State of Michigan
John Engler, Governor

Department of Consumer & Industry Services
Kathleen M. Wilbur, Director

G. Mennen Williams Building
P.O. Box 30004
Lansing, Michigan 48909-7504
517-373-1820

March 14, 2001

The Honorable Marc Shulman, Chairman
House Consumer and Industry Services Subcommittee
Michigan House of Representatives
P.O. Box 30014
Lansing, Michigan 48909

Dear Representative Shulman:

In compliance with Section 323 of P.A. 293 of 2000, attached is the status report of the nursing home complaint investigation backlog and any suggested revisions to current statute or promulgated rules that will assist in improving the effectiveness of the nursing home survey and complaint investigation process.

This notification may also be viewed on our web site at the following address: http://www.cis.state.mi.us/fast/leg_rep.htm

If you have any questions regarding this information, please feel free to contact me at 373-3892.

Sincerely,

John R. Suckow, C.P.A.
Director, Finance and Administrative Services

JRS:hab
C: House Consumer & Industry Services Subcommittee
Kathleen M. Wilbur
Paul Reinhart
Bob Schneider
Don Reichle
Walt Wheeler

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Lansing, Michigan 48909-7504
517-373-1820

March 14, 2001

The Honorable Loren Bennett
Senate Regulatory Subcommittee
Michigan State Senate
P.O. Box 30036
Lansing, Michigan 48909

Dear Senator Bennett:

In compliance with Section 323 of P.A. 293 of 2000, attached is the status report of the nursing home complaint investigation backlog and any suggested revisions to current statute or promulgated rules that will assist in improving the effectiveness of the nursing home survey and complaint investigation process.

This notification may also be viewed on our web site at the following address: http://www.cis.state.mi.us/fast/leg_rep.htm. If you have any questions regarding this information, please feel free to contact me at 373-3892.

Sincerely,

John R. Suckow, C.P.A.
Director, Finance and Administrative Services

JRS:hab
C: Senate Regulatory Subcommittee
Kathleen M. Wilbur
Paul Reinhart
Maria Tyszkiewicz
Don Reichle
Walt Wheeler

COMPLAINT BACKLOG REPORT

Bureau of Health Systems
Michigan Department of Consumer & Industry Services

Serving Michigan... Serving You

Introduction

Section 323 of PA 293 of 2000 requires the department to report to the legislature and the fiscal agencies the status of the nursing home complaint investigation backlog and any suggested revisions to current statute or promulgated rules that will assist in improving the effectiveness of the nursing home survey and complaint investigation process.

Background

Backlogged complaints, those over 30 days old, were eliminated in July 1, 1999. The complaint backlog was eliminated by staff working overtime and the assistance of a contractual surveyor designated to handle complaints. The non-backlogged caseload was carried forward under revised procedures to assure timely responses. The November 1999 Backlog Report indicated there was no backlog; complaint investigations were completed within 30 days.

Complaint Investigation Timeframes

The processing time for complaint intake has gone from one week to one day. Complaints received are processed and assigned to an investigator in one day. All complaints received by the Bureau continue to be investigated within 30 days. Complaints involving serious injury, death, alleged abuse or situations of immediate jeopardy are responded to within 24 hours. Complaints alleging non-serious harm are investigated within 10 days of receipt.

Complaints that do not involve immediate jeopardy or harm are investigated within 30 days of receipt. These investigation timeframes have been incorporated into performance measures for the Investigation and Intake Units and are monitored on a monthly basis.

Program Improvements

The voice capability for the complaint "Hotline" was expanded to allow for more calls to be received and for weekend and off hours calls to be recorded. Forms and procedures for filing complaints were added to the Department's website. A new complaint brochure is being developed for placement in nursing homes.

The Complaint Investigation Team continues to focus specifically on complaint investigations and facility incident reports of abuse, neglect, sexual assaults, or serious injury to nursing home residents and other non-serious citizen complaints. The team operates separately from the survey teams which annually monitor facilities and is available to respond quickly to complaints alleging harm to a nursing home resident.

Staff

The complaint team plans to add another Health Care Surveyor to ensure timely investigation of complaints. Other projected hirings include a Licensing Officer to help manage the Investigation Team, and the hiring of a Complaint Analyst filling a vacancy in the Complaint Intake Unit.

Legislation

To clarify the current reporting requirement it is recommended that Section 21771(2) of the Public Health Code, Act 368 of 1978, be amended as indicated.

> (2) A nursing home employee who becomes aware of an act prohibited by this section immediately shall report the matter to the nursing home administrator or nursing director. A nursing home administrator or nursing director who ~~becomes aware of an act prohibited by this section~~ HAS REASON TO BELIEVE A NURSING HOME RESIDENT HAS BEEN SUBJECTED TO PHYSICAL, MENTAL, OR EMOTIONAL ABUSE, MISTREATMENT OR HARMFUL NEGLECT shall report the matter by telephone WITHIN 24 HOURS OF RECEIPT OF SUCH INFORMATION to the department of ~~public health~~ , CONSUMER & INDUSTRY SERVICES which in turn shall notify the department of ~~social services~~ FAMILY INDEPENDENCE AGENCY.

Rationale: Confusion exists regarding the reporting requirements for abuse, neglect or mistreatment. That confusion has resulted in over reporting by facilities. The revision seeks to clarify that a report should be made when there is evidence an act of abuse, neglect or mistreatment has occurred. It is not necessary to report allegations or assertions without evidence or incidents of unknown origin.

Conclusion

The Complaint Intake Unit is meeting its requirement to process incoming complaints and referral for investigation within the three days allowed. Staff surveyors are investigating complaints within the 30 days. There is no complaint backlog. The Department is meeting the challenge of timely investigation of complaint reports.

03/14/01