

HOUSE BILL NO. 6080

May 05, 2022, Introduced by Reps. LaFave, Bezotte, Borton, Hood, Liberati, Aiyash, Steenland, O'Malley, Eisen, Young, Yaroch, Bellino and Markkanen and referred to the Committee on Military, Veterans and Homeland Security.

A bill to amend 2016 PA 198, entitled

"An act to create the office of the Michigan veterans' facility ombudsman; and to prescribe the powers and duties of the office, the ombudsman, the legislative council, and the department of military and veterans affairs,"

by amending sections 1, 7, 12, and 13 (MCL 4.771, 4.777, 4.782, and 4.783), section 1 as amended by 2018 PA 395.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1** Sec. 1. As used in this act:
- 2** (a) "Administrative act" includes an action, omission,

1 decision, recommendation, practice, or other procedure of the
2 department.

3 (b) "Complainant" means a resident veteran, family member of a
4 resident veteran, legal guardian or individual with power of
5 attorney for a resident veteran, or legislator who files a
6 complaint under section ~~4.4(1)~~ **or a person who files a report of**
7 **abuse under section 4(2).**

8 (c) "Council" means the legislative council established under
9 section 15 of article IV of the state constitution of 1963.

10 (d) "Department" means the department of military and veterans
11 affairs.

12 (e) "Legislator" means a member of the senate or the house of
13 representatives of this state.

14 (f) "Michigan veterans' facility" or "facility" means a
15 Michigan veterans' facility established under **former** 1885 PA 152 ~~7~~
16 ~~MCL 36.1 to 36.12, or any other facility for the care of veterans~~
17 ~~that is constructed or established by this state after the~~
18 ~~effective date of the amendatory act that amended this~~
19 ~~subdivision.~~ **or a veterans' facility as that term is defined in**
20 **section 2 of the Michigan veterans' facility authority act, 2016 PA**
21 **560, MCL 36.102.**

22 (g) "Office" means the office of the Michigan veterans'
23 facility ombudsman created under this act.

24 (h) "Ombudsman" means the Michigan veterans' facility
25 ombudsman.

26 (i) "Report of abuse" means a report of suspected or alleged
27 abuse, neglect, or exploitation, as those terms are defined in
28 section 11 of the social welfare act, 1939 PA 280, MCL 400.11,
29 concerning a resident veteran.

1 (j) ~~(i)~~—"Resident veteran" means a veteran who is a resident
 2 of a Michigan veterans' facility or an individual who is a resident
 3 of a Michigan veterans' facility by virtue of the individual's
 4 relationship with a veteran.

5 (k) ~~(j)~~—"Veteran" means that term as defined in section ~~2a of~~
 6 ~~1885 PA 152, MCL 36.2a.2 of the Michigan veterans' facility~~
 7 **authority act, 2016 PA 560, MCL 36.102.**

8 Sec. 7. Upon receiving a complaint under section ~~4-4(1) or a~~
 9 **report of abuse under section 4(2)** and deciding to investigate the
 10 complaint **or report of abuse**, within 10 business days the ombudsman
 11 shall notify the complainant, the resident veteran or resident
 12 veterans affected, ~~and the department, and, for a report of abuse,~~
 13 **the department of licensing and regulatory affairs.** If the
 14 ombudsman declines to investigate, the ombudsman shall notify the
 15 complainant within 10 business days, in writing, and inform the
 16 resident veteran or resident veterans affected of the reasons for
 17 the ombudsman's decision.

18 Sec. 12. The ombudsman shall submit to the council, the board
 19 of managers, and the legislature a semiannual report on the conduct
 20 of the office. A report under this section ~~shall~~**must** include all
 21 of the following information for each Michigan veterans' facility
 22 during the preceding 6 months, at a minimum:

23 (a) The number of complaints received.

24 (b) The number of complaints concerning each of the following
 25 categories:

26 (i) The modification or cancellation of, or justification for,
 27 an administrative act.

28 (ii) A statute or rule.

29 (iii) Significant veteran health issues.

1 (iv) Significant veteran safety issues.

2 (v) **A report of abuse.**

3 (c) The number of complaints resulting in the initiation of an
4 investigation.

5 (d) The number of investigations initiated by the ombudsman.

6 (e) The number of hearings.

7 (f) The number of reports of findings issued.

8 Sec. 13. (1) A resident veteran shall not be penalized in any
9 way by a person or facility or the department as a result of filing
10 a complaint **or a report of abuse**, communicating a complaint **or a**
11 **report of abuse** to a legislator, or cooperating with the ombudsman
12 in investigating a complaint **or a report of abuse.**

13 (2) A person or facility or the department shall not hinder
14 the lawful actions of the ombudsman or employees of the office or
15 willfully refuse to comply with any lawful demand of the office.

16 Enacting section 1. This amendatory act does not take effect
17 unless all of the following bills of the 101st Legislature are
18 enacted into law:

19 (a) Senate Bill No. ____ or House Bill No. 6081 (request no.
20 05347'22).

21 (b) Senate Bill No. ____ or House Bill No. 6082 (request no.
22 05349'22).

23 (c) Senate Bill No. ____ or House Bill No. ____ (request no.
24 05788'22).