



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GRETCHEN WHITMER
GOVERNOR

GARLIN GILCHRIST II
LT. GOVERNOR

July 31, 2020

Michigan State Senate
State Capitol Building
Lansing, MI 48909-7514

Senators,

Today I am returning Enrolled Senate Bill 956 to you without my approval.

My response to this once-in-a-lifetime pandemic has protected our most vulnerable, including our seniors, by allowing us to bend the curve on this virus. Where Michigan was once among the states most heavily hit, our per-capita case rate is now roughly one third of the national average.

From day one, I have protected nursing home residents, following federal CMS guidance to establish a system of regional hubs and dedicated isolation units. To ensure our nursing homes are as safe as possible, I pushed our inspectors to complete 100% of infection control surveys more than two months before the federal deadline, and they delivered. And I have worked tirelessly to procure tests and PPE to keep seniors safe, and to facilitate testing for all nursing home residents and staff, with little to no assistance from federal authorities. To protect against a possible second wave, I created the nursing home preparedness task force, which is set to produce its report August 31. Finally, my stay-home and safe-start orders – despite opposition from some in the legislature – have dramatically cut the infection rate and limited community spread, the single-greatest threat to the residents of long-term care facilities.

SB 956 is based on the false premise that isolation units created within existing facilities are somehow insufficient to protect seniors—a claim unsupported by the data and refuted by the nation's highest authorities on infectious disease. Instead of protecting seniors, this bill would require the state to create COVID-19-only facilities, forcing hospitals and many nursing homes to send COVID-19-positive patients to such facilities without any requirement for consent, doctor approval, or notification to the patient or their family. The legislation fails to explain how such facilities would be staffed or paid for, or how frail residents would be protected during the potentially traumatic transfer from one facility to another.

The inadequacy of this legislation has been recognized by the organization created to fulfill the mandate of the Older Americans Act to advocate on behalf of older adults, the Michigan



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Senior Advocates Council (MSAC). MSAC wrote to me, asking me to veto this legislation for the sake of the safety of Michigan's nursing residents, because the bill "lacks clarity, provides an unrealistic timeline, and fails to offer critical details to ensuring quality of care."

I look forward to continuing to work with stakeholders and legislators on the task force to develop real solutions that make sense for Michigan seniors and their families. Because this legislation fails to protect them, I am vetoing it.

Respectfully,

A handwritten signature in cursive script that reads "Gretchen Whitmer".

Gretchen Whitmer
Governor