



February 7, 2022

Representative Bronna Kahle  
N-991 House Office Building  
P.O. Box 30014  
Lansing, MI 48909

Dear Representative Kahle,

Thank you for the opportunity to respond to HB 5609, a bill to update Section 20155 and others of the Michigan Public Health Code. Section 20155 addresses requirements for nursing home licensure survey but also adds specifications for nursing home federal survey as well and the historical comingling of these provisions makes the Section confusing.

We applaud efforts made by the Bureau of Community and Health Services to improve consistency, fairness, and accuracy of survey reviews through the use of a quality improvement officer that is identified in this proposed legislation. In this bill we would also encourage adding the requirement for a defined process that includes systematic and routine evaluation for consistency and reliability of surveyor findings on an ongoing basis.

We also concur that considering the clinical needs and requirements of nursing home residents, there should be a registered nurse on every survey team and for every survey visit. Additionally, our experience with facilities cited for immediate jeopardy has demonstrated inconsistency in both the criteria for such deficiencies as well as communication with the facility throughout that process. It does seem that if residents are truly in immediate jeopardy, a surveyor should remain on site to monitor progress.

There are additional new provisions, however, that we believe may be contrary to federal requirements or potentially create dissonance with the intended purpose of survey. We call out two of these provisions. The quality improvement organization (QIO) designated for Michigan is an external party to the survey process and as such would have no official purpose to serve as an onsite quality monitor.

And, requiring MDHHS to grant back to facilities the amount of Civil Money Penalties imposed on that facility undermines the intended purpose of the enforcement action. The provision also calls for the nursing home receiving such grants to agree to certain quality improvement activities as determined by MDHHS. The grant process has been cumbersome over the past several years and we suggest that this activity be moved to BCHS, who has a better understanding of individual nursing home performance.

Thank you again for the opportunity to respond and taking the time to meet with us. If we can be of any further assistance, please feel free to reach out.

Sincerely,

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