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BILL ANALYSIS



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House Bill 5609 (Substitute S-1 as reported)
Sponsor: Representative Bronna Kahle
House Committee: Health Policy
Senate Committee: Health Policy and Human Services

CONTENT

The bill would add Part 221 (Federal Certification of Nursing Homes) to the Public Health Code to do the following:

- Require the Department of Licensing and Regulatory Affairs (LARA) to administer a certification process for a nursing home in conformance with Federal law.
- Require LARA to implement a quality assurance monitoring process to conduct surveys for certification, which would have to include the quality assurance review of citations.
- Require LARA to ensure that each nursing home survey team conducting a standard survey was composed of an interdisciplinary group of professionals, at least one of whom would have to be a registered professional nurse.
- Require LARA to limit the number of nursing home surveyors that conducted a standard survey to the recommended number of surveyors identified in survey procedural guidelines established by the Centers for Medicare and Medicaid Services (CMS).
- Require LARA to limit the length of a nursing home standard survey to a reasonable duration.
- Prescribe standard survey requirements.
- Prescribe a process for if a deficient practice occurred at a nursing home.
- Prescribe a review process for LARA to review and authorize the issuance of a citation for immediate jeopardy or substandard quality of care, which would include a desk review, if LARA received a request for a desk review.
- Allow a nursing home that was issued a citation to request an appeal through an informal dispute resolution process.
- Require LARA to develop and implement statewide reporting requirements for facility-reported incidents.
- Require LARA to report to the Legislature by March 1 each year.
- Require LARA to establish and implement progressive discretionary enforcement actions for the purposes of Part 221.
- Delete a requirement that LARA promulgate rules that republish Administrative Rules 325.3826, 325.3832, 325.3835, 325.3857, 325.3866, 325.3867, and 325.3868.

The bill also would amend Part 201 (General Provisions) to delete various provisions substantially similar to those that Part 221 would add, to delete a provision specifying that a license for a hospital is valid for two years and that provisional and limited licenses may be valid for one year, and to delete the definitions of "Advisory Commission" and "public member". Additionally, the bill would amend Part 217 (Nursing Homes) to delete a provision allowing a person aggrieved by the LARA Director's decision to approve or disapprove a nonprofit corporation that has the rendering of assistance as one of its primary purposes to appeal it to the Nursing Home Task Force and to delete a provision prescribing the manner in

which an individual must report a reasonable suspicion of the abuse, mistreatment, or harmful neglect of a patient to report to LARA.

The bill would repeal Sections 20121 through 20127, 20155a, and 20211 of the Code. (Sections 20121 through 20127, collectively, create the Health Facilities and Agencies Advisory Commission and prescribe its membership and duties, Section 20155a requires LARA to facilitate nursing home health survey tasks, and Section 20211 requires LARA to issue a summary of its activities in relation to licensing and regulation every six months.)

MCL 333.20102 et al.

Legislative Analyst: Stephen P. Jackson

FISCAL IMPACT

The bill would result in some new administrative costs for LARA and would have no fiscal impact on local units of government. The bill would make various changes to the nursing home survey process that could require the establishment of new Department policies and procedures, which would result in administrative costs through that process. Also, the bill would require the promulgation of new administrative rules, which would result in additional administrative costs. Generally, these new administrative costs should be short-term in nature. The Department also would incur new administrative costs related to the creation and administration of the quality assurance monitoring process that would be created under the bill, and from the changes in reporting requirements, to the extent that they differed in scope of work relative to the reporting LARA already performs and administers.

Date Completed: 6-22-22

Fiscal Analyst: Josh Sefton