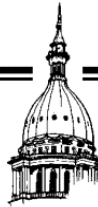




Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 462 (as enacted)
Sponsor: Senator Steven Bieda
Senate Committee: Families, Seniors and Human Services
House Committee: Families, Children, and Seniors

PUBLIC ACT 174 of 2012

Date Completed: 7-23-13

CONTENT

The bill amended Part 217 (Nursing Homes) of the Public Health Code to do the following:

- **Require a nursing home employee who has reasonable suspicion of the abuse, mistreatment, or harmful neglect of a patient and reports the matter to the nursing home administrator or nursing director also to report to the Department of Licensing and Regulatory Affairs (LARA).**
- **Require a nursing home administrator or nursing director, and a physician or other licensed health care personnel of a hospital, who has reasonable suspicion of the abuse, mistreatment, or harmful neglect of a patient to report to one or more law enforcement agencies, in addition to LARA.**
- **Delete a requirement that LARA notify the Department of Human Services when a nursing home administrator or nursing director reports a matter described above to LARA.**
- **Establish time frames for reporting requirements.**
- **Include nursing home employees in a provision prohibiting a licensee or nursing home administrator from retaliating**

against a patient or employee who reports a matter described above.

The bill took effect on June 19, 2012.

Part 217 prohibits a licensee, nursing home administrator, or employee of a nursing home from physically, mentally, or emotionally abusing, mistreating, or harmfully neglecting a patient. Previously, a nursing home employee who became aware of such an action immediately had to report the matter to the nursing home administrator or nursing director. The bill requires the reporting when an employee "has reasonable suspicion" of such an action, and requires the employee also to report the suspicion to LARA.

Previously, a nursing home administrator or nursing director who became aware of a prohibited act described above had to report the matter by telephone to LARA. Also, a physician or other licensed health care personnel of a hospital or other health care facility who became aware of such a prohibited act had to report the matter to LARA. The bill requires the reporting when any of those individuals "has reasonable suspicion" of such an action, and requires the person also to report the suspicion to one or more law enforcement entities.

The bill specifies that an individual is not required to report an act or suspicion, as described above, if he or she knows that another person already has reported the act or suspicion.

Under the bill, an individual required to report a reasonable suspicion must report it as follows:

- Immediately, but not more than two hours after forming the suspicion, if the act results in serious bodily injury to the patient.
- Not more than 24 hours after forming the suspicion, if the act does not result in serious bodily injury.

Part 217 prohibits a licensee or nursing home administrator from evicting, harassing, dismissing, or retaliating against a patient, a patient's representative, or an employee who makes a report of suspected abuse, mistreatment, or neglect of a patient. The bill also prohibits a nursing home employee from taking such an action.

MCL 333.21771

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill will have no fiscal impact on State or local government.

Fiscal Analyst: Josh Sefton

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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.