

HOUSE BILL No. 4207

January 30, 1997, Introduced by Reps. Schroer, Anthony, LaForge and Brater and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 21707 and 21715 (MCL 333.21707 and
333.21715) and by adding sections 21714 and 21720c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 21707. (1) ~~The~~ SUBJECT TO SECTION 21714, THE course
2 of medical treatment provided to a patient in a nursing home
3 shall be prescribed by the patient's physician.
- 4 (2) This part does not:
- 5 (a) Authorize the supervision, regulation, or control of the
6 practice of any method of healing.
- 7 (b) Authorize the medical supervision, regulation, or con-
8 trol of the remedial care or nonmedical nursing care of patients
9 in a nursing home operated for the adherents of a bona fide
10 church or religious denomination who rely upon treatment by

1 prayer or spiritual means only in accordance with the creed or
2 tenets of that church or denomination. The residents, patients,
3 personnel, or employees, other than food handlers, of the NURSING
4 home are not required to submit to a medical or physical
5 examination. However, the nursing home shall be inspected and
6 licensed under laws pertaining to fire, safety, sanitation, and
7 building construction.

8 SEC. 21714. (1) IF A PATIENT IN A LICENSED HOSPITAL IS
9 UNDER THE CARE OF A PHYSICIAN AT THE TIME THE PATIENT APPLIES FOR
10 ADMISSION TO A NURSING HOME OR HOSPITAL LONG-TERM CARE UNIT, AND
11 IF THE PHYSICIAN WILL CONTINUE TO DIRECT THE CARE OF THE PATIENT
12 AT THE NURSING HOME OR HOSPITAL LONG-TERM CARE UNIT, THE NURSING
13 HOME OR HOSPITAL LONG-TERM CARE UNIT SHALL REQUIRE THE PATIENT TO
14 BE EXAMINED BY THE PHYSICIAN WITHIN 1 MONTH BEFORE THE PATIENT IS
15 ADMITTED TO THE NURSING HOME OR HOSPITAL LONG-TERM CARE UNIT.
16 THE NURSING HOME OR HOSPITAL LONG-TERM CARE UNIT SHALL ALSO
17 REQUIRE THE PATIENT TO SUBMIT A COPY OF THE EXAMINATION AT THE
18 TIME OF THE PATIENT'S ADMISSION. IF THE PATIENT HAS AN ACUTE
19 ILLNESS SUBSEQUENT TO THE INITIAL EXAMINATION REQUIRED UNDER THIS
20 SUBSECTION, BUT BEFORE ADMISSION TO THE NURSING HOME OR HOSPITAL
21 LONG-TERM CARE UNIT, THE NURSING HOME OR HOSPITAL LONG-TERM CARE
22 UNIT SHALL REQUIRE THE PATIENT TO BE REEXAMINED BY THE PHYSICIAN
23 WITHIN 1 WEEK BEFORE ADMISSION TO THE NURSING HOME OR HOSPITAL
24 LONG-TERM CARE UNIT. A PHYSICIAN'S ASSISTANT OR CERTIFIED NURSE
25 PRACTITIONER MAY PERFORM THE INITIAL EXAMINATION REQUIRED UNDER
26 THIS SUBSECTION UNDER THE SUPERVISION OF THE PHYSICIAN.

1 (2) IF A PATIENT IS NOT UNDER THE CARE OF A PHYSICIAN WHO
2 WILL CONTINUE TO DIRECT THE CARE OF THE PATIENT AT THE TIME THE
3 PATIENT APPLIES FOR ADMISSION TO A NURSING HOME OR HOSPITAL
4 LONG-TERM CARE UNIT, THE NURSING HOME OR HOSPITAL LONG-TERM CARE
5 UNIT SHALL REQUIRE THE PATIENT TO BE EXAMINED BY A PHYSICIAN
6 WITHIN 7 DAYS BEFORE OR 14 DAYS AFTER ADMISSION TO THE NURSING
7 HOME OR HOSPITAL LONG-TERM CARE UNIT.

8 (3) A NURSING HOME OR HOSPITAL LONG-TERM CARE UNIT SHALL NOT
9 ADMIT A PATIENT UNLESS THERE ARE ORDERS PRESCRIBED BY A PHYSICIAN
10 FOR THE PATIENT'S IMMEDIATE CARE IN THE NURSING HOME OR HOSPITAL
11 LONG-TERM CARE UNIT.

12 (4) THE DIRECTOR OF NURSING IMMEDIATELY SHALL ENTER STANDING
13 AND OTHER TREATMENT ORDERS PRESCRIBED BY A PHYSICIAN FOR THE CARE
14 OF A PATIENT IN A NURSING HOME IN THE PATIENT'S PERMANENT MEDICAL
15 RECORD AND SHALL SIGN THE ENTRY, UNLESS THE ORDERS HAVE ALREADY
16 BEEN ENTERED AND SIGNED BY THE PRESCRIBING PHYSICIAN OR PURSUANT
17 TO SUBSECTION (5). IF THE DIRECTOR OF NURSING MAKES AND SIGNS AN
18 ENTRY UNDER THIS SUBSECTION, THE PHYSICIAN WHO PRESCRIBED THE
19 STANDING OR OTHER TREATMENT ORDERS SHALL COUNTERSIGN THE ORDERS
20 WITHIN 1 MONTH AFTER THE DATE THE STANDING OR OTHER TREATMENT
21 ORDERS ARE ENTERED INTO THE PATIENT'S PERMANENT MEDICAL RECORD BY
22 THE DIRECTOR OF NURSING.

23 (5) IF STANDING OR OTHER TREATMENT ORDERS FOR THE CARE OF A
24 PATIENT IN A NURSING HOME ARE ENTERED INTO THE PATIENT'S MEDICAL
25 RECORD BY A PHYSICIAN'S ASSISTANT OR A CERTIFIED NURSE PRACTI-
26 TIONER, THE SUPERVISING PHYSICIAN SHALL COUNTERSIGN THE ORDERS
27 WITHIN 1 MONTH AFTER THE ENTRY.

1 Sec. 21715. (1) ~~A~~ SUBJECT TO SECTION 21720C, A nursing
 2 home shall provide ~~:(a) A program of planned and continuing~~
 3 ~~nursing care under the charge of a registered nurse in a skilled~~
 4 ~~facility and a licensed practical nurse with a registered nurse~~
 5 ~~consultant in an intermediate care facility. This subdivision~~
 6 ~~shall expire December 31, 1979. (b) A~~ A program of planned and
 7 continuing medical care under the charge of 1 OR MORE
 8 physicians.

9 (2) Nursing care and medical care shall consist of services
 10 given to individuals who are subject to prolonged suffering from
 11 illness or injury or who are recovering from illness or injury.
 12 The services shall be within the ability of the NURSING home to
 13 provide and shall include the functions of medical care ~~such as~~
 14 INCLUDING, BUT NOT LIMITED TO, diagnosis and treatment of an ill-
 15 ness; nursing care via assessment, planning, and implementation;
 16 evaluation of a patient's health care needs; and the carrying out
 17 of required treatment prescribed by a physician.

18 SEC. 21720C. (1) THE DEPARTMENT SHALL NOT LICENSE A NURSING
 19 HOME OR RENEW A NURSING HOME LICENSE UNDER THIS PART UNLESS THE
 20 NURSING HOME HAS DESIGNATED A PHYSICIAN TO SERVE AS MEDICAL
 21 DIRECTOR OF THE NURSING HOME.

22 (2) A MEDICAL DIRECTOR DESIGNATED UNDER SUBSECTION (1) IS
 23 RESPONSIBLE FOR ALL OF THE FOLLOWING:

24 (A) IMPLEMENTATION OF RESIDENT CARE POLICIES.

25 (B) COORDINATION OF MEDICAL CARE IN THE NURSING HOME.

26 (C) THE OVERALL QUALITY OF MEDICAL SERVICES IN THE NURSING
 27 HOME.