

## MEMORANDUM

**TO:** Senator Curt VanderWall, Chair, Health Policy and Human Services Committee  
**FROM:** Richie Farran, V.P. of Government Services, Health Care Association of Michigan (HCAM)  
**DATE:** May 8, 2019  
**SUBJECT:** Senate Bill 77

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HCAM opposes Senate Bill 77 because the bill violates resident rights without achieving the goal of enhancing resident safety. This invasive legislation is unnecessary as current regulations and standard practices robustly protect the health, safety and dignity of residents.

Michigan nursing facilities provide a safe home with quality care to residents who need it most. Facilities are governed by over 1,000 state and federal regulations, with the protection of residents the top priority. Michigan facilities outrank the national average in important indicators of quality measured by the Centers for Medicare and Medicaid Services. If there is a suspicion of abuse, neglect, or exploitation of a resident, the regulations require facilities to report to the Department of Licensing and Regulatory Affairs (LARA) and local law enforcement, along with conducting an internal investigation. Failing to adequately protect residents will result in serious sanctions, including fines, levied upon a facility and possible termination of staff.

More importantly, providers feel passionately about serving residents. The owners, administrators, nurses, social workers – all of the individuals who contribute to providing quality care, do it because they want to help people who need it most. Residents in Michigan nursing facilities receive more than just health care – they receive an opportunity to live safely with dignity and respect, due in large part to the selflessness of the staff that serves them. Beyond skilled nursing services, staff develops strong relationships with residents, providing emotional support and social fulfillment. The legislation may cause detriment to residents, as the presence of a monitoring device hinders the establishment of trust with staff that is so important to quality care. The health, safety and well-being of residents are well protected in these facilities – monitoring residents with a camera does nothing more than violate their privacy rights and infringe on the dignity they deserve.

This legislation does not adequately clarify the procedure for installing a recording device, or the procedure for custody and use of the resulting records. Audio and video productions may qualify as health records – this bill would allow a resident's health records to be in the custody of another resident's family member, creating serious HIPAA and other privacy concerns.

We need not, and should not, violate one's privacy and dignity in order to protect them. The oversight of Michigan's nursing facilities adequately and robustly provide for the health and safety of residents. The presence of monitoring devices will do little, if anything, to improve the already high quality care residents receive. Due to the invasive nature of this unnecessary legislation, HCAM is opposed to Senate Bill 77.

*HCAM is a statewide trade association representing proprietary, not for profit, county medical and hospital-based long-term skilled nursing and rehabilitation facilities. If you have questions, please contact Richie Farran at RichFarran@hcam.org.*