care services, including care management, established
6 by the office pursuant to section 5.

7 (e) "Long-term care services" means a range of in-home,
8 community-based, and institutional services provided over an
9 extended period of time to persons of all ages who need assist-
10 ance with normal activities of daily living.

11 (f) "Medicaid" means the medical assistance program adminis-
12 tered by the department of social services under title XIX of the
13 social security act, chapter 531, 140 Stat. 620, and the social
14 welfare act, Act No. 280 of the Public Acts of 1939, being sec-
15 tions 400.1 to 400.121 of the Michigan Compiled Laws.

16 (g) "Nursing home" means that term as defined in section
17 20109 of the public health code, Act No. 368 of the Public Acts
18 of 1978, being section 333.20109 of the Michigan Compiled Laws.

19 (h) "Resident" means an individual who receives care or
20 services at a nursing home.

21 (i) "Office" means the office of services to the aging cre-
22 ated in section 5 of the older Michiganians act, Act No. 180 of
23 the Public Acts of 1981, being section 400.585 of the Michigan
24 Compiled Laws.

25 (j) "Person" means an individual, partnership, cooperative,
26 association, corporation, governmental entity, or any other legal
27 entity.

1 Sec. 5. (1) The office shall develop a family access
2 network throughout the state to provide persons in need of
3 long-term care and their families with a range of long-term care
4 services. The network shall include effective alternatives to
5 nursing home care.

6 (2) The office shall ensure that the following services are
7 available through a family access network of care managers to
8 persons in need of long-term care and their families:

9 (a) Personal care aides.

10 (b) Medical and home health services.

11 (c) Nutrition services.

12 (d) Chore and homemaker services.

13 (e) Respite and day-care services.

14 (f) Environmental aids.

15 (g) Mental health services.

16 (3) The enumeration of specific services in subsection (2)
17 does not preclude the office from including other services,
18 including, but not limited to, preventive services, in the family
19 access network.

20 Sec. 7. (1) The office shall develop and implement a com-
21 prehensive assessment of needs program to determine what
22 long-term care services an individual and his or her family needs
23 in order for the individual to maintain independent living to the
24 extent possible and to maximize human dignity.

25 (2) The office shall do all of the following:

26 (a) Consult with the department of mental health, the
27 department of public health, the department of social services,

1 and the state transportation department to ensure that long-term
2 care services are delivered in the most humane and efficient
3 way.

4 (b) Promulgate rules necessary or desirable for the imple-
5 mentation of this act, pursuant to the administrative procedures
6 act of 1969, Act No. 306 of the Public Acts of 1969, being sec-
7 tions 24.201 to 24.328 of the Michigan Compiled Laws.

8 (c) Develop and distribute to nursing homes or assessment
9 teams the following forms:

10 (i) A notice form to be used by nursing homes to notify
11 applicants of the requirements of this act.

12 (ii) An application form to be given by nursing homes to
13 applicants for their use in obtaining the comprehensive assess-
14 ment of needs required by this act.

15 (iii) A comprehensive assessment of needs form to be used by
16 assessment teams in carrying out their duties under section 9.

17 (d) Establish a fee for a comprehensive assessment of needs
18 for applicants who are not eligible for medicaid. The fee shall
19 be based upon the cost of providing the assessment and the
20 person's ability to pay.

21 (e) Develop assessment teams to perform the comprehensive
22 assessments of needs. Each team shall consist of 2 professionals
23 knowledgeable about long-term care, 1 of whom shall be a regis-
24 tered nurse.

25 (f) Develop procedures and standards to be followed by
26 assessment teams in performing comprehensive assessments of
27 needs.

1 Sec. 9. An assessment team shall do all of the following:

2 (a) Conduct a comprehensive assessment to determine whether
3 an applicant has a need for long-term care.

4 (b) If it determines that an applicant has a need for
5 long-term care, determine the specific level of care needed and
6 the specific services necessary to maintain that level of care.

7 (c) Determine whether the level of care and specific serv-
8 ices needed by the applicant could be provided by alternatives to
9 nursing home care through the family access network.

10 (d) Present the options for long-term care that are avail-
11 able to the applicant, including alternatives to nursing home
12 care if appropriate.

13 (e) Provide a written report of its assessment to the nurs-
14 ing home, the applicant, the relative or other person designated
15 by the applicant, and the office.

16 Sec. 11. (1) A nursing home shall provide each applicant
17 with copies of the notice form and the application form pre-
18 scribed in section 7(2)(c).

19 (2) Except as provided in section 13, a nursing home admin-
20 istrator shall not admit an applicant as a resident to the nurs-
21 ing home unless both of the following requirements are met:

22 (a) The applicant has provided the nursing home with a com-
23 pleted copy of the application form for the comprehensive assess-
24 ment of needs and an acknowledgment of receipt of the notice form
25 prescribed in section 7(2)(c).

1 (b) An assessment team has conducted a comprehensive
2 assessment of needs for the applicant and the nursing home has
3 received a copy of the team's report.

4 Sec. 13. (1) A nursing home may temporarily admit an appli-
5 cant to the nursing home without meeting the requirements of sec-
6 tion 11(2) if at the time of application the applicant provides
7 the nursing home with a signed statement by a physician stating
8 either of the following:

9 (a) That it is probable that the applicant will be dis-
10 charged from the nursing home within 30 days after his or her
11 admission.

12 (b) That there will be serious harm to the applicant's phys-
13 ical or mental health if the applicant is refused immediate
14 admission as a resident of the nursing home.

15 (2) If a nursing home admits an applicant pursuant to sub-
16 section (1), the nursing home shall, within 3 days after the date
17 of admission, provide written notice of the admission and the
18 reasons for the admission to an assessment team in the county in
19 which the nursing home is located.

20 (3) An assessment team shall assess the needs of a resident
21 admitted to a nursing home pursuant to subsection (1) within 30
22 days after the date of admission.

23 Sec. 15. A nursing home administrator who intentionally
24 violates this act is guilty of a misdemeanor punishable by
25 imprisonment for not more than 180 days or a fine of not more
26 than \$10,000.00, or both.