

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5375**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 20109, 21703, and 21715 (MCL 333.20109,
333.21703, 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 **RESIDENT** contract; who does not have a contractual relationship
 17 with a person who does substantial business with a nursing home;
 18 and who is not the spouse, parent, sibling, or child of an
 19 individual who has an ownership interest in or contractual
 20 relationship with a nursing home, other than a ~~patient~~ **RESIDENT**
 21 contract.

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

26 Sec. 21703. (1) "Patient" means ~~a person who receives care or~~
 27 ~~services at a nursing home.~~ **RESIDENT.**

1 (2) "Patient's representative" OR **"RESIDENT'S REPRESENTATIVE"**
2 means a person, other than the licensee or an employee or person
3 having a direct or indirect ownership interest in the nursing home,
4 designated in writing by a ~~patient-RESIDENT~~ or a ~~patient's~~
5 **RESIDENT'S** guardian for a specific, limited purpose or for general
6 purposes, or, if a written designation of a representative is not
7 made, the guardian of the ~~patient-RESIDENT~~.

8 (3) "Relocation" means the movement of a ~~patient-RESIDENT~~ from
9 1 bed to another or from 1 room to another within the same nursing
10 home or within a certified distinct part of a nursing home.

11 (4) **"RESIDENT" MEANS AN INDIVIDUAL WHO RECEIVES CARE OR**
12 **SERVICES AT A NURSING HOME.**

13 (5) ~~(4)~~-"Transfer" means the movement of a ~~patient-RESIDENT~~
14 from 1 nursing home to another nursing home or from 1 certified
15 distinct part of a nursing home to another certified distinct part
16 of the same nursing home.

17 (6) ~~(5)~~-"Welfare" means, with reference to a ~~patient,~~
18 **RESIDENT**, the physical, emotional, or social well-being of a
19 ~~patient-RESIDENT~~ in a nursing home, including a ~~patient-RESIDENT~~
20 awaiting transfer or discharge, as documented in the ~~patient's~~
21 **RESIDENT'S** clinical record by a licensed or certified health care
22 professional.

23 Sec. 21715. (1) A nursing home shall provide:

24 (a) A program of planned and continuing nursing care under the
25 charge of a registered nurse. ~~in a skilled facility and a licensed~~
26 ~~practical nurse with a registered nurse consultant in an~~
27 ~~intermediate care facility. This subdivision shall expire December~~

1 ~~31, 1979.~~

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

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