



7413 Westshire Drive
Lansing, Michigan 48917

Phone: (517) 627-1561
Fax: (517) 627-3016
Web: www.hcam.org

MEMORANDUM

TO: House Committee on Judiciary
FROM: Health Care Association of Michigan (HCAM)
DATE: March 5, 2019
SUBJECT: House Bills 4129, 4130, 4131, 4132

For the past several years there has been considerable discussion regarding the release of “medically frail” prisoners. HCAM has been on record throughout these discussions opposing the parole of elderly, sick prisoners into the current long-term care system. For several reasons we have advocated for a separate, dedicated nursing facility to be used.

Nursing facility providers, residents and their families have significant concerns with prisoners being released with the likely outcome of placement in a nursing facility. The populations we currently serve are among the frailest and sickest residents in Michigan. Our workforce is predominantly female as well.

Fundamentally, we do not support moving aging prisoners, many of whom committed heinous crimes, into nursing facilities prior to their earliest release date as determined by the judicial process. It poses far too great a risk for the residents we serve and our workforce. *Attached to our written testimony is a recent article out of Jackson, Mississippi of a terminally ill prisoner walking out of a nursing facility.*

While some positive changes have been made to the legislation, we still feel there are significant problems. **As such, if the legislation were to pass we would advise our membership not accept “medically frail” prisoners.**

Additionally, Michigan nursing facilities are one of the most highly regulated professions in the state, operating under the guidance of more than one thousand state and federal regulations. The vast majority of nursing facilities operating in Michigan are certified by the Centers for Medicare and Medicaid (CMS). Facilities operate under the “Requirements of Participation” to receive Medicare/Medicaid reimbursement for services provided. The requirements include regulations related to resident’s rights, quality of life, quality of care and facility administration.

The CMS released a memorandum to state survey agencies offering guidance to surveyors on federal requirements for providing services to “justice-involved individuals”. As it relates to nursing facilities, CMS stated that providers must operate under current “Requirements of Participation” for ALL residents. In other words, facilities cannot operate or provide services differently for “medically frail” parolees than what they do for their current compliment of residents. Therefore, parolees could not be subject to any conditions of their parole that would violate the “Requirements of Participation”.

We feel provisions of the legislation do not comport with how nursing facilities currently operate under federal certification. Facilities may face increased survey citations, enforcement sanctions and the potential for de-certification from the Medicaid/Medicare program. We are alarmed with the potential of violating federal regulations by placing former offenders into these settings.

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

Terminally ill inmate who 'escaped' nursing home Friday captured

April 13, 2018 4:26 PM in [News](#)
Source: WBRZ
By: [Trey Schmaltz](#)



JACKSON – A terminally ill inmate who had been granted a compassionate release to stay in a nursing home for the rest of his sentence walked out of the medical facility he'd been living at Friday.

Paul Stephan, 67, was serving a 30-year sentence for second-degree robbery since 2010. Stephan left the Villa Feliciana Medical Complex in Jackson where he was assigned to live in the medical wing because he was very sick, officials told WBRZ. Authorities say he was on the run for most of the day until he was finally located on a bus in Vicksburg, Mississippi.

The Louisiana Department of Health, which runs the facility on Hwy. 10 east of Jackson, said law enforcement was looking for the person Friday afternoon but could not provide the inmate's name since the man is considered a patient assigned to the health department.

Follow the publisher of this post on Twitter: [@treyschmaltz](#)