



Romney Building, 10th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

NURSING HOMES: REVISE INVESTIGATION AND DISCIPLINARY PROCEEDINGS

House Bill 4940

Sponsor: Rep. David Anthony

Committee: Health Policy

Complete to 4-27-98

A SUMMARY OF HOUSE BILL 4940 AS INTRODUCED 6-18-98

Federal legislation requires that state agencies with oversight responsibilities for nursing homes provide a process for "the receipt and timely review and investigation of allegations of neglect and abuse and misappropriation of resident property" by employees of a facility [Section 1819 (g) (1) (C) of Part A of Title XVIII of the Social Security Act, 42 U.S.C. 1395i-]. House Bill 4940 would amend Part 217 of the Public Health Code, entitled "Nursing Homes," to bring existing reporting requirements into conformity with the federal requirements.

Under the bill, the Department of Community Health would have to begin an investigation into reports of physical, mental, or emotional abuse, mistreatment, or harmful neglect of a patient, or the misappropriation of personal property of patients, within 10 days and complete the investigation within 30 days of receiving the report. (Note: Though the bill refers to the Department of Community Health, currently the Department of Consumer and Industry Services provides licensing and regulation of nursing homes.) Within 10 days after completing the investigation, the department would have to give written notification in compliance with the federal regulations to the individual and provide a copy of the notice to the nursing home involved in the investigation. (Note: The federal regulation requires a state to give the individual a written notice of the allegations, including a statement of the availability of a hearing to rebut the allegations. States also have to give the opportunity for a hearing on the record and make a written finding as to the accuracy of the allegations.)

The bill would specify that a hearing held by the department in accordance with the federal regulation would have to be conducted as a contested case hearing under Chapter 4 of the Administrative Procedures Act of 1969 (MCL 24.271 to 24.287). The department would be represented by the Department of Attorney General at the hearing. The department would also have to give notice and an opportunity to intervene in the proceedings to the nursing home that employed the person who was the subject of the hearing. Further, within 10 days after the completion of the hearing, the department would have to notify the person of the results of the hearing, and, if the person were a nurse's aide, also notify the Nurse's Aide Registry that is maintained by the department.

MCL 333.21771

Analyst: S. Stutzky

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