

Legislative Analysis



PUBLIC HEARING FOR NURSING HOME LICENSING WHEN OWNERSHIP OR CONTROL CHANGES

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 6388 without amendment
Sponsor: Rep. Fred Miller
Committee: Senior Health, Security and Retirement

Complete to 9-15-08

A SUMMARY OF HOUSE BILL 6388 AS REPORTED FROM COMMITTEE ON 9-9-08

The bill would amend the Public Health Code to provide for a public hearing before a license is issued to new owners of a nursing home.

The bill would add Section 21742 to specify that the Department of Community Health would have to hold such a hearing at the request of any person to provide an opportunity for persons interested in the change of ownership or control to be heard. The department could also hold a hearing without any such request, on its own initiative.

The hearing could be held at any time after a proposed change in ownership or control of a nursing home was reported to the department, but would have to be held before a license was issued to the new persons with ownership or control interest.

When making its decision whether to issue a license to the new persons with an ownership or controlling interest, the department would have to consider all information received during the public hearing and any written communication received regarding the change in ownership or control.

The department would have to promulgate rules to establish procedures under which a public hearing is to be requested and held.

MCL 333.1101 et al.

FISCAL IMPACT:

House Bill 6388 will result in minimal administrative costs for the Department of Community Health (DCH) when proposed changes in ownership or control of nursing homes result in public hearings held by DCH and rules are promulgated to establish procedures under which public hearings are requested and held.

POSITIONS:

AARP supports the bill. (9-9-08)

Elder Law & Disability Rights Section State Bar of Michigan supports the bill. (9-9-08)

The Long Term Care Ombudsman testified in support of the bill. (9-9-08)

Michigan Advocacy Project supports the bill. (9-9-08)

Michigan Protection and Advocacy Service supports the bill. (9-9-08)

The ARC Michigan supports the bill. (9-9-08)

Department of Community Health is neutral on the bill. (9-9-08)

Health Care Association of Michigan testified in opposition to the bill. (9-9-08)

Legislative Analyst: E. Best
Fiscal Analyst: Margaret Alston

■ 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.