

Legislative Analysis



VETERANS FACILITIES MUST COMPLY WITH NURSING HOME REGULATIONS

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House Bill 5876 (reported from committee as H-1)

Sponsor: Rep. Tom Barrett

Committee: Military and Veterans Affairs

Complete to 11-7-16

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5876 would amend Public Act 152 of 1885 to require that a Michigan veterans facility comply with all of the rules and regulations for a nursing home as provided in Part 217 of the Public Health Code (MCL 333.21701–21799e). The Department of Licensing and Regulatory Affairs (LARA) would be required to ensure each Michigan veterans facility is in compliance with the regulations.

If LARA determines that a veterans facility is not in compliance, it would have to issue a report outlining the facts underlying the non-compliance no more than 60 days after making that determination, and submit the report to the Department of Military and Veterans Affairs, the committees of the House of Representatives and State Senate concerned with veterans' issues, and the governor.

Additionally, if a rule or policy of the Board of Managers of a facility or of the Department of Military and Veterans Affairs is in conflict with a rule or policy of LARA concerning a veterans facility, the rule or policy of LARA would prevail.

LARA would be required to cease its duties of supervision and oversight of a Michigan Veterans Facility during any period of time the facility remains certified by the Centers for Medicare and Medicaid Services.

The bill would take effect 90 days after being enacted.

FISCAL IMPACT:

The bill would have an indeterminate, though likely negative fiscal impact on the Department of Licensing and Regulatory Affairs. The Bureau of Community and Health Systems within the department would likely experience increased costs associated with regulating an increased number of nursing homes, since veterans facilities would be treated as nursing homes.

This bill would have an indeterminate, negative fiscal impact on the Michigan Veterans Affairs Agency as it could increase the operational costs of the Grand Rapids and D.J. Jacobetti Homes for Veterans to the extent that they must meet nursing home licensure standards as defined in the Public Health Code that differ from the standards established

for state veterans facilities by the U.S. Department of Veterans Affairs – Veterans Health Administration, CFR 38 § 51.60 – 51.210.

POSITIONS:

Department of Military and Veterans Affairs supports the bill. (9-15-16)

A representative of AFSCME testified in support of the bill. (9-15-16)

Commanders Group is neutral on the bill. (9-15-16)

Disabled American Veterans, American Legion, and the Military Order of Purple Heart are neutral on the bill. (9-22-16)

The Michigan Elder Justice Initiative supports the bill as introduced but opposes the H-1 substitute. (9-22-16)

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