

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS BUREAU OF
COMMUNITY AND HEALTH SYSTEMS, PUBLIC
HEARING

August 18, 2022

Prepared by



depos@networkreporting.com

Phone: 800.632.2720

Fax: 800.968.8653

www.networkreporting.com

Let us assist you GLOBALLY for all of your deposition needs.

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF COMMUNITY AND HEALTH SYSTEMS

RE: ADMINISTRATIVE RULES
FOR HOMES FOR THE AGED,
RULE SET 2022-21 LR

_____ /

PUBLIC HEARING

Lansing, Michigan - Thursday, August 18, 2022

APPEARANCES:

On Behalf of the
Department of
Licensing and
Regulatory Affairs:

MS. TAMMY BAGBY
MR. LARRY HORVATH
Bureau of Community & Health Systems
P.O. Box 30664
Lansing, Michigan 48909

Recorded By:

Karen L. Banks, CER 3592
Certified Electronic Recorder
Network Reporting Corporation
Firm Registration Number 8151
1-800-632-2720

1 Lansing, Michigan

2 Thursday, August 18, 2022 - 9:00 a.m.

3 MS. BAGBY: Good morning. My name is Tammy Bagby
4 and I am an analyst for the Bureau of Community and Health
5 Systems in the Department of Licensing and Regulatory Affairs.

6 This hearing, regarding the Administrative Rules for
7 the Homes for the Aged, is being called to order at 9 a.m. on
8 August 18 in the G. Mennen Williams Building auditorium
9 located at 525 West Ottawa Street in Lansing, Michigan. The
10 hearing is being conducted under the authority of the
11 Administrative Procedures Act, P.A. 306 of 1969.

12 The notice of public hearing was published in three
13 newspapers: on July 26 in the Flint Journal; July 27th in the
14 Grand Rapids Press; and July 28th in the Marquette Mining
15 Journal. The same notice was published in the Michigan
16 Register on August 15, 2022.

17 As stated in the notice, the proposed new rules
18 establish requirements for state licensed homes for the aged
19 providers to record, track, and respond to incidents where a
20 resident is harmed. These documents must be available to the
21 Department upon request during routine inspections or
22 complaint investigations.

23 Regulatory Impact Statements are available for
24 further explanation of these rule sets. Copies are available
25 in the hall outside of the auditorium, or they can be found on

1 the website for the Michigan Office of Administrative Hearings
2 and Rules.

3 Pursuant to section 45 of the Administrative
4 Procedures Act, MCL 24.245, the public hearing is an
5 opportunity for the public to present data, views, questions
6 and arguments regarding the proposed rules.

7 The Department will use the testimony and documents
8 presented at this hearing to determine if any changes should
9 be made to the proposed rules before they are adopted. If you
10 have comments, please make sure they relate directly to the
11 proposed rules. If you have questions regarding the rules,
12 please submit your questions as part of your testimony. If
13 you have suggested changes to the proposed rules, please
14 include the specific reasons why the changes would be in the
15 public interest.

16 If you wish to comment, please complete a white
17 card, available when you came in, and submit it to me. This
18 will help the Department prepare the hearing record. When you
19 testify, please identify yourself by name and organization, if
20 any, that you may be speaking for today.

21 Written statements may be submitted directly to me.
22 The Department will also accept written statements emailed or
23 postmarked until 5 p.m. on August 18th. Address information
24 can be found on the notice for the public hearing that we have
25 made available in the hall.

1 If you would like to testify, please complete the
2 card and hand it to me.

3 The Department staff from the Bureau of Community
4 and Health Systems include myself; Larry Horvath, Director of
5 the Bureau of Community and Health Systems; Heather Hosey,
6 Director of the Health Facility Licensing, Permit and Support
7 Division in the Bureau of Community and Health Systems; and
8 Andrea Moore, Manager of the Long Term Care State Licensing
9 Section.

10 Before we start the public comments, I invite
11 Heather Hosey to the podium -- I invite Larry Horvath to the
12 podium.

13 MR. HORVATH: My name is Larry Horvath with the
14 Bureau of Community Health Systems. I just want to do a brief
15 update on the proposed changes to the administrative rules.

16 The proposed changes were a result of our
17 communication with the provider community and their
18 associations and the interest for regulatory relief and
19 regulatory burden reduction. The proposed rules will allow
20 for continued reporting of incidents, but these reports will
21 now be maintained at the provider and available upon request
22 by the Department or during an inspection and investigation.

23 This rule still requires that the providers maintain
24 a record of an incident and to take action to correct any
25 possible deficient practice, if identified during their

1 review. The impetus of this rule will actually help reduce
2 the regulatory burden on the provider, while still assuring
3 the health, safety and welfare for our residents.

4 MS. BAGBY: Great. Thank you, Larry.

5 We will now begin the public comment time frame.
6 Seeing no current public comment, we will take a recess for
7 ten minutes and re-adjourn at 9:15.

8 (Off the record from 9:05 a.m. until 9:16 a.m.)

9 MS. BAGBY: Reconvening and seeing no public
10 comment, I am going to close the public hearing at 9:16.
11 Thank you for everybody that came. Each comment that we
12 receive via email will be considered. Thank you. This
13 adjourns the meeting.

14 (Public hearing concluded at 9:16 a.m.)

15 -0-0-0-

16

17

18

19

20

21

22

23

24

25

<hr/> <p style="text-align: center;">A</p> <p>a.m 2:2,7 5:8,8,14 accept 3:22 Act 2:11 3:4 action 4:24 Address 3:23 adjourns 5:13 administrative 1:4 2:6,11 3:1,3 4:15 adopted 3:9 Affairs 1:2,13 2:5 aged 1:5 2:7,18 allow 4:19 analyst 2:4 Andrea 4:8 APPEARANCES 1:11 arguments 3:6 associations 4:18 assuring 5:2 auditorium 2:8,25 August 1:9 2:2,8,16 3:23 authority 2:10 available 2:20,23,24 3:17,25 4:21</p> <hr/> <p style="text-align: center;">B</p> <p>Bagby 1:12 2:3,3 5:4,9 Banks 1:15 Behalf 1:12 Box 1:13 brief 4:14 Building 2:8 burden 4:19 5:2 Bureau 1:3,13 2:4 4:3,5,7,14</p> <hr/> <p style="text-align: center;">C</p> <p>called 2:7 card 3:17 4:2 Care 4:8 CER 1:15 Certified 1:16 changes 3:8,13,14 4:15,16 close 5:10 comment 3:16 5:5,6 5:10,11 comments 3:10 4:10 communication 4:17</p>	<p>community 1:3,13 2:4 4:3,5,7,14,17 complaint 2:22 complete 3:16 4:1 concluded 5:14 conducted 2:10 considered 5:12 continued 4:20 Copies 2:24 Corporation 1:16 correct 4:24 current 5:6</p> <hr/> <p style="text-align: center;">D</p> <p>data 3:5 deficient 4:25 Department 1:2,12 2:5,21 3:7,18,22 4:3,22 determine 3:8 directly 3:10,21 Director 4:4,6 Division 4:7 documents 2:20 3:7</p> <hr/> <p style="text-align: center;">E</p> <p>Electronic 1:16 email 5:12 emailed 3:22 establish 2:18 everybody 5:11 explanation 2:24</p> <hr/> <p style="text-align: center;">F</p> <p>Facility 4:6 Firm 1:17 Flint 2:13 found 2:25 3:24 frame 5:5 further 2:24</p> <hr/> <p style="text-align: center;">G</p> <p>G 2:8 going 5:10 Good 2:3 Grand 2:14 Great 5:4</p> <hr/> <p style="text-align: center;">H</p> <p>hall 2:25 3:25 hand 4:2 harmed 2:20 health 1:3,13 2:4</p>	<p>4:4,5,6,7,14 5:3 hearing 1:8 2:6,10 2:12 3:4,8,18,24 5:10,14 Hearings 3:1 Heather 4:5,11 help 3:18 5:1 homes 1:5 2:7,18 Horvath 1:12 4:4,11 4:13,13 Hosey 4:5,11</p> <hr/> <p style="text-align: center;">I</p> <p>identified 4:25 identify 3:19 Impact 2:23 impetus 5:1 incident 4:24 incidents 2:19 4:20 include 3:14 4:4 information 3:23 inspection 4:22 inspections 2:21 interest 3:15 4:18 investigation 4:22 investigations 2:22 invite 4:10,11</p> <hr/> <p style="text-align: center;">J</p> <p>Journal 2:13,15 July 2:13,13,14</p> <hr/> <p style="text-align: center;">K</p> <p>Karen 1:15</p> <hr/> <p style="text-align: center;">L</p> <p>L 1:15 Lansing 1:9,14 2:1 2:9 Larry 1:12 4:4,11 4:13 5:4 licensed 2:18 Licensing 1:2,13 2:5 4:6,8 located 2:9 Long 4:8 LR 1:5</p> <hr/> <p style="text-align: center;">M</p> <p>maintain 4:23 maintained 4:21 Manager 4:8 Marquette 2:14</p>	<p>MCL 3:4 meeting 5:13 Mennen 2:8 Michigan 1:1,9,14 2:1,9,15 3:1 Mining 2:14 minutes 5:7 Moore 4:8 morning 2:3</p> <hr/> <p style="text-align: center;">N</p> <p>name 2:3 3:19 4:13 Network 1:16 new 2:17 newspapers 2:13 notice 2:12,15,17 3:24 Number 1:17</p> <hr/> <p style="text-align: center;">O</p> <p>Office 3:1 opportunity 3:5 order 2:7 organization 3:19 Ottawa 2:9 outside 2:25</p> <hr/> <p style="text-align: center;">P</p> <p>P.A 2:11 p.m 3:23 P.O 1:13 part 3:12 Permit 4:6 please 3:10,12,13,16 3:19 4:1 podium 4:11,12 possible 4:25 postmarked 3:23 practice 4:25 prepare 3:18 present 3:5 presented 3:8 Press 2:14 Procedures 2:11 3:4 proposed 2:17 3:6,9 3:11,13 4:15,16 4:19 provider 4:17,21 5:2 providers 2:19 4:23 public 1:8 2:12 3:4,5 3:15,24 4:10 5:5,6 5:9,10,14</p>	<p>published 2:12,15 Pursuant 3:3</p> <hr/> <p style="text-align: center;">Q</p> <p>questions 3:5,11,12</p> <hr/> <p style="text-align: center;">R</p> <p>Rapids 2:14 re-adjourn 5:7 reasons 3:14 receive 5:12 recess 5:6 Reconvening 5:9 record 2:19 3:18 4:24 5:8 Recorded 1:15 Recorder 1:16 reduce 5:1 reduction 4:19 regarding 2:6 3:6 3:11 Register 2:16 Registration 1:17 regulatory 1:2,13 2:5,23 4:18,19 5:2 relate 3:10 relief 4:18 reporting 1:16 4:20 reports 4:20 request 2:21 4:21 requirements 2:18 requires 4:23 resident 2:20 residents 5:3 respond 2:19 result 4:16 review 5:1 routine 2:21 rule 1:5 2:24 4:23 5:1 rules 1:4 2:6,17 3:2 3:6,9,11,11,13 4:15,19</p> <hr/> <p style="text-align: center;">S</p> <p>safety 5:3 section 3:3 4:9 seeing 5:6,9 SET 1:5 sets 2:24 speaking 3:20 specific 3:14 staff 4:3</p>
---	--	---	---	---

start 4:10	1		
state 1:1 2:18 4:8	1-800-632-2720		
stated 2:17	1:17		
statements 2:23	15 2:16		
3:21,22	18 1:9 2:2,8		
Street 2:9	18th 3:23		
submit 3:12,17	1969 2:11		
submitted 3:21			
suggested 3:13	2		
Support 4:6	2022 1:9 2:2,16		
sure 3:10	2022-21 1:5		
Systems 1:3,13 2:5	24.245 3:4		
4:4,5,7,14	26 2:13		
	27th 2:13		
T	28th 2:14		
take 4:24 5:6			
Tammy 1:12 2:3	3		
ten 5:7	306 2:11		
Term 4:8	30664 1:13		
testify 3:19 4:1	3592 1:15		
testimony 3:7,12			
Thank 5:4,11,12	4		
three 2:12	45 3:3		
Thursday 1:9 2:2	48909 1:14		
time 5:5			
today 3:20	5		
track 2:19	5 3:23		
	525 2:9		
U			
update 4:15	6		
use 3:7			
	7		
V			
views 3:5	8		
	8151 1:17		
W			
want 4:14	9		
website 3:1	9 2:7		
welfare 5:3	9:00 2:2		
West 2:9	9:05 5:8		
white 3:16	9:15 5:7		
Williams 2:8	9:16 5:8,10,14		
wish 3:16			
written 3:21,22			
X			
Y			
Z			
0			
0-0-0- 5:15			