

HOSPITAL SWING BED REVISIONS

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House Bill 4441

Sponsor: Rep. Frank Foster

House Bill 4442

Sponsor: Rep. Gail Haines

House Bill 4443

Sponsor: Rep. Paul Muxlow

Committee: Health Policy

Complete to 4-13-11

A SUMMARY OF HOUSE BILLS 4441-4443 AS INTRODUCED 3-15-11

Together, the bills would eliminate the state's Short-term Nursing Care Program and references to the program from various acts. House Bills 4442 and 4443 are tie-barred to House Bill 4441.

Under state law, smaller and rural hospitals meeting certain state and federal requirements can apply for a Certificate of Need to establish a Short-term Nursing Care Program. The program allows an eligible hospital to operate up to 10 beds as "swing beds." Generally speaking, a "swing bed" refers to a bed that a hospital can use either as an acute care bed or a skilled nursing care bed. A swing bed comes into play when a patient is ready to be discharged from a hospital to a skilled nursing care facility (e.g., a nursing home) but no bed at a nursing home within a 50 mile radius of the patient's home is available. Once a bed in a skilled nursing care facility is available, the hospital must transfer the patient within five days. In addition, the Health Code limits the number of swing bed days per year per hospital to 1,825. Currently, 31 hospitals in the state operate swing beds under this program.

Elimination of these state regulations is understood to mean that eligible hospitals would then fall under federal "swing bed" regulations.

House Bill 4441 would amend the Public Health Code (333.22208 and 333.22223) to eliminate the definition of "short-term nursing care" from Part 222 (Certificate of Need) of Article 17; repeal Section 333.22210, which establishes the criteria for a short-term nursing care program; and eliminate a reference to a CON issued under the repealed section. Thus, in effect, the program would be eliminated.

House Bill 4442 would amend the Administrative Procedures Act (MCL 24.207) to eliminate a reference to the Short-term Nursing Care Program.

House Bill 4443 would amend The Social Welfare Act (MCL 400.109) to eliminate – from a list of medical services that may be provided under the act – a reference to nursing services provided in a Short-term Nursing Care Program and instead refer to nursing services from a hospital provider of extended care services under federal regulations (42 USC 1395TT).

FISCAL IMPACT:

A fiscal analysis is in process.

Legislative Analyst: Susan Stutzky

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