

# HOUSE BILL NO. 5293

November 02, 2023, Introduced by Reps. Stone, Price, Rheingans, Brabec, MacDonell, McKinney, Hood, Wilson and Brixie and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 20194 (MCL 333.20194), as amended by 2003 PA 3.

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

**1**       Sec. 20194. (1) Subject to subsections (2), (3), ~~and~~ (4), **and**  
**2**       **(5)**, a health facility or agency, except a health facility or  
**3**       agency licensed under part 209, and including a health facility  
**4**       that is not licensed under this article but holds itself out as

1 providing medical services, shall conspicuously display in the  
 2 patient waiting areas or other common areas of the health facility  
 3 or agency copies of a pamphlet developed by the department ~~of~~  
 4 ~~consumer and industry services~~ outlining the procedure for filing a  
 5 complaint against a health facility or agency with the department  
 6 and the procedure for filing a complaint against an individual who  
 7 is licensed or registered under article 15 and employed by, under  
 8 contract to, or granted privileges by the health facility or  
 9 agency. ~~The pamphlet shall be developed and distributed by the~~  
 10 ~~department of consumer and industry services~~ **department shall**  
 11 **develop and distribute the pamphlet** after consultation with  
 12 appropriate professional associations.

13 (2) ~~The department of consumer and industry services shall~~  
 14 develop the pamphlets required under subsection (1) in languages  
 15 that are appropriate to the ethnic composition of the patient  
 16 population where the pamphlet will be displayed. The department  
 17 shall use large, easily readable type and nontechnical, easily  
 18 understood language in the pamphlet. The department shall  
 19 periodically distribute copies of the pamphlet to each health  
 20 facility or agency and to each unlicensed health facility described  
 21 in subsection (1).

22 (3) ~~The department of consumer and industry services shall~~  
 23 include a model standardized complaint form in the pamphlet  
 24 described in subsection (1). **The department shall include on the**  
 25 **model standardized complaint form a telephone number for the**  
 26 **receipt of oral complaints.** The department may develop a separate  
 27 model standardized complaint form that is specific to a particular  
 28 health facility or agency or category of health facilities and  
 29 agencies. The department shall develop a model standardized

1 complaint form that is specific to nursing homes. The department  
 2 shall include on the model standardized complaint form, at a  
 3 minimum, simple instructions on how to file a complaint, including  
 4 with the nursing home as required under section 21723, the  
 5 department, the state long-term care ombudsman, the Michigan  
 6 ~~protection and advocacy service, inc.,~~ **Protection and Advocacy**  
 7 **Service, Inc.**, and the health care fraud unit of the department of  
 8 attorney general. The department shall distribute copies of the  
 9 model standardized complaint form simultaneously with copies of the  
 10 pamphlet as required under subsection (2).

11 **(4)** ~~The~~ **A** nursing home shall conspicuously display and make  
 12 available multiple copies of the pamphlet and model standardized  
 13 complaint form with the complaint information required to be posted  
 14 under section 21723 **at each public entrance to the nursing home,** in  
 15 ~~the~~ patient waiting areas, or **in** other common areas of the nursing  
 16 home that are easily accessible to nursing home patients and their  
 17 visitors, ~~as described in subsection (1), and including, but not~~  
 18 **limited to, common dining areas and recreation areas. A nursing**  
 19 **home** shall **also** provide a copy of the pamphlet and complaint form  
 20 to each ~~nursing home resident or the resident's surrogate decision~~  
 21 ~~maker upon~~ **of the following, as applicable, at the time of a**  
 22 **nursing home resident's** admission to the nursing home, ~~The~~  
 23 ~~department shall include on the model standardized complaint form a~~  
 24 ~~telephone number for the receipt of oral complaints.~~ **during any**  
 25 **assessment or evaluation of the nursing home resident's needs or**  
 26 **plan of care, and if the nursing home resident is relocated:**

- 27 (a) The nursing home resident.  
 28 (b) The nursing home resident's surrogate decision maker.  
 29 (c) A member of the nursing home resident's family who is

1 present at the time of the admission, during the assessment or  
2 evaluation, or at the time of the relocation.

3 (5) ~~(4) The department may continue to distribute the~~  
4 ~~complaint pamphlets within its possession on the effective date of~~  
5 ~~the amendatory act that added this subsection until the~~  
6 ~~department's stock is exhausted or until October 1, 2003, whichever~~  
7 ~~is sooner. Beginning October 1, 2003, the~~ **The** department shall only  
8 distribute the complaint pamphlets and model standardized complaint  
9 forms that are in compliance with subsections (2) and (3).

10 (6) ~~(5) The department shall make the complaint pamphlet and~~  
11 the model standardized complaint form **described in this section**  
12 available to the public on the department's ~~internet~~ website. The  
13 department shall ~~take affirmative action toward the development and~~  
14 ~~implementation of~~ **maintain** an electronic filing system that ~~would~~  
15 ~~allow~~ **allows** an individual to file a complaint through the  
16 **department's** website.