

# HOUSE BILL No. 5375

February 27, 2014, Introduced by Rep. Haines and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20109 and 21715 (MCL 333.20109 and 333.21715), section 20109 as amended by 1996 PA 224.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 20109. (1) "Nursing home" means a nursing care facility,  
2 including a county medical care facility, that provides organized  
3 nursing care and medical treatment to 7 or more unrelated  
4 individuals suffering or recovering from illness, injury, or  
5 infirmity. **AS USED IN THIS SUBSECTION, "MEDICAL TREATMENT" INCLUDES**  
6 **TREATMENT BY AN EMPLOYEE OR INDEPENDENT CONTRACTOR OF THE NURSING**  
7 **HOME WHO IS AN INDIVIDUAL LICENSED OR OTHERWISE AUTHORIZED TO**

1 **ENGAGE IN A HEALTH PROFESSION UNDER ARTICLE 15.** Nursing home does  
2 not include a ~~ANY OF THE FOLLOWING:~~

3 (A) A unit in a state correctional facility. ~~Nursing home does~~  
4 ~~not include 1 or more of the following:~~

5 (B) ~~(a)~~ A hospital.

6 (C) ~~(b)~~ A veterans facility created under ~~Act No. 152 of the~~  
7 ~~Public Acts of 1885, being sections 1885 PA 152, MCL 36.1 to 36.12.~~  
8 ~~of the Michigan Compiled Laws.~~

9 (D) ~~(c)~~ A hospice residence that is licensed under this  
10 article.

11 (E) ~~(d)~~ A hospice that is certified under 42 ~~C.F.R.~~ **CFR**  
12 418.100.

13 (2) "Person" means ~~a person~~ **THAT TERM** as defined in section  
14 1106 or a governmental entity.

15 (3) "Public member" means a member of the general public who  
16 is not a provider; who does not have an ownership interest in or  
17 contractual relationship with a nursing home other than a patient  
18 contract; who does not have a contractual relationship with a  
19 person who does substantial business with a nursing home; and who  
20 is not the spouse, parent, sibling, or child of an individual who  
21 has an ownership interest in or contractual relationship with a  
22 nursing home, other than a patient contract.

23 (4) "Skilled nursing facility" means a hospital long-term care  
24 unit, nursing home, county medical care facility, or other nursing  
25 care facility, or a distinct part thereof, certified by the  
26 department to provide skilled nursing care.

27 Sec. 21715. (1) A nursing home shall provide +

1 ~~———— (a) A program of planned and continuing nursing care under the~~  
 2 ~~charge of a registered nurse in a skilled facility and a licensed~~  
 3 ~~practical nurse with a registered nurse consultant in an~~  
 4 ~~intermediate care facility. This subdivision shall expire December~~  
 5 ~~31, 1979.~~

6 ~~———— (b) A~~ **A program of planned and continuing medical-NURSING care**  
 7 **AND MEDICAL TREATMENT** under the charge of physicians. **A NURSING**  
 8 **HOME, REGARDLESS OF ITS STATUS AS A LEGAL ENTITY, MAY EMPLOY OR**  
 9 **CONTRACT WITH AN INDIVIDUAL LICENSED OR OTHERWISE AUTHORIZED TO**  
 10 **ENGAGE IN A HEALTH PROFESSION UNDER ARTICLE 15 TO PROVIDE THE**  
 11 **PROGRAM OF PLANNED AND CONTINUING NURSING CARE AND MEDICAL**  
 12 **TREATMENT UNDER THIS SUBSECTION, WHICH CARE AND TREATMENT INCLUDE**  
 13 **DIRECT CLINICAL SERVICES TO PATIENTS.**

14 (2) ~~Nursing~~ **A NURSING HOME SHALL PROVIDE NURSING care and**  
 15 ~~medical care shall consist~~ **TREATMENT THAT CONSIST** of services given  
 16 to ~~individuals~~ **PATIENTS** who are subject to prolonged suffering from  
 17 illness or injury or who are recovering from illness or injury. ~~The~~  
 18 ~~services shall be~~ **A NURSING HOME SHALL PROVIDE THE CARE AND**  
 19 **TREATMENT** within the ability of the **NURSING** home to provide and  
 20 shall include the functions of medical ~~care such as~~ **TREATMENT**  
 21 **INCLUDING THE** diagnosis and treatment of an illness; nursing care  
 22 via assessment, planning, and implementation; evaluation of a  
 23 patient's health care needs; and the carrying out of required  
 24 treatment prescribed by a physician.