



House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

NURSING HOME COMPLAINTS: 24-HOUR TOLL-FREE HOTLINE

House Bill 5770 (Substitute H-1) First Analysis (5-25-00)

Sponsor: Rep. Eileen DeHart
Committee: Senior Health, Security, and Retirement

THE APPARENT PROBLEM:

The Public Health Code allows any person who believes that nursing home laws or regulations have been violated to make a complaint to the Department of Consumer and Industry Services requesting that an investigation take place. The provision says that the request must be made as a written complaint or the department will assist a person making an oral complaint to turn the request into a written complaint within seven days. Some people believe all such complaints should be acted on expeditiously and fear that this is not always the case, with some reported responses dragging out past a month. One proposed method of ensuring a quick response to complaints involves the creation of a 24-hour, toll-free, consumer complaint hotline within the Department of Consumer and Industry Services.

THE CONTENT OF THE BILL:

The bill would require the Department of Consumer and Industry Services to provide a toll-free consumer complaint and inquiry telephone line, accessible 24 hours a day and staffed at a level to ensure a response to each complaint within 24 hours. The department would have to establish a response system for the hotline that included an intake form that would serve as a written complaint, a system for forwarding an intake form to an investigator within 48 hours after being filled out by the hotline staff, and for forwarding a copy of the completed intake form to the complainant within 48 hours after it was completed.

The bill would delete the current requirement that complaints be submitted in writing (although consumers could still choose to complain in writing) and the hotline provisions would replace the current provisions regarding the department's assisting complainants in reducing their oral complaint to writing. Oral complaints would now be made through the hotline.

The bill would not affect the current provisions that allow the department to investigate complaints based on their urgency or the provisions that describe how and within what time frame complaints are to be investigated.

MCL 333.21799a

FISCAL IMPLICATIONS:

Fiscal information is not available.

ARGUMENTS:

For:

The creation of a 24-hour, toll-free, consumer complaint hotline is intended to provide a timely response to consumer complaints about violations of nursing home laws and regulations. It is intolerable to allow a lengthy response time to complaints, say advocates for the proposal. Complainants should know that their complaints have been heard. Under this proposal, complainants would get a copy of a completed complaint intake form within 48 hours after it has been completed. And the bill requires that the intake form be forwarded to an investigator within 48 hours of being filled out, which could speed up the initiation of complaint investigations.

Response:

Nursing home industry officials have suggested that the bill also require the department to report what the complaints received over the hotline are about and the number that can be substantiated. Many complaints about violations are never substantiated, they say.

POSITIONS:

The Health Care Association of Michigan supports the bill. (5-24-00)

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The Department of Consumer and Industry Services is not opposed to the bill. (5-24-00)

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Analyst: C. Couch

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