



## **Legislation Speaks Directly to Governor Snyder's Call for Regulatory Reform**

Reinventing Michigan is a reoccurring theme for Governor Snyder. Since his election, there has been a steady drumbeat focusing on relentless positive action and the theory that governmental departments should be more consumer/customer friendly and accountable to the people they serve. As part of the governor's Top 10 principles to reinventing Michigan, principle number three is "Fix Michigan's Broken Government - It's time we reinvent state government so that it runs efficiently and serves its citizens as customers."

Senate Bill 884 sponsored by Goeff Hansen (R-Hart) does just that with the Bureau of Health Systems, which regulates nursing facilities.

The Bureau is responsible for oversight of Michigan's 427 nursing and rehabilitation facilities. Nursing facilities expect and deserve a regulatory environment which is prompt, efficient and consistent, which emphasizes quality improvement. Facilities are held to a high standard by the state survey agency, as well we should be. When performance does not meet state and federal standards, there are no excuses accepted.

The state survey agency should be held to a similar high standard.

Michigan has consistently been an outlier in the region with regards to survey and enforcement statistics and discretionary penalties. This is not due to a difference in quality of care but due, in part, to significant inconsistency across all standard and complaint survey teams.

The State Survey Agency has a history of imposing civil money penalties against more skilled nursing facilities and at a rate 4 to 290 times higher than other states in our region, CMS Region V. In fiscal year 2011, Michigan imposed more than \$9.2 million in civil money penalties alone. To put this in perspective, Ohio ranked second with \$2.2 million. It should be noted that Ohio has 300 more nursing facilities than Michigan.

By the department's own statistics, it fails to release more than 15 percent of the reports of survey findings to the provider within the 10 days required by federal protocol. This unnecessarily delays a facility's ability to take aggressive corrective action.

This legislation will help encourage the state survey agency to conduct a survey and enforcement process that is fair, consistent, accurate and timely.

This bill will require:

- Additional training for new nursing home surveyors.
- Greater collaboration on joint provider and surveyor training sessions.
- It requires the nursing home survey process to be effectively and efficiently coordinated suggesting creation of a single administrative unit and development and implementation of an electronic system to support coordination of these activities.
- Lastly, it requires closing out any open enforcement cycle before starting an annual standard survey while maintaining all federal survey interval requirements.

Our profession supports a robust process of regulatory oversight. It is the inconsistent and uncoordinated application of the survey process that has caused unnecessarily protracted survey and enforcement cycles. These have serious consequences for a facility's reputation in the community and financial stability.

We support SB 884 and thank Senator Hansen for his support of nursing facilities throughout the state and the residents they serve.

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*The Health Care Association of Michigan (HCAM) is the premier professional association representing nursing and rehabilitation communities. HCAM represents almost 300 providers that care for elderly and disabled individuals. For more information go to [www.hcam.org](http://www.hcam.org).*