

SENATE BILL No. 128

February 4, 2003, Introduced by Senators GEORGE, PATTERSON, GOSCHKA,
BIRKHOLZ, TOY and CHERRY and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 21720a (MCL 333.21720a).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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1 Sec. 21720a. (1) ~~A~~ **The department shall not license a**
2 nursing home ~~shall not be licensed~~ under this part unless that
3 nursing home has on its staff at least 1 registered **professional**
4 nurse with specialized training or relevant experience in the
5 area of gerontology. ~~—, who shall—~~ **The nursing home shall have a**
6 **registered professional nurse** serve as the director of nursing.
7 ~~—and who shall be—~~ **The director of nursing is** responsible for
8 planning and directing nursing care. The nursing home shall have
9 at least 1 **registered professional nurse or** licensed **practical**
10 nurse on duty at all times and shall employ additional registered
11 **professional nurses** and licensed practical nurses in accordance

1 with subsection (2). ~~This subsection shall not take effect~~
2 ~~until January 1, 1980.~~

3 (2) ~~A~~ **As required by subsection (1),** a nursing home shall
4 employ nursing personnel sufficient to provide continuous 24-hour
5 nursing care and services sufficient to meet the needs of each
6 patient in the nursing home. Nursing personnel employed in the
7 nursing home ~~shall be~~ **are** under the supervision of the director
8 of nursing. A licensee shall maintain a nursing home staff
9 sufficient to provide not less than 2.25 hours of nursing care by
10 employed nursing ~~care~~ personnel per patient per day. The ratio
11 of patients to nursing ~~care~~ personnel ~~during~~ **shall not exceed**
12 **the following:**

13 (a) **During** a morning shift, ~~shall not exceed~~ 8 patients to
14 1 nursing ~~care~~ personnel. ~~;~~ ~~the ratio of patients to nursing~~
15 ~~care personnel during~~

16 (b) **During** an afternoon shift, ~~shall not exceed~~ 12 patients
17 to 1 nursing ~~care~~ personnel. ~~;~~ ~~and the ratio of patients to~~
18 ~~nursing care personnel during~~

19 (c) **During** a nighttime shift, ~~shall not exceed~~ 15 patients
20 to 1 nursing ~~care~~ personnel. ~~and there shall be~~

21 (3) **A nursing home shall keep** sufficient nursing ~~care~~
22 personnel available on duty to assure coverage for patients at
23 all times during the shift. An employee designated as a member
24 of the nursing staff shall not be engaged in providing basic
25 services such as food preparation, housekeeping, laundry, or
26 maintenance services, except in an instance of natural disaster
27 or other emergency reported to and concurred in by the

1 department. In a nursing home having 30 or more beds, the
2 director of nursing shall not be included in counting the minimum
3 ratios of nursing personnel required by ~~this~~ subsection (2).

4 **In no case shall an employee who is not designated as a member of**
5 **the nursing staff be included in counting the minimum ratios of**
6 **nursing personnel to patients required by subsection (2).**

7 (4) ~~(3)~~ In administering this section, the department shall
8 take into consideration a natural disaster or other emergency.