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**TO:** House Committee on Appropriations  
**FROM:** Health Care Association of Michigan (HCAM)  
**DATE:** February 16, 2016  
**SUBJECT:** House Bills 5078, 5079, 5080 and 5081

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For the past several years there has been considerable discussion regarding the release of “medically frail” prisoners. HCAM has been on record throughout these discussions opposing the parole of elderly, sick prisoners into the current long term care system. For several reasons we have advocated for a separate, dedicated nursing facility to be used.

Nursing facility providers, residents and their families have significant concerns with prisoners being released with the likely outcome of placement in a nursing facility. The population we currently serve are among the frailest and sickest residents in Michigan. Our workforce is predominantly female as well.

We cannot express enough concern regarding the protection and safety of our residents. Additionally, Michigan nursing facilities are one of the most highly regulated professions in the state, operating under the guidance of more than one thousand state and federal regulations. We are alarmed with the increased regulatory pressure of placing former offenders into nursing facility settings.

HCAM appreciates recent changes to the bills. However, we are concerned that House Bills 5078, 5080 and 5081 would still allow for the parole of a “medically frail” prisoner to any nursing facility contracted with the Department of Corrections. Additionally, we feel the definition of “medically frail” is too broad and could potentially capture individuals beyond those needing end of life care. ***For these reasons we remain opposed to the legislation.***

By way of background, the vast majority of nursing facilities operating in Michigan are certified by the Centers for Medicare and Medicaid (CMS). Facilities operate under the “Requirements of Participation” to receive Medicare/Medicaid reimbursement for services provided. The requirements include regulations related to resident’s rights, quality of life, quality of care and facility administration. In recent discussions with CMS’s Long Term Care Division, it was made very clear to HCAM that paroles of this nature could jeopardize a facility’s certification if admitted.

It is our understanding that your intent is to establish a framework to use nursing facility where “medically frail” parolees could qualify for Medicaid services. However, CMS does not currently allow this and it is uncertain as to if or when they would ever implement changes to move forward.

*HCAM is a statewide trade association representing proprietary, not for profit, county medical and hospital-based long-term skilled nursing and rehabilitation facilities. If questions, please contact Melissa Samuel at [melissasamuel@hcam.org](mailto:melissasamuel@hcam.org).*