



Telephone 373-8080  
Fax 373-5874

# HOUSE FISCAL AGENCY

124 N. Capitol Avenue  
4 – North, HOB Lansing, MI

HB4450      SUBSTITUTE  
H-2

Sponsor      Rep. Sandra Caul  
Committee      HEALTH POLICY

Analyst(s)      Schneider, Bob

Completed      4/18/01

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### State Fiscal Impact

### Local Fiscal Impact

Cost              Increase  
Revenues        None

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Revenues        None

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The bill would amend current law provisions regarding the investigation and disciplinary procedures that apply to patient abuse allegations within a nursing home. The bill would expand current law to include specific requirements that exist within the federal Social Security Act. In particular, the bill adds a prohibition of the theft or larceny of personal property in addition to other forms of patient abuse that are prohibited in current law.

The bill also includes federal requirements that the Department of Consumer and Industry Services (DCIS) investigate allegations of patient abuse. Beyond these requirements, the bill requires the DCIS to commence an investigation within 10 days after receiving a report of abuse and to complete the investigation within 30 days of receiving a report. These time limits could be extended for not more than an additional 30 days if the DCIS documents a sufficient reason for the delay. In addition, federal law requires investigations in cases involving nurse aides or other individuals "used by the facility in providing services to" a resident. The bill requires investigations in cases involving "a nursing home employee", which could be interpreted more broadly than the federal law requirement.

The bill adds provisions meeting federal requirements that the department provides notice to the subject of a complaint and provides an opportunity for a hearing. The bill requires the DCIS to provide written notice to the subject of the complaint after commencing the investigation. The bill requires the DCIS to meet the hearing requirement through a contested case hearing under the Administrative Procedures Act. Finally, the DCIS would again have to notify the subject of the complaint within 10 days after completing the investigation.

The bill's provisions would increase costs on the DCIS by an indeterminate amount. First, the new timelines for initiation and completion of investigations could require additional staffing. A DCIS analysis of the bill, as introduced, states that the bill may require "increased staffing or diverting resources from other health professional cases to meet the deadlines in the bill". It is also unclear how the DCIS would pay for investigations involving allegations against unlicensed nursing home personnel, since no funding source currently exists to cover such investigations. Thus, the bill could require an appropriation of general fund revenues. The DCIS analysis of the introduced bill states that "if the bill passes without an appropriation, the department will be in a position of having no legal method of funding the implementation."