

**SUBSTITUTE FOR
SENATE BILL NO. 213**

A bill to amend 1981 PA 180, entitled
"Older Michiganians act,"
by amending section 6i (MCL 400.586i), as added by 1987 PA 35.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6i. **(1)** The state long-term care ombudsman, the local or
2 regional long-term care ombudsmen, and their trained volunteers
3 ~~shall **must**~~ be granted access to any long-term care facility for the
4 purpose of carrying out section 6h. ~~of this act. For the state~~
5 ~~long-term care ombudsman and the local or regional long-term care~~
6 ~~ombudsmen, access shall be allowed each day from 8 a.m. to 8 p.m.~~
7 ~~For ombudsman trained volunteers, access shall be allowed to~~
8 ~~nursing homes during regular visiting hours each day as required by~~
9 ~~section 20201(3)(b) of the public health code, Act No. 368 of the~~



1 ~~Public Acts of 1978, being section 333.20201 of the Michigan~~
2 ~~Compiled Laws. For ombudsman trained volunteers, access shall be~~
3 ~~allowed to homes for the aged, hospital long-term care units, and~~
4 ~~adult foster care homes each day from 11 a.m. to 7 p.m.~~

5 (2) If a restriction is placed on the ability to visit a
6 resident of a long-term care facility, and that restriction lasts
7 longer than 7 days, that visitation restriction does not apply to a
8 representative of the long-term care ombudsman program. A
9 representative of the long-term care ombudsman program must be
10 allowed access to the long-term care facility to carry out the
11 duties required under this act.

12 (3) If a restriction on visitation prohibits a representative
13 of the long-term care ombudsman program from entering a long-term
14 care facility to carry out his or her duties, the long-term care
15 facility must make a good-faith effort to facilitate a virtual
16 visit, if necessary.

17 (4) If necessary to protect the health of residents or staff
18 at a long-term care facility, an individual entering a long-term
19 care facility to carry out his or her duties under this act must
20 take proper precautions, including, but not limited to, obtaining
21 appropriate screening and use of personal protective equipment.

22 (5) As used in this section, "access" means the right to do
23 all of the following:

24 (a) ~~Enter any facility and identify himself or herself.~~ a long-
25 term care facility, and identify himself or herself, at any time
26 during that long-term care facility's regular business hours or
27 regular visiting hours, and at any other time when access may be
28 required by the circumstances to be investigated.

29 (b) Seek consent from a resident to communicate privately and



1 without restriction with that resident.

2 (c) Communicate privately and without restrictions with ~~any~~**a**
3 resident who consents to communication.

4 (d) Observe all resident areas of the facility except the
5 living area of ~~any~~**a** resident who protests the observation.

6 **(e) Obtain the name and contact information of the resident's**
7 **representative, if any, when needed to perform the functions and**
8 **duties set forth in section 6h.**

9 (f) Review and, upon request, receive copies of all licensing
10 and certification records maintained by the state with respect to
11 long-term care facilities.

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

