

HOUSE BILL No. 5616

April 28, 2016, Introduced by Reps. Darany, Pagan, Lane, Sarah Roberts, Yanez, Hovey-Wright and LaVoy and referred to the Committee on Regulatory Reform.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 20102 and 20106 (MCL 333.20102 and 333.20106),
section 20102 as amended by 2010 PA 381 and section 20106 as
amended by 2015 PA 104, and by adding part 212.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 20102. (1) "Advisory commission" means the health
2 facilities and agencies advisory commission created in section
3 20121.

4 (2) "Aircraft transport operation" means that term as defined
5 in section 20902.

6 (3) "Ambulance operation" means that term as defined in
7 section 20902.

1 (4) "ASSISTED LIVING FACILITY" MEANS A HOUSING FACILITY FOR
2 OLDER ADULTS OR PEOPLE WITH DISABILITIES THAT MAY PROVIDE
3 SUPERVISION OR ASSISTANCE WITH ACTIVITIES OF DAILY LIVING,
4 COORDINATION OF SERVICES BY OUTSIDE HEALTH CARE PROVIDERS, AND
5 MONITORING OF RESIDENT ACTIVITIES TO HELP TO ENSURE THEIR HEALTH,
6 SAFETY, AND WELL-BEING.

7 (5) ~~(4)~~—"Attending physician" means the physician selected by,
8 or assigned to, the patient and who has primary responsibility for
9 the treatment and care of the patient.

10 (6) ~~(5)~~—"Authorized representative" means the individual
11 designated in writing by the board of directors of the corporation
12 or by the owner or person with legal authority to act on behalf of
13 the company or organization on licensing matters. The authorized
14 representative who is not an owner or licensee shall not sign the
15 original license application or amendments to the application.

16 Sec. 20106. (1) "Health facility or agency", except as
17 provided in section 20115, means:

18 (a) An ambulance operation, aircraft transport operation,
19 nontransport prehospital life support operation, or medical first
20 response service.

21 (b) A county medical care facility.

22 (c) A freestanding surgical outpatient facility.

23 (d) A health maintenance organization.

24 (e) A home for the aged.

25 (f) A hospital.

26 (g) A nursing home.

27 **(H) AN ASSISTED LIVING FACILITY.**

1 (I) ~~(h)~~—A hospice.

2 (J) ~~(i)~~—A hospice residence.

3 (K) ~~(j)~~—A facility or agency listed in subdivisions (a) to (g)
4 located in a university, college, or other educational institution.

5 (2) "Health maintenance organization" means that term as
6 defined in section 3501 of the insurance code of 1956, 1956 PA 218,
7 MCL 500.3501.

8 (3) "Home for the aged" means a supervised personal care
9 facility, other than a hotel, adult foster care facility, hospital,
10 nursing home, or county medical care facility that provides room,
11 board, and supervised personal care to 21 or more unrelated,
12 nontransient, individuals 60 years of age or older. Home for the
13 aged includes a supervised personal care facility for 20 or fewer
14 individuals 60 years of age or older if the facility is operated in
15 conjunction with and as a distinct part of a licensed nursing home.
16 Home for the aged does not include an area excluded from this
17 definition by section 17(3) of the continuing care community
18 disclosure act, 2014 PA 448, MCL 554.917.

19 (4) "Hospice" means a health care program that provides a
20 coordinated set of services rendered at home or in outpatient or
21 institutional settings for individuals suffering from a disease or
22 condition with a terminal prognosis.

23 (5) "Hospital" means a facility offering inpatient, overnight
24 care, and services for observation, diagnosis, and active treatment
25 of an individual with a medical, surgical, obstetric, chronic, or
26 rehabilitative condition requiring the daily direction or
27 supervision of a physician. Hospital does not include a mental

1 health hospital licensed or operated by the department of ~~community~~
2 health **AND HUMAN SERVICES** or a hospital operated by the department
3 of corrections.

4 (6) "Hospital long-term care unit" means a nursing care
5 facility, owned and operated by and as part of a hospital,
6 providing organized nursing care and medical treatment to 7 or more
7 unrelated individuals suffering or recovering from illness, injury,
8 or infirmity.

9 **PART 212. ASSISTED LIVING FACILITIES**

10 **SEC. 21201. ARTICLE 1 CONTAINS GENERAL DEFINITIONS AND**
11 **PRINCIPLES OF CONSTRUCTION APPLICABLE TO ALL ARTICLES IN THIS CODE**
12 **AND PART 201 CONTAINS DEFINITIONS APPLICABLE TO THIS PART.**

13 **SEC. 21203. (1) AN ASSISTED LIVING FACILITY SHALL BE LICENSED**
14 **UNDER THIS ARTICLE.**

15 **(2) "ASSISTED LIVING FACILITY" OR SIMILAR TERM OR ABBREVIATION**
16 **SHALL NOT BE USED TO DESCRIBE OR REFER TO A HEALTH FACILITY OR**
17 **AGENCY UNLESS IT IS LICENSED BY THE DEPARTMENT OF LICENSING AND**
18 **REGULATORY AFFAIRS UNDER THIS ARTICLE.**

19 Enacting section 1. This amendatory act takes effect 90 days
20 after the date it is enacted into law.