

**SENATE FISCAL AGENCY
MEMORANDUM**



DATE: January 7, 2022
TO: Members of the Michigan Senate
FROM: John Maxwell, Senior Fiscal Analyst
RE: Executive Order 2021-15

Executive Order 2021-15

On December 14, 2021, Governor Whitmer issued Executive Order (EO) 2021-15 to create the Nursing Home Workforce Stabilization Council as an advisory body within the Department of Health and Human Services (DHHS). The Council will act to review, develop, and recommend policies, administrative actions, legislative changes, and other approaches to the Governor and the DHHS Director regarding quality care within nursing homes. The Council is charged with delivering a final report or consensus recommendations to the Governor by December 1, 2023.

The EO amends EO 2021-4 by extending the termination date of the Task Force on Forensic Science from December 31, 2021, to December 31, 2022. The EO also eliminates section 3(d) of EO 2019-9, which requires the Governor's Educator Advisory Council to comply with the Open Meetings Act.

Article V, Section 1 of the Michigan Constitution states that the power of the executive is vested in the Governor. Article V, Section 8 of the Michigan Constitution requires each principal department of State government to be under the supervision of the Governor, and for the Governor to take care that the laws are faithfully executed. The establishment of the Michigan Nursing Home Workforce Stabilization Council is not subject to legislative disapproval, and the order creating it was effective on the date it was filed, December 14, 2021.

Creation of the Nursing Home Workforce Stabilization Council

The Council must consist of 17 members, 13 of whom are appointed by the Governor. The remaining four members include the DHHS Director, the Director of the Department of Labor and Economic Opportunity, the Director of the Department of Licensing and Regulatory Affairs, and the State Long-Term Care Ombudsman, or their respective designees. The appointed membership must include representatives from the nursing home workforce, nursing home employers, and representatives of nursing home residents (which may include family members or other representatives of residents).

Charge of the Task Force

The Council must review, develop, and recommend policies, administrative actions, legislative changes, and other approaches to support nursing home quality care. The following objectives must guide the Council's recommendations:

- Increase staffing levels across the industry, with particular focus on recruitment and retention.
- Support workforce development and stabilization.



- Develop career pathways, including credential attainment, and increase the professionalization of the workforce.
- Address barriers to entry and retention in the field.
- Prioritize jobs that provide living wages and benefits.
- Advance diversity, equity, and inclusion in the workforce.
- Ensure the sustainability of quality care.
- Promote transparency and accountability within the industry.
- Provide other information or advice or take other actions as requested by the Governor.

The Council must provide a final report or consensus recommendations to the Governor by December 1, 2023. The Council will dissolve on December 31, 2023, or such other time as the Governor directs.

Operations of the Task Force

The DHHS must assist the Council in the performance of its duties and must provide personnel to staff the Council. The Director of the DHHS must direct and supervise the budgeting, procurement, or other management functions. The Council must adopt procedures consistent with Michigan law. The Council must meet at the call of its chairperson, the DHHS Director (or the Director's designee). A majority of the Council's membership constitutes a quorum and the Council must act by a majority vote of its members.

The EO requires the Council to comply with the Freedom of Information Act.

The Council may establish advisory workgroups; make inquiries, studies, and investigations; hold hearings; receive comments from the public; and consult with outside experts. The Council also may accept donations of labor, services, or other things of value from any public or private agency or person in accordance to law. Council members must refer all legal, legislative, and media contacts that involve the Council's work to the DHHS.

Types of Transfers

The creation of the Advisory Council does not involve a Type I, II, or III transfer as identified under the Executive Organization Act.

Fiscal Impact

The Department of Health and Human Services will incur the costs for staff or support that is provided to the Council. Members of the Council will serve without compensation; however, they may be reimbursed for necessary travel and expenses consistent with current law, rules, and procedures, and subject to available funding.

The typical annual costs to support an advisory committee can range from \$10,000 to \$200,000 depending on its travel expenses and staff demands. To the extent that existing appropriations and staff resources can absorb the necessary costs associated with the Council, there would not be need for an additional appropriation.

Summary

Executive Order 2021-15 creates the Nursing Home Workforce Stabilization Council within the DHHS. The Council will act in an advisory capacity to the Governor and the DHHS Director to

review, develop, and recommend policies, administrative actions, legislative changes, and other approaches to support nursing home quality care. The Council will deliver a final report or consensus recommendation to the Governor. The EO amends EO 2021-4 by extending the termination date of the Task Force on Forensic Science from December 31, 2021, to December 31, 2022, and also amends EO 2019-9 by eliminating section 3(d) of that order (which requires the Governor's Educator Advisory Council to comply with the Open Meetings Act).

The EO that created the Council was effective on the date it was filed, December 14, 2021. The Council will dissolve on December 1, 2023, or such other date as the Governor directs.

If you have any questions on EO 2021-15, please do not hesitate to contact us.

c: Kathryn Summers, Director
Josh Sefton, Associate Director