



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

January 13, 2022

Dear provider:

This letter is to set forth the Department's authority to investigate an individual alleged to have neglected or abused or misappropriated the property of a nursing home resident. The authority is described below and conducted by the Nurse Aide and Workforce Section within the Bureau of Community and Health Systems.

Investigation Authority of Individuals in Nursing Homes

In accordance with the United States Code, 42 USC 1395i-3 and 1396r, the Code of Federal Regulations, and the Michigan Public Health Code, 1978 PA 368, the Bureau of Community and Health Systems (BCHS) must review and investigate allegations of resident neglect and abuse and misappropriation of resident property by an individual used by a facility to provide services to nursing home residents. An individual may include licensed health professionals, certified nurse aides, and any non-licensed or non-certified individuals who provide services to residents.

Section 20173a of the Public Health Code, MCL 333.20173a, states that a nursing home shall not employ, independently contract with, or grant clinical privileges to an individual who regularly has direct access to or provides direct services to residents if there is a substantiated finding of neglect, abuse, or misappropriation of property by that individual under an investigation conducted in accordance with 42 USC 1395i-3 or 1396r.

In accordance with the Code of Federal Regulations, specifically 42 CFR §§488.332 and 488.335, BCHS has established the Nurse Aide and Workforce Section outside the survey and certification process to investigate and initiate actions against an individual alleged to have neglected or abused a resident or misappropriated a resident's property. Any action resulting from an investigation against an individual as specified above will be processed in accordance with Code of Federal Regulations, specifically 42 CFR §§488.335, as well as the Public Health Code, Part 219, and applicable administrative rules for a certified nurse aide.

Section 21713 of the Public Health Code, MCL 333.21713, states that a nursing home shall cooperate with BCHS in its investigations as specified above. Cooperation includes, but not limited to, entry to the home, access to interview employees and residents, review of records, recordings, and other materials maintained by the home.

Sincerely,

A handwritten signature in black ink that reads "Larry Horvath".

Larry Horvath, Director
Bureau of Community and Health Systems