



# HOUSE BILL No. 5805

May 17, 2000, Introduced by Reps. Lockwood, Bovin, O'Neil, Voorhees, Basham, Martinez, Bogardus, Hale, Neumann, Dennis, Cherry, Schauer, Minore, Gielegem, Jamnick, Green, Jacobs, Hardman, Clark, Vaughn and Spade and referred to the Committee on Senior Health, Security and Retirement.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding section 21769.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 SEC. 21769. (1) AS USED IN THIS SECTION, "COMMISSION" MEANS  
2 THE NURSING HOME QUALITY OF LIFE REVIEW COMMISSION.

3 (2) THE NURSING HOME QUALITY OF LIFE REVIEW COMMISSION IS  
4 CREATED WITHIN THE DEPARTMENT OF COMMUNITY HEALTH.

5 (3) THE COMMISSION SHALL CONSIST OF THE FOLLOWING 7 MEMBERS,  
6 APPOINTED BY THE GOVERNOR:

7 (A) ONE MEMBER FROM THE DEPARTMENT OF COMMUNITY HEALTH,  
8 KNOWLEDGEABLE IN FEDERAL GUIDELINES FOR NURSING HOMES AS ISSUED  
9 BY THE FEDERAL HEALTH CARE FINANCING AUTHORITY.

1 (B) ONE MEMBER FROM THE DEPARTMENT OF CONSUMER AND INDUSTRY  
2 SERVICES, REPRESENTING THOSE INDIVIDUALS CONDUCTING SURVEYS OF  
3 NURSING HOMES UNDER SECTION 20155.

4 (C) ONE MEMBER WHO IS A PHYSICIAN SPECIALIZING IN THE PRAC-  
5 TICE OF GERIATRIC MEDICINE, REPRESENTING THE MEDICAL COMMUNITY.

6 (D) TWO MEMBERS REPRESENTING NURSING HOME REFORM OR NURSING  
7 HOME PATIENT ADVOCACY GROUPS, OR BOTH.

8 (E) TWO MEMBERS REPRESENTING NURSING HOMES.

9 (4) THE MEMBERS FIRST APPOINTED TO THE COMMISSION SHALL BE  
10 APPOINTED WITHIN 120 DAYS AFTER THE EFFECTIVE DATE OF THIS  
11 SECTION.

12 (5) MEMBERS OF THE COMMISSION SHALL SERVE FOR TERMS OF 4  
13 YEARS OR UNTIL A SUCCESSOR IS APPOINTED, WHICHEVER IS LATER,  
14 EXCEPT THAT OF THE MEMBERS FIRST APPOINTED 2 SHALL SERVE FOR 1  
15 YEAR, 3 SHALL SERVE FOR 2 YEARS, AND 2 SHALL SERVE FOR 3 YEARS.

16 (6) IF A VACANCY OCCURS ON THE COMMISSION, THE GOVERNOR  
17 SHALL MAKE AN APPOINTMENT FOR THE UNEXPIRED TERM IN THE SAME  
18 MANNER AND FROM THE SAME CATEGORY AS THE ORIGINAL APPOINTMENT.

19 (7) THE GOVERNOR MAY REMOVE A MEMBER OF THE COMMISSION FOR  
20 INCOMPETENCY, DERELICTION OF DUTY, MALFEASANCE, MISFEASANCE, OR  
21 NONFEASANCE IN OFFICE, OR ANY OTHER GOOD CAUSE.

22 (8) THE FIRST MEETING OF THE COMMISSION SHALL BE CALLED BY  
23 THE DIRECTOR OF THE DEPARTMENT OF COMMUNITY HEALTH. AT THE FIRST  
24 MEETING, AND ANNUALLY THEREAFTER, THE COMMISSION SHALL ELECT FROM  
25 AMONG ITS MEMBERS A CHAIRPERSON AND OTHER OFFICERS AS IT CONSID-  
26 ERS NECESSARY OR APPROPRIATE. AFTER THE FIRST MEETING, THE  
27 COMMISSION SHALL MEET AT LEAST QUARTERLY, OR MORE FREQUENTLY AT

1 THE CALL OF THE CHAIRPERSON, OR IF REQUESTED BY 4 OR MORE  
2 MEMBERS.

3 (9) A MAJORITY OF THE MEMBERS OF THE COMMISSION CONSTITUTE A  
4 QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE  
5 COMMISSION. A MAJORITY OF THE MEMBERS PRESENT AND SERVING IS  
6 REQUIRED FOR OFFICIAL ACTION OF THE COMMISSION.

7 (10) THE BUSINESS THAT THE COMMISSION MAY PERFORM SHALL BE  
8 CONDUCTED AT A PUBLIC MEETING OF THE COMMISSION HELD IN COMPLI-  
9 ANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO  
10 15.275.

11 (11) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF,  
12 OR RETAINED BY THE COMMISSION IN THE PERFORMANCE OF AN OFFICIAL  
13 FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA  
14 442, MCL 15.231 TO 15.246, EXCEPT THAT CONFIDENTIAL MEDICAL,  
15 SOCIAL, PERSONAL, OR FINANCIAL INFORMATION IDENTIFYING A PATIENT  
16 IS NOT AVAILABLE FOR PUBLIC INSPECTION IN A MANNER THAT IDENTI-  
17 FIES THE PATIENT.

18 (12) MEMBERS OF THE COMMISSION SHALL SERVE WITHOUT  
19 COMPENSATION. HOWEVER, MEMBERS OF THE COMMISSION MAY BE REIM-  
20 BURSED FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE  
21 PERFORMANCE OF THEIR OFFICIAL DUTIES AS MEMBERS OF THE  
22 COMMISSION.

23 (13) WITH THE ASSISTANCE OF THE DEPARTMENT OF COMMUNITY  
24 HEALTH, THE COMMISSION SHALL DO ALL OF THE FOLLOWING:

25 (A) REQUEST AND REVIEW ALL REPORTS RESULTING FROM SURVEYS OF  
26 NURSING HOMES CONDUCTED UNDER SECTION 20155.

1 (B) FOR THE PURPOSES OF SUBDIVISION (A), ESTABLISH REVIEW  
2 CRITERIA UTILIZING THE GUIDELINES SPECIFIED BY THE FEDERAL HEALTH  
3 CARE FINANCING AUTHORITY.

4 (C) IF A SURVEY CONDUCTED UNDER SECTION 20155 HAS RESULTED  
5 IN A FINDING OF 1 OR MORE VIOLATIONS, MEET WITH THE SURVEY TEAM  
6 CONDUCTING THE SURVEY AND A REPRESENTATIVE OF THE NURSING HOME TO  
7 DISCUSS THE VIOLATIONS AND THE MEANS TO CORRECT THE VIOLATIONS.  
8 THIS MEETING SHALL BE SCHEDULED WITHIN 30 DAYS AFTER THE COMMIS-  
9 SION HAS RECEIVED THE SURVEY REPORT. THE COMMISSION SHALL NOTIFY  
10 THE SURVEY TEAM AND THE NURSING HOME NOT LESS THAN 30 DAYS BEFORE  
11 THE SCHEDULED DATE OF THE MEETING.

12 (D) PRESENT AN INITIAL WRITTEN REPORT TO THE DEPARTMENT OF  
13 COMMUNITY HEALTH, DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES,  
14 THE GOVERNOR, THE LEGISLATURE, AND THE ATTORNEY GENERAL WITHIN 1  
15 YEAR AFTER THE INITIAL APPOINTMENT OF THE NURSING HOME QUALITY OF  
16 LIFE REVIEW COMMISSION MEMBERS. THIS REPORT SHALL INCLUDE ALL OF  
17 THE FOLLOWING INFORMATION:

18 (i) FINDINGS DETAILING PROBLEMS, ABUSES, EFFICIENCIES, AND  
19 SUCCESSES AS RELATED TO THE SURVEY PROCESS CONDUCTED UNDER SEC-  
20 TION 20155.

21 (ii) A FINANCIAL AUDIT AND RECOMMENDATIONS FOR FUNDING OF  
22 THE SURVEY PROCESS CONDUCTED UNDER SECTION 20155.

23 (iii) AN EXAMINATION OF THIS STATE'S COMPLIANCE WITH THE  
24 FEDERAL HEALTH CARE FINANCING AUTHORITY GUIDELINES FOR NURSING  
25 HOME SURVEYS DETAILING SUCCESSES AND FAILURES WITH COMPLIANCE  
26 WITH THE GUIDELINES.

1 (E) AFTER THE INITIAL WRITTEN REPORT UNDER SUBDIVISION (D),  
2 PROVIDE AN ANNUAL WRITTEN REPORT OF THE COMMISSION'S ACTIVITIES,  
3 FINDINGS, AND RECOMMENDATIONS TO THE DEPARTMENT OF COMMUNITY  
4 HEALTH, THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, THE  
5 GOVERNOR, THE LEGISLATURE, AND THE ATTORNEY GENERAL.

6 (F) REVIEW THE REPORTS DESCRIBED IN SUBDIVISION (A) BIANNU-  
7 ALLY FOR CHANGES REFLECTING THE LATEST DEVELOPMENTS IN GERIATRIC  
8 SOCIAL AND MEDICAL PRACTICE.

9 (14) THE COMMISSION MAY APPOINT ADVISORY COMMITTEES AS CON-  
10 sidered necessary by the commission. MEMBERS OF AN ADVISORY COM-  
11 MITTEE APPOINTED UNDER THIS SUBSECTION ARE NOT COMPENSATED FOR  
12 THEIR SERVICE, BUT MAY BE REIMBURSED FOR ACTUAL AND NECESSARY  
13 EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

14 (15) THE DEPARTMENT OF COMMUNITY HEALTH SHALL PROVIDE OFFICE  
15 SPACE, SUPPLIES, CLERICAL ASSISTANCE, ADMINISTRATIVE ASSISTANCE,  
16 AND OTHER STAFF AS NECESSARY FOR THE COMMISSION IN THE PER-  
17 FORMANCE OF ITS DUTIES.