

# Legislative Analysis



## COVID-19 REPORTING FOR NURSING HOMES

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<http://www.house.mi.gov/hfa>

**House Bill 6137 (H-1) as passed by the House**

**Sponsor: Rep. Leslie Love**

**1st Committee: Health Policy**

**2nd Committee: Families, Children and Seniors [Discharged]**

**Complete to 10-20-20**

Analysis available at  
<http://www.legislature.mi.gov>

*(Enacted as Public Act 244 of 2020)*

### SUMMARY:

House Bill 6137 would add a new section to Article 5 (Prevention and Control of Diseases and Disabilities) of the Public Health Code to require the Department of Health and Human Services (DHHS) to post certain information about the *coronavirus* in each *nursing home* in Michigan.

*Coronavirus* would mean severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

**[Note:** The term *nursing home* is not defined in the bill or in Article 5 of the code. Section 20109 defines it, for purposes of Article 17 (Facilities and Agencies), as a nursing care facility (including a county medical care facility) that provides organized nursing care and medical treatment to seven or more unrelated individuals suffering or recovering from illness, injury, or infirmity (including treatment by an employee or independent contractor of the nursing home who is licensed or authorized to engage in a health profession under Part 170 or 175 of the code) and says that it does not include any of the following:

- A unit in a state correctional facility.
- A hospital.
- A state veterans facility created under 1885 PA 152.
- A hospice residence licensed under Article 17.
- A hospice certified under 42 CFR 418.100.]

Under the bill, by November 15, 2020, and then weekly, DHHS, in consultation with the Department of Licensing and Regulatory Affairs (LARA), would have to post on its website at least all of the following information for each nursing home in Michigan (or similar information as determined by DHHS):

- The number for the reporting period of coronavirus cases among nursing home residents and staff.
- The number for the reporting period of coronavirus deaths among nursing home residents and staff.
- The number for the reporting period of nursing homes conducting new coronavirus tests.
- The number for the reporting period of nursing home residents from another nursing home who were previously diagnosed with coronavirus and continue to require transmission-based precautions.
- The cumulative number to date of coronavirus positive cases among nursing home residents and staff.

- The cumulative number to date of coronavirus deaths among nursing home residents and staff.
- The cumulative number to date of nursing home residents from another nursing home who were previously diagnosed with coronavirus and continue to require transmission-based precautions.
- An inventory of current stock of medical supplies and personal protective equipment.
- The current version of any DHHS visitation policy affecting nursing homes.

By November 15, 2020, and then weekly, DHHS also would have to post on its website the historical data it has collected regarding coronavirus in nursing homes in a way that provides for longitudinal tracking and trending of cases of coronavirus, deaths resulting from coronavirus, and testing for coronavirus in nursing homes.

The bill is tie-barred to Senate Bill 1094, which means it cannot take effect unless that bill is also enacted into law.<sup>1</sup>

Proposed MCL 333.5145a

**FISCAL IMPACT:**

House Bill 6137 would not have a significant fiscal impact on either DHHS or LARA. Any department-related responsibilities under the bill would be fulfilled by existing staff using existing departmental appropriations. Local units of government that own and operate a nursing home could see administrative costs increase as well, likely to be a minimal amount.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

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<sup>1</sup> Senate Bill 1094 would require DHHS to provide the following for nursing homes: guidance on quality-of-life accommodations, visitation policies, a report on plans for improved testing, and a process for approving care and recovery centers and designated areas for coronavirus-positive individuals. It also would prohibit, with certain exceptions, the admission or retention of coronavirus-positive individuals in nursing homes. It was passed by the legislature and was presented to the governor on October 16, 2020.