

SUBSTITUTE FOR
HOUSE BILL NO. 5375

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**
8 **ENGAGE IN A HEALTH PROFESSION UNDER PART 170 OR 175.** Nursing home
9 does not include ~~a~~**ANY OF THE FOLLOWING:**

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

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

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

7 (D) ~~(c)~~ A hospice residence that is licensed under this
 8 article.

9 (E) ~~(d)~~ A hospice that is certified under 42 ~~C.F.R.~~ **CFR**
 10 418.100.

11 (2) "Person" means ~~a person~~ **THAT TERM** as defined in section
 12 1106 or a governmental entity.

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

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

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

26 ~~— (a) A program of planned and continuing nursing care under the~~
 27 ~~charge of a registered nurse in a skilled facility and a licensed~~

~~practical nurse with a registered nurse consultant in an intermediate care facility. This subdivision shall expire December 31, 1979.~~

~~——(b) A~~ **A** program of planned and continuing medical **NURSING** care **AND MEDICAL TREATMENT** under the charge of physicians. **A NURSING HOME, REGARDLESS OF ITS STATUS AS A LEGAL ENTITY, MAY EMPLOY OR CONTRACT WITH AN INDIVIDUAL LICENSED OR OTHERWISE AUTHORIZED TO ENGAGE IN A HEALTH PROFESSION UNDER PART 170 OR 175 TO PROVIDE THE PROGRAM OF PLANNED AND CONTINUING NURSING CARE AND MEDICAL TREATMENT UNDER THIS SUBSECTION, WHICH CARE AND TREATMENT INCLUDE DIRECT CLINICAL SERVICES TO PATIENTS.**

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