



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 4062 (Substitute S-2 as reported)
Sponsor: Representative Lisa Wojno
House Committee: Senior Health, Security and Retirement
Senate Committee: Health Policy

Date Completed: 4-22-04

RATIONALE

Under the Public Health Code, if a person believes that Part 217 (Nursing Homes) of the Code, a rule promulgated under it, or a Federal certification regulation applying to a nursing home has been violated, he or she may request an investigation of the nursing home. The request must be submitted to the Department of Community Health (DCH) in writing, or the DCH must help the person put an oral request in writing within seven days. The DCH maintains a toll-free consumer complaint hotline that is staffed from 9:00 a.m. to 5:00 p.m. during the week. A consumer who calls outside of those hours may leave a voicemail. Some people believe that consumer complaints about nursing homes, particularly those that involve allegations of abuse or injury, should be addressed in a more timely fashion.

CONTENT

The bill would amend the Public Health Code to require the Department of Community Health to establish a 24-hour toll-free telephone consumer complaint line for nursing homes. The bill would delete the seven-day deadline for the DCH to help a person reduce an oral complaint to writing, and instead require the DCH to do so as provided below.

The proposed complaint line would have to be accessible 24 hours per day and monitored at a level to ensure that each priority complaint was identified and a response to a priority complaint was initiated within 24 hours after it was received. The DCH would have to establish a system for the compliant line that included all of the following:

- An intake form that served as a written complaint.
- The forwarding of an intake form to an investigator by the next business day after the complaint was identified as a priority complaint.
- The forwarding of a copy of the completed intake form to the complainant within five business days after it was completed, except in the case of an anonymous complaint.

(The bill would define "priority complaint" as a complaint alleging an existing situation that involved physical, mental, or emotional abuse, mistreatment, or harmful neglect of a resident that required immediate corrective action to prevent serious injury, serious harm, serious impairment, or death of a resident while receiving care in a facility.)

Under the Code, upon receiving a complaint, the DCH must determine whether Part 217, a rule, or a Federal regulation has been, is being, or is in danger of being violated. The DCH must investigate the complaint according to the urgency determined by the Department, and the initiation of an investigation must begin within 15 days after the DCH receives a written complaint. Under the bill, the requirement to investigate a complaint according to its urgency would be subject to the provisions of the bill.

MCL 333.21799a

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Although the DCH already operates a consumer complaint line, it is not required to be monitored 24 hours per day. Therefore, if a consumer called with a complaint on a Friday evening, for example, the DCH would not actually receive the complaint until Monday morning. The bill would ensure that calls to the line were answered around the clock, and that potentially serious complaints were addressed in a timely fashion to protect nursing home residents' safety and well-being.

Public Act 11 of 2002 amended the Public Health Code to require nursing homes to post information about the name of the person designated to receive complaints about the facility and conduct investigations, and a procedure for communicating with that person. Some people, however, might not feel comfortable with the facility's internal complaint process and might wish to go directly to the DCH with their concerns. The bill would strengthen the existing safety net for vulnerable senior citizens.

Legislative Analyst: Julie Koval

FISCAL IMPACT

Requiring the Department of Community Health to staff a toll-free line 24 hours per day would cause a slight increase in Department costs. There also would be one-time costs associated with creating forms required under the bill.

Fiscal Analyst: Steve Angelotti

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.