

NURSING HOME ADVISORY COMMISSION

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4317 as introduced
Sponsor: Rep. Angela Witwer
Committee: Health Policy
Complete to 2-24-21

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

SUMMARY:

House Bill 4317 would amend the Public Health Code to create a nursing home advisory commission in the Department of Health and Human Services (DHHS), consisting of the following members:

- The director of the Department of Licensing and Regulatory Affairs (LARA) or a designee.
- The director of DHHS or a designee.
- At least three individuals representing different area agencies on aging, including one nominated by the Speaker of the House and one by the Senate Majority Leader.
- Five nursing home administrators, including one nominated by the Speaker of the House and one by the Senate Majority Leader.
- DHHS's chief medical executive or a designee.
- An epidemiologist who is not employed by or under contract with the state.
- The state long-term care ombudsman or a designee.
- Two individuals from a list of nominees submitted by the Speaker of the House, one representing the majority party and one representing the minority party.
- Two individuals from a list of nominees submitted by the Senate Majority Leader, one representing the majority party and one representing the minority party.

If a vacancy occurred on the commission, the governor would appoint a replacement in the same manner as the original appointment. The governor could remove a member for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.

The DHHS director would have to call the first meeting by June 1, 2021, at which time the commission would elect a chairperson and officers as it determines appropriate. Thereafter, the commission would have to meet at least four times, or more frequently at its discretion.

The commission would have to comply with the Open Meetings Act and its writings would be subject to the Freedom of Information Act.

Members would serve without compensation but could be reimbursed for work-related expenses.

By September 1, 2021, the commission would have to prepare and submit a report to the governor and the House and Senate standing committees on health policy that makes recommendations on all of the following:

- Indoor and outdoor visitation policies at nursing homes.
- Resident access to mental and physical health services.
- Methods to provide greater technological support to increase communication between residents and their families.

The state could review best practices from other states when developing these recommendations.

The commission would be abolished following submission of the report.

Proposed MCL 333.21769

BACKGROUND:

Executive Order 2020-135¹ created the Michigan Nursing Homes COVID-19 Preparedness Task Force on June 26, 2020. Composed of 20 members, including the DHHS and LARA directors, the long-term care ombudsman, two senators, and two representatives, the task force issued its final recommendations on August 31, 2020.² Those recommendations focus on resource availability, quality of life, staffing, and placement of residents. The task force is currently slated to be dissolved no later than June 26, 2022.

FISCAL IMPACT:

House Bill 4317 would have cost implications in the current fiscal year for DHHS to establish the commission, provide staffing and support to the commission during the planning period and the three-month work period, reimburse commission expenses, conduct a survey of nursing homes or otherwise gather required nursing home information, compile nursing home data, utilize or develop data systems, and produce a report. There are 446 licensed nursing homes in the state. An estimated cost to the state for the commission and its work would be \$60,000 to \$100,000, for meetings, member costs, staff, and data/systems.

Legislative Analyst: Jenny McNerney
Fiscal Analyst: Susan Frey

■ 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.

¹ [Whitmer - Executive Order 2020-135: Creation of Michigan Nursing Homes COVID-19 Preparedness Task Force](#)

² [Nursing Home Final Report 701082_7.pdf \(michigan.gov\)](#)