

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5400

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 2701, 2705, 5119, 16327, 17201, 17210, 17211,
17212, 17221, 17607, 17708, 17745, 17820, 17822, and 20201 (MCL
333.2701, 333.2705, 333.5119, 333.16327, 333.17201, 333.17210,
333.17211, 333.17212, 333.17221, 333.17607, 333.17708, 333.17745,
333.17820, 333.17822, and 333.20201), sections 2701 and 2705 as
amended by 2014 PA 172, section 5119 as amended by 2016 PA 66,
section 16327 as amended by 2009 PA 216, sections 17211 and 17221
as amended by 2006 PA 409, section 17212 as added by 1996 PA 355,
section 17607 as added by 2008 PA 524, section 17708 as amended by
2016 PA 49, section 17745 as amended by 2014 PA 525, section 17820
as amended by 2014 PA 260, section 17822 as amended by 2005 PA 281,

and section 20201 as amended by 2011 PA 210, and by adding sections 17211a and 17214.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2701. As used in this part:

2 (a) "Board certified" means certified to practice in a
3 particular medical ~~speciality~~**SPECIALTY** by a national board
4 recognized by the American ~~board~~**BOARD** of ~~medical specialties~~
5 **MEDICAL SPECIALTIES** or the American ~~osteopathic~~
6 ~~association~~**OSTEOPATHIC ASSOCIATION**.

7 (b) "Certified nurse midwife" means an individual **WHO IS**
8 licensed as a registered professional nurse under part 172 who has
9 been ~~issued~~**GRANTED** a specialty certification in the practice of
10 nurse midwifery by the **MICHIGAN** board of nursing under section
11 17210.

12 (c) "Certified nurse practitioner" means an individual **WHO IS**
13 licensed as a registered professional nurse under part 172 who has
14 been ~~issued~~**GRANTED** a specialty certification as a nurse
15 practitioner by the **MICHIGAN** board of nursing under section 17210.

16 (D) **"CLINICAL NURSE SPECIALIST-CERTIFIED" MEANS AN INDIVIDUAL**
17 **WHO IS LICENSED AS A REGISTERED PROFESSIONAL NURSE UNDER PART 172**
18 **WHO HAS BEEN GRANTED A SPECIALTY CERTIFICATION AS A CLINICAL NURSE**
19 **SPECIALIST BY THE MICHIGAN BOARD OF NURSING UNDER SECTION 17210.**

20 (E) ~~(d)~~"Dental school" means an accredited program for the
21 training of individuals to become dentists.

22 (F) ~~(e)~~"Dentist" means an individual **WHO IS** licensed to
23 engage in the practice of dentistry under part 166.

24 (G) ~~(f)~~"Designated nurse" means a certified nurse midwife, ~~or~~

1 certified nurse practitioner, **OR CLINICAL NURSE SPECIALIST-**
 2 **CERTIFIED.**

3 (H) ~~(g)~~—"Designated physician" means a physician qualified in
 4 1 of the physician specialty areas identified in section 2711.

5 (I) ~~(h)~~—"Designated professional" means a designated
 6 physician, designated nurse, dentist, or physician's assistant.

7 (J) ~~(i)~~—"Health resource shortage area" means a geographic
 8 area, population group, or health facility designated by the
 9 department under section 2717.

10 (K) ~~(j)~~—"Medicaid" means benefits under the program of medical
 11 assistance established under title XIX of the social security act,
 12 42 USC 1396 to 1396w-5, and administered by the department of ~~human~~
 13 ~~services~~ under the social welfare act, 1939 PA 280, MCL 400.1 to
 14 400.119b.

15 (L) ~~(k)~~—"Medical school" means an accredited program for the
 16 training of individuals to become physicians.

17 (M) ~~(l)~~—"Medicare" means benefits under the federal ~~medicare~~
 18 **MEDICARE** program established under title XVIII of the social
 19 security act, 42 USC 1395 to ~~1395kkk-1-1395lll~~.

20 (N) ~~(m)~~—"National ~~health service corps~~" **HEALTH SERVICE CORPS**
 21 means the agency established under 42 USC 254d.

22 (O) ~~(n)~~—"Nurse" means an individual **WHO IS** licensed to engage
 23 in the practice of nursing under part 172.

24 (P) ~~(o)~~—"Nursing program" means an accredited program for the
 25 training of individuals to become nurses.

26 (Q) ~~(p)~~—"Physician" means an individual **WHO IS** licensed as a
 27 physician under part 170 or ~~an osteopathic physician under part~~

1 175.

2 (R) ~~(q)~~ "Physician's assistant" means an individual **WHO IS**
3 licensed as a physician's assistant under part 170 or part 175.

4 (S) ~~(r)~~ "Physician's assistant program" means an accredited
5 program for the training of individuals to become physician's
6 assistants.

7 (T) ~~(s)~~ "Service obligation" means the contractual obligation
8 undertaken by an individual under section 2705 or section 2707 to
9 provide health care services for a determinable time period at a
10 site designated by the department.

11 Sec. 2705. (1) The department shall administer an essential
12 health provider repayment program for designated professionals who
13 have incurred a debt or expenses as a result of a loan taken to
14 attend a medical school, dental school, nursing program for the
15 training of certified nurse midwives, ~~or~~ certified nurse
16 practitioners, **OR CLINICAL NURSE SPECIALISTS-CERTIFIED**, or
17 physician's assistant program or as a result of providing services
18 in a health resource shortage area. The department may each year
19 repay all or part of a designated professional's debt or expenses,
20 but the amount repaid in any 1 year shall not exceed the amount
21 described in subsection (3). The department shall repay a debt or
22 expenses only for a designated professional who has entered into a
23 written contract with the department that requires the designated
24 professional to engage in the full-time practice of health care
25 services in a health resource shortage area to which he or she is
26 assigned by the department for a period equal in years to the
27 number of years for which the department has agreed in the contract

1 to make a debt or expense repayment, or for a period of 2 years,
2 whichever is greater.

3 (2) A debt or expense repayment on behalf of a designated
4 professional under subsection (1) for fulfilling a service
5 obligation for a particular year ~~shall~~**MUST** be paid in a lump sum
6 at the completion of the service obligation for that year. A
7 designated professional who does not fulfill a service obligation
8 for a particular year forfeits his or her right to the debt or
9 expense repayment or any part of it for that year and the
10 department may treat an agreement for further debt or expense
11 repayment in a subsequent year as void. In its sole discretion, the
12 department may make a debt or expense repayment ~~prior to~~**BEFORE** or
13 during each year of service if there are extenuating circumstances.
14 In its sole discretion, the department may pay a pro rata amount of
15 an agreed debt or expense repayment to a designated professional or
16 his or her estate if 1 of the following occurs ~~prior to~~**BEFORE** the
17 completion of the designated professional's service obligation:

18 (a) The designated professional dies.

19 (b) The designated professional is unable, by reason of
20 permanent disability, to render the service.

21 (c) Other circumstances prevail that are considered by the
22 department to constitute a compelling reason to consider the
23 service obligation fulfilled.

24 (3) In any year of a debt or expense repayment program, the
25 maximum amount of a debt or expense repayment is \$40,000.00 per
26 year. The maximum amount of debt or expense repayment the
27 department may pay on behalf of a designated professional is

1 \$200,000.00, paid over a period of 4 years or more. The **WRITTEN**
2 **CONTRACT DESCRIBED IN SUBSECTION (1) MUST INCLUDE THE** amount the
3 department shall pay on behalf of a designated professional and the
4 amount payable for each year of service. ~~shall be included in the~~
5 ~~written contract under subsection (1).~~

6 (4) The department may accept funds from any source for the
7 operation of the essential health provider repayment program, and
8 **THE DEPARTMENT** shall distribute those funds in a manner consistent
9 with this section.

10 (5) The department shall give the essential health provider
11 repayment program created by this section priority over the other
12 programs created under this part.

13 Sec. 5119. (1) An individual **WHO IS** applying for a marriage
14 license shall be advised through the distribution of written
15 educational materials by the county clerk regarding prenatal care
16 and the transmission and prevention of sexually transmitted
17 infection and HIV infection. The written educational materials
18 ~~shall~~**MUST** describe the availability to the applicant of tests for
19 both sexually transmitted infection and HIV infection. The
20 information ~~shall~~**MUST** include a list of locations where HIV
21 counseling and testing services funded by the department are
22 available. The **DEPARTMENT SHALL APPROVE OR PREPARE THE** written
23 educational materials. ~~shall be approved or prepared by the~~
24 ~~department.~~

25 (2) A county clerk shall not issue a marriage license to an
26 applicant who fails to sign and file with the county clerk an
27 application for a marriage license that includes a statement with a

1 check-off box indicating that the applicant has received the
2 educational materials regarding the transmission and prevention of
3 both sexually transmitted infection and HIV infection and has been
4 advised of testing for both sexually transmitted infection and HIV
5 infection, ~~pursuant to~~ **UNDER** subsection (1).

6 (3) If either applicant for a marriage license undergoes a
7 test for HIV or an antibody to HIV, and if the test results
8 indicate that an applicant is HIV infected, the physician or ~~a~~ **HIS**
9 **OR HER** designee, ~~of the physician,~~ the physician's assistant, the
10 certified nurse midwife, the certified nurse practitioner, **THE**
11 **CLINICAL NURSE SPECIALIST-CERTIFIED**, or the local health officer or
12 ~~a~~ **HIS OR HER** designee ~~of the local health officer~~ administering the
13 test immediately shall inform both applicants of the test results
14 and shall counsel both applicants regarding the modes of HIV
15 transmission, the potential for HIV transmission to a fetus, and
16 protective measures.

17 (4) As used in this section:

18 (a) "Certified nurse midwife" means an individual **WHO IS**
19 licensed as a registered professional nurse under part 172 who has
20 been ~~issued~~ **GRANTED** a specialty certification in the practice of
21 nurse midwifery by the **MICHIGAN** board of nursing under section
22 17210.

23 (b) "Certified nurse practitioner" means an individual **WHO IS**
24 licensed as a registered professional nurse under part 172 who has
25 been ~~issued~~ **GRANTED** a specialty certification as a nurse
26 practitioner by the **MICHIGAN** board of nursing under section 17210.

27 (C) **"CLINICAL NURSE SPECIALIST-CERTIFIED" MEANS AN INDIVIDUAL**

1 WHO IS LICENSED AS A REGISTERED PROFESSIONAL NURSE UNDER PART 172
2 WHO HAS BEEN GRANTED A SPECIALTY CERTIFICATION AS A CLINICAL NURSE
3 SPECIALIST BY THE MICHIGAN BOARD OF NURSING UNDER SECTION 17210.

4 (D) ~~(e)~~-"Physician" means an individual WHO IS licensed as a
5 physician under part 170 or an ~~osteopathic physician under part~~
6 175.

7 (E) ~~(d)~~-"Physician's assistant" means an individual WHO IS
8 licensed as a physician's assistant under part 170 or part 175.

9 Sec. 16327. Fees for ~~a person~~**AN INDIVIDUAL WHO IS** licensed or
10 seeking licensure to practice nursing as a registered **PROFESSIONAL**
11 nurse, a licensed practical nurse, or a trained attendant under
12 part 172 are as follows:

13	(a)	Application processing fee.....	\$ 24.00 75.00
14	(b)	License fee, per year.....	30.00 60.00
15	(c)	Temporary license.....	10.00
16	(d)	Limited license, per year.....	10.00
17	(e)	Specialty certification for	
18		registered nurse:	
19	(i)	Application processing fee.....	24.00
20	(ii)	Specialty certification, per year....	14.00

21 Sec. 17201. (1) As used in this part:

22 (A) "ADVANCED PRACTICE REGISTERED NURSE" OR "A.P.R.N." MEANS A
23 REGISTERED PROFESSIONAL NURSE WHO HAS BEEN GRANTED A SPECIALTY
24 CERTIFICATION UNDER SECTION 17210 IN 1 OF THE FOLLOWING HEALTH
25 PROFESSION SPECIALTY FIELDS:

26 (i) NURSE MIDWIFERY.

1 (ii) NURSE PRACTITIONER.

2 (iii) CLINICAL NURSE SPECIALIST.

3 (B) "PHYSICIAN" MEANS A PHYSICIAN WHO IS LICENSED UNDER PART
4 170 OR PART 175.

5 (C) ~~(a)~~—"Practice of nursing" means the systematic application
6 of substantial specialized knowledge and skill, derived from the
7 biological, physical, and behavioral sciences, to the care,
8 treatment, counsel, and health teaching of individuals who are
9 experiencing changes in the normal health processes or who require
10 assistance in the maintenance of health and the prevention or
11 management of illness, injury, or disability.

12 (D) ~~(b)~~—"Practice of nursing as a licensed practical nurse" or
13 "l.p.n." means the practice of nursing based on less comprehensive
14 knowledge and skill than that required of a registered professional
15 nurse and performed under the supervision of a registered
16 professional nurse, physician, or dentist.

17 (E) ~~(c)~~—"Registered professional nurse" or "r.n." means an
18 individual **WHO IS** licensed under this ~~article~~**PART** to engage in the
19 practice of nursing which scope of practice includes the teaching,
20 direction, and supervision of less skilled personnel in the
21 performance of delegated nursing activities.

22 (2) In addition to the definitions in this part, article 1
23 contains general definitions and principles of construction
24 applicable to all articles in the code and part 161 contains
25 definitions applicable to this part.

26 Sec. 17210. The **MICHIGAN** board of nursing may ~~issue~~**GRANT** a
27 specialty certification to a registered professional nurse who has

1 advanced training beyond that required for initial licensure, and
 2 who has demonstrated competency through examination or other
 3 evaluative processes, and who practices in 1 of the following
 4 health profession specialty fields: ~~nurse~~

5 (A) **NURSE** midwifery. ~~, nurse anesthetist, or nurse~~
 6 ~~practitioner.~~

7 (B) **NURSE ANESTHETIST.**

8 (C) **NURSE PRACTITIONER.**

9 (D) **CLINICAL NURSE SPECIALIST.**

10 Sec. 17211. (1) ~~A person~~ **AN INDIVIDUAL** shall not engage in the
 11 practice of nursing or the practice of nursing as a licensed
 12 practical nurse unless **HE OR SHE IS** licensed or **IS** otherwise
 13 authorized by this article.

14 (2) The following words, titles, or letters or a combination
 15 thereof, ~~OF THE WORDS, TITLES, OR LETTERS,~~ with or without
 16 qualifying words or phrases, are restricted in use only to those
 17 persons authorized under this part to use the terms and in a way
 18 prescribed in this part: "registered professional nurse",
 19 "registered nurse", "r.n.", "licensed practical nurse", "l.p.n.",
 20 "nurse midwife", "**CERTIFIED NURSE MIDWIFE**", "**C.N.M.**", "**ADVANCED**
 21 **PRACTICE REGISTERED NURSE**", "**A.P.R.N.**", "nurse anesthetist", "nurse
 22 practitioner", ~~"trained attendant", and "t.a."~~ "**N.P.**", "**CERTIFIED**
 23 **NURSE PRACTITIONER**", "**C.N.P.**", "**CLINICAL NURSE SPECIALIST**",
 24 "**C.N.S.**", "**CLINICAL NURSE SPECIALIST-CERTIFIED**", AND "**C.N.S.-C.**".

25 **SEC. 17211A. (1) AN ADVANCED PRACTICE REGISTERED NURSE MAY**
 26 **PRESCRIBE ANY OF THE FOLLOWING:**

27 (A) **A NONSCHEDULED PRESCRIPTION DRUG.**

1 (B) SUBJECT TO SUBSECTION (2), A CONTROLLED SUBSTANCE INCLUDED
2 IN SCHEDULES 2 TO 5 OF PART 72, AS A DELEGATED ACT OF A PHYSICIAN.

3 (2) IF AN ADVANCED PRACTICE REGISTERED NURSE PRESCRIBES A
4 CONTROLLED SUBSTANCE UNDER SUBSECTION (1) (B), BOTH THE ADVANCED
5 PRACTICE REGISTERED NURSE'S NAME AND THE PHYSICIAN'S NAME SHALL BE
6 USED, RECORDED, OR OTHERWISE INDICATED IN CONNECTION WITH THAT
7 PRESCRIPTION. IF AN ADVANCED PRACTICE REGISTERED NURSE PRESCRIBES A
8 CONTROLLED SUBSTANCE UNDER SUBSECTION (1) (B), BOTH THE ADVANCED
9 PRACTICE REGISTERED NURSE'S AND THE PHYSICIAN'S DEA REGISTRATION
10 NUMBERS SHALL BE USED, RECORDED, OR OTHERWISE INDICATED IN
11 CONNECTION WITH THAT PRESCRIPTION.

12 (3) THE AMENDATORY ACT THAT ADDED THIS SECTION DOES NOT
13 REQUIRE NEW OR ADDITIONAL THIRD-PARTY REIMBURSEMENT OR MANDATED
14 WORKER'S COMPENSATION BENEFITS FOR SERVICES RENDERED BY AN ADVANCED
15 PRACTICE REGISTERED NURSE WHO IS AUTHORIZED TO PRESCRIBE
16 NONSCHEDULED PRESCRIPTION DRUGS AND CONTROLLED SUBSTANCES INCLUDED
17 IN SCHEDULES 2 TO 5 OF PART 72 UNDER THIS SECTION.

18 Sec. 17212. (1) ~~In~~ SUBJECT TO SUBSECTIONS (2) AND (3), IN
19 addition to acts, tasks, and functions delegated under section
20 16215, 17211A(1) (B), 17745, 17745a, or 17745b, a supervising
21 physician may delegate in writing to a registered professional
22 nurse the ordering, receipt, and dispensing of complimentary
23 starter dose drugs other than controlled substances as defined by
24 IN article 7 or federal law. ~~When the~~ IF A delegated ordering,
25 receipt, or dispensing of complimentary starter dose drugs
26 DESCRIBED IN THIS SUBSECTION occurs, both the registered
27 professional nurse's name and the supervising physician's name

1 shall be used, recorded, or otherwise indicated in connection with
2 each order, receipt, or dispensing. ~~As used in this subsection,~~
3 ~~"complimentary starter dose" means that term as defined in section~~
4 ~~17745.~~

5 (2) SUBJECT TO SUBSECTION (3), AN ADVANCED PRACTICE REGISTERED
6 NURSE MAY ORDER, RECEIVE, AND DISPENSE A COMPLIMENTARY STARTER DOSE
7 DRUG WITHOUT DELEGATION FROM A PHYSICIAN. ONLY THE NAME OF THE
8 ADVANCED PRACTICE REGISTERED NURSE SHALL BE USED, RECORDED, OR
9 OTHERWISE INDICATED IN CONNECTION WITH AN ORDER, RECEIPT, OR
10 DISPENSING OF A COMPLIMENTARY STARTER DOSE DRUG UNDER THIS
11 SUBSECTION.

12 (3) AN ADVANCED PRACTICE REGISTERED NURSE MAY ORDER, RECEIVE,
13 AND DISPENSE COMPLIMENTARY STARTER DOSES OF CONTROLLED SUBSTANCES
14 INCLUDED IN SCHEDULES 2 TO 5 OF PART 72 AS A DELEGATED ACT OF A
15 PHYSICIAN. IF A DELEGATED ORDERING, RECEIPT, OR DISPENSING OF
16 COMPLIMENTARY STARTER DOSE DRUGS DESCRIBED IN THIS SUBSECTION
17 OCCURS, THE ADVANCED PRACTICE REGISTERED NURSE'S NAME AND THE
18 DELEGATING PHYSICIAN'S NAME SHALL BE USED, RECORDED, OR OTHERWISE
19 INDICATED IN CONNECTION WITH EACH ORDER, RECEIPT, OR DISPENSING AND
20 BOTH THE ADVANCED PRACTICE REGISTERED NURSE'S AND THE DELEGATING
21 PHYSICIAN'S DEA REGISTRATION NUMBER SHALL BE USED, RECORDED, OR
22 OTHERWISE INDICATED IN CONNECTION WITH EACH ORDER, RECEIPT, OR
23 DISPENSING.

24 (4) ~~(2)~~—It is the intent of the legislature in enacting this
25 section to allow a pharmaceutical manufacturer or wholesale
26 distributor, as those terms are defined in part 177, to distribute
27 complimentary starter dose drugs to **AN ADVANCED PRACTICE REGISTERED**

1 NURSE DESCRIBED IN SUBSECTIONS (2) AND (3), OR TO a registered
 2 professional nurse ~~, as described in subsection (1),~~ in compliance
 3 with section 503(d) of the federal food, drug, and cosmetic act,
 4 ~~chapter 675, 52 Stat. 1051, 21 U.S.C. USC 353.~~

5 (5) AS USED IN THIS SECTION, "COMPLIMENTARY STARTER DOSE"
 6 MEANS THAT TERM AS DEFINED IN SECTION 17745.

7 SEC. 17214. AN ADVANCED PRACTICE REGISTERED NURSE MAY MAKE
 8 CALLS OR GO ON ROUNDS IN PRIVATE HOMES, PUBLIC INSTITUTIONS,
 9 EMERGENCY VEHICLES, AMBULATORY CARE CLINICS, HOSPITALS,
 10 INTERMEDIATE OR EXTENDED CARE FACILITIES, HEALTH MAINTENANCE
 11 ORGANIZATIONS, NURSING HOMES, OR OTHER HEALTH CARE FACILITIES.
 12 NOTWITHSTANDING ANY LAW OR RULE TO THE CONTRARY, AN ADVANCED
 13 PRACTICE REGISTERED NURSE MAY MAKE CALLS OR GO ON ROUNDS AS
 14 PROVIDED IN THIS SECTION WITHOUT RESTRICTIONS ON THE TIME OR
 15 FREQUENCY OF VISITS BY A PHYSICIAN OR THE ADVANCED PRACTICE
 16 REGISTERED NURSE.

17 Sec. 17221. (1) The Michigan board of nursing is created in
 18 the department. ~~and~~

19 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), THE
 20 MICHIGAN BOARD OF NURSING shall consist of the following ~~23-24~~
 21 voting members who shall meet the requirements of part 161: 9
 22 registered professional nurses, 1 nurse midwife, 1 nurse
 23 anesthetist, 1 nurse practitioner, 1 **CLINICAL NURSE SPECIALIST**, 3
 24 licensed practical nurses, and 8 public members. Three of the
 25 registered professional nurse members shall be engaged in nursing
 26 education, 1 of whom shall be in less than a baccalaureate program,
 27 1 in a baccalaureate or higher program and 1 in a licensed

1 practical nurse program and each of whom shall have a master's
2 degree from an accredited college with a major in nursing. Three of
3 the registered professional nurse members shall be engaged in
4 nursing practice or nursing administration, each of whom shall have
5 a baccalaureate degree in nursing from an accredited college. Three
6 of the registered professional nurse members shall be engaged in
7 nursing practice or nursing administration, each of whom shall be a
8 nonbaccalaureate registered nurse. The 3 licensed practical nurse
9 members shall have graduated from a state approved program for the
10 preparation of individuals to practice as licensed practical
11 nurses. The nurse midwife, the nurse anesthetist, ~~and the nurse~~
12 practitioner, **AND THE CLINICAL NURSE SPECIALIST** shall each have a
13 specialty certification ~~issued~~ **GRANTED** by the ~~department~~ **MICHIGAN**
14 **BOARD OF NURSING** in his or her respective specialty field.

15 (3) **ALL OF THE FOLLOWING APPLY TO THE MEMBERS OF THE BOARD**
16 **DESCRIBED IN SUBSECTION (2):**

17 (A) **THE INDIVIDUAL WHO IS A REGISTERED PROFESSIONAL NURSE WHO**
18 **IS CERTIFIED BY A NATIONAL ORGANIZATION AS A CLINICAL NURSE**
19 **SPECIALIST SHALL CONTINUE AS A MEMBER OF THE BOARD UNDER SUBSECTION**
20 **(2) FOR THE REMAINDER OF HIS OR HER RESPECTIVE TERM. WHEN THE TERM**
21 **OF THE REGISTERED PROFESSIONAL NURSE DESCRIBED IN THIS SUBDIVISION**
22 **EXPIRES, SUBJECT TO SECTION 16121, THE GOVERNOR SHALL APPOINT A**
23 **REGISTERED PROFESSIONAL NURSE WHO HAS BEEN GRANTED A SPECIALTY**
24 **CERTIFICATION AS A CLINICAL NURSE SPECIALIST BY THE MICHIGAN BOARD**
25 **OF NURSING.**

26 (B) **THE 8 PUBLIC MEMBERS ON THE BOARD SHALL CONTINUE IN OFFICE**
27 **FOR THE REMAINDER OF THEIR RESPECTIVE TERMS. UNTIL THE TERM OF**

1 OFFICE OF 1 OF THOSE PUBLIC MEMBERS EXPIRES, THE BOARD SHALL
2 CONTINUE WITH 24 MEMBERS. WHEN THE TERM OF OFFICE OF 1 OR MORE OF
3 THE 8 PUBLIC MEMBERS FIRST EXPIRES, THE GOVERNOR SHALL NOT APPOINT
4 1 PUBLIC MEMBER, TO REDUCE THE TOTAL NUMBER OF PUBLIC MEMBERS TO 7
5 AND THE TOTAL NUMBER OF BOARD MEMBERS TO 23.

6 (4) ~~(2)~~—The terms of office of individual members of the board
7 created under this part, except those appointed to fill vacancies,
8 expire 4 years after appointment on June 30 of the year in which
9 the term expires.

10 Sec. 17607. (1) An individual shall not engage in the practice
11 of speech-language pathology unless licensed under this part.

12 (2) A licensee shall not perform an act, task, or function
13 within the practice of speech-language pathology unless he or she
14 is trained to perform the act, task, or function and the
15 performance of that act, task, or function is consistent with the
16 rules promulgated under section 17610(3). A speech-language
17 pathologist shall refer a patient to ~~a person~~ **AN INDIVIDUAL**
18 licensed in the practice of medicine or osteopathic medicine and
19 surgery if signs or symptoms identified during the practice of
20 speech-language pathology cause the speech-language pathologist to
21 suspect that the patient has an underlying medical condition.

22 (3) A licensee shall perform assessment, treatment or therapy,
23 and procedures related to swallowing disorders and medically
24 related communication disorders only on patients who have been
25 referred to him or her by ~~a person~~ **AN INDIVIDUAL** licensed in the
26 practice of medicine or osteopathic medicine and surgery **OR BY AN**
27 **ADVANCED PRACTICE REGISTERED NURSE AS THAT TERM IS DEFINED IN**

1 **SECTION 17201.**

2 (4) ~~Limited~~ **A LICENSEE SHALL ONLY PERFORM** diagnostic testing,
3 such as endoscopic videolaryngostroboscopy, ~~shall only be performed~~
4 ~~by a licensee~~ in collaboration with or under the supervision of a
5 ~~person~~ **AN INDIVIDUAL** licensed in the practice of medicine or
6 osteopathic medicine and surgery.

7 (5) A licensee shall follow procedures in which collaboration
8 among the licensee and a ~~person~~ **AN INDIVIDUAL** licensed in the
9 practice of medicine or osteopathic medicine and surgery and other
10 licensed health care professionals is regarded to be in the best
11 interests of the patient.

12 (6) Subsection (1) does not prevent any of the following:

13 (a) An individual licensed or registered under any other part
14 or act from performing activities that are considered speech-
15 language pathology services if those activities are within the
16 individual's scope of practice and if the individual does not use
17 the titles protected under section 17603.

18 (b) The practice of speech-language pathology that is an
19 integral part of a program of study by students enrolled in an
20 accredited speech-language pathology educational program approved
21 by the board, ~~provided that~~ **IF** those individuals are identified as
22 students and provide speech-language pathology services only while
23 under the supervision of a licensed speech-language pathologist.

24 (c) Self-care by a patient or uncompensated care by a friend
25 or family member who does not represent or hold himself or herself
26 out to be a licensed speech-language pathologist.

27 Sec. 17708. (1) "Preceptor" means a pharmacist approved by the

1 board to direct the training of an intern in an approved pharmacy.

2 (2) "Prescriber" means a licensed dentist, a licensed doctor
3 of medicine, a licensed doctor of osteopathic medicine and surgery,
4 a licensed doctor of podiatric medicine and surgery, **A LICENSED**
5 **PHYSICIAN'S ASSISTANT**, a licensed optometrist certified under part
6 174 to administer and prescribe therapeutic pharmaceutical agents,
7 **AN ADVANCED PRACTICE REGISTERED NURSE AS THAT TERM IS DEFINED IN**
8 **SECTION 17201 WHO MEETS THE REQUIREMENTS OF SECTION 17211A**, a
9 licensed veterinarian, or another licensed health professional
10 acting under the delegation and using, recording, or otherwise
11 indicating the name of the delegating licensed doctor of medicine
12 or licensed doctor of osteopathic medicine and surgery.

13 (3) "Prescription" means an order by a prescriber to fill,
14 compound, or dispense a drug or device written and signed; written
15 or created in an electronic format, signed, and transmitted by
16 facsimile; or transmitted electronically or by other means of
17 communication. An order transmitted in other than written or hard-
18 copy form must be electronically recorded, printed, or written and
19 immediately dated by the pharmacist, and that record ~~constitutes IS~~
20 **CONSIDERED** the original prescription. In a health facility or
21 agency licensed under article 17 or other medical institution, an
22 order for a drug or device in the patient's chart ~~constitutes IS~~
23 **CONSIDERED** for the purposes of this definition the original
24 prescription. **FOR PURPOSES OF THIS PART, PRESCRIPTION ALSO INCLUDES**
25 **A STANDING ORDER ISSUED UNDER SECTION 17744E**. Subject to section
26 17751(2) and (5), prescription includes, but is not limited to, an
27 order for a drug, not including a controlled substance ~~as defined~~

1 ~~in section 7104~~ except under circumstances described in section
2 17763(e), written and signed; written or created in an electronic
3 format, signed, and transmitted by facsimile; or transmitted
4 electronically or by other means of communication by a physician
5 prescriber, dentist prescriber, or veterinarian prescriber **WHO IS**
6 licensed to practice dentistry, medicine, osteopathic medicine and
7 surgery, or veterinary medicine in another state.

8 (4) "Prescription drug" means a drug to which 1 or more of the
9 following apply:

10 (a) The drug is dispensed pursuant to a prescription.

11 (b) The drug bears the federal legend "CAUTION: federal law
12 prohibits dispensing without prescription" or "Rx only".

13 (c) The drug is designated by the board as a drug that may
14 only be dispensed pursuant to a prescription.

15 Sec. 17745. (1) Except as otherwise provided in this
16 subsection, a prescriber who wishes to dispense prescription drugs
17 shall obtain from the board a drug control license for each
18 location in which the storage and dispensing of prescription drugs
19 occur. A drug control license is not necessary if the dispensing
20 occurs in the emergency department, emergency room, or trauma
21 center of a hospital licensed under article 17 or if the dispensing
22 involves only the issuance of complimentary starter dose drugs.

23 (2) Except as otherwise authorized for expedited partner
24 therapy in section 5110 or as provided in section 17744a or 17744b,
25 a dispensing prescriber shall dispense prescription drugs only to
26 his or her own patients.

27 (3) A dispensing prescriber shall include in a patient's chart

1 or clinical record a complete record, including prescription drug
2 names, dosages, and quantities, of all prescription drugs dispensed
3 directly by the dispensing prescriber or indirectly under his or
4 her delegatory authority. If prescription drugs are dispensed under
5 the prescriber's delegatory authority, the delegatee who dispenses
6 the prescription drugs shall initial the patient's chart, clinical
7 record, or log of prescription drugs dispensed. In a patient's
8 chart or clinical record, a dispensing prescriber shall distinguish
9 between prescription drugs dispensed to the patient, prescription
10 drugs prescribed for the patient, prescription drugs dispensed or
11 prescribed for expedited partner therapy as authorized in section
12 5110, and prescription drugs dispensed or prescribed as authorized
13 under section 17744a or 17744b. A dispensing prescriber shall
14 retain information required under this subsection for not less than
15 5 years after the information is entered in the patient's chart or
16 clinical record.

17 (4) A dispensing prescriber shall store prescription drugs
18 under conditions that will maintain their stability, integrity, and
19 effectiveness and will ~~assure~~**ENSURE** that the prescription drugs
20 are free of contamination, deterioration, and adulteration.

21 (5) A dispensing prescriber shall store prescription drugs in
22 a substantially constructed, securely lockable cabinet. Access to
23 the cabinet ~~shall~~**MUST** be limited to individuals authorized to
24 dispense prescription drugs in compliance with this part and
25 article 7.

26 (6) Unless otherwise requested by a patient, a dispensing
27 prescriber shall dispense a prescription drug in a safety closure

1 container that complies with the poison prevention packaging act of
2 1970, 15 USC 1471 to 1477.

3 (7) A dispensing prescriber shall dispense a drug in a
4 container that bears a label containing all of the following
5 information:

6 (a) The name and address of the location from which the
7 prescription drug is dispensed.

8 (b) Except as otherwise authorized under section 5110, 17744a,
9 or 17744b, the patient's name and record number.

10 (c) The date the prescription drug was dispensed.

11 (d) The prescriber's name or, if dispensed under the
12 prescriber's delegatory authority, the name of the delegatee.

13 (e) The directions for use.

14 (f) The name and strength of the prescription drug.

15 (g) The quantity dispensed.

16 (h) The expiration date of the prescription drug or the
17 statement required under section 17756.

18 (8) A dispensing prescriber who dispenses a complimentary
19 starter dose drug to a patient, **OR AN ADVANCED PRACTICE REGISTERED**
20 **NURSE AS THAT TERM IS DEFINED IN SECTION 17201 WHO DISPENSES A**
21 **COMPLIMENTARY STARTER DOSE DRUG TO A PATIENT UNDER SECTION 17212,**
22 shall give the patient the information required in this subsection,
23 by dispensing the complimentary starter dose drug to the patient in
24 a container that bears a label containing the required information
25 or by giving the patient a written document that may include, but
26 is not limited to, a preprinted insert that comes with the
27 complimentary starter dose drug and that contains the required

1 information. The information required to be given to the patient
2 under this subsection includes all of the following:

3 (a) The name and strength of the complimentary starter dose
4 drug.

5 (b) Directions for the patient's use of the complimentary
6 starter dose drug.

7 (c) The expiration date of the complimentary starter dose drug
8 or the statement required under section 17756.

9 (9) The information required under subsection (8) is in
10 addition to, and does not supersede or modify, other state or
11 federal law regulating the labeling of prescription drugs.

12 (10) In addition to meeting the requirements of this part, a
13 dispensing prescriber who dispenses controlled substances shall
14 comply with section 7303a.

15 (11) The board may periodically inspect locations from which
16 prescription drugs are dispensed.

17 (12) The act, task, or function of dispensing prescription
18 drugs shall be delegated only as provided in this part and sections
19 16215, 17048, ~~17076~~, ~~17211A~~, 17212, and 17548.

20 (13) A supervising physician may delegate in writing to a
21 pharmacist practicing in a hospital pharmacy within a hospital
22 licensed under article 17 the receipt of complimentary starter dose
23 drugs other than controlled substances as defined ~~by~~ **IN** article 7
24 or federal law. When the delegated receipt of complimentary starter
25 dose drugs occurs, both the pharmacist's name and the supervising
26 physician's name shall be used, recorded, or otherwise indicated in
27 connection with each receipt. A pharmacist described in this

1 subsection may dispense a prescription for complimentary starter
2 dose drugs written or transmitted by facsimile, electronic
3 transmission, or other means of communication by a prescriber.

4 (14) As used in this section, "complimentary starter dose"
5 means a prescription drug packaged, dispensed, and distributed in
6 accordance with state and federal law that is provided to a
7 dispensing prescriber free of charge by a manufacturer or
8 distributor and dispensed free of charge by the dispensing
9 prescriber to his or her patients.

10 Sec. 17820. (1) An individual shall not engage in the practice
11 of physical therapy or practice as a physical therapist assistant
12 unless licensed or otherwise authorized under this part. Except as
13 otherwise provided in this subsection, a physical therapist or
14 physical therapist assistant shall engage in the treatment of a
15 patient ~~only upon the prescription of~~ **IF THAT TREATMENT IS**
16 **PRESCRIBED BY** a health care professional who **IS AN ADVANCED**
17 **PRACTICE REGISTERED NURSE AS THAT TERM IS DEFINED IN SECTION 17201,**
18 **OR WHO** holds a license issued under part 166, 170, 175, or 180, or
19 ~~the~~ **AN** equivalent license issued by another state. A physical
20 therapist or a physical therapist assistant may engage in the
21 treatment of a patient without the prescription of a health care
22 professional **WHO IS AN ADVANCED PRACTICE REGISTERED NURSE AS THAT**
23 **TERM IS DEFINED IN SECTION 17201, OR** who holds a license issued
24 under part 166, 170, 175, or 180, or ~~the~~ **AN** equivalent license
25 issued by another state, under either of the following
26 circumstances:

27 (a) For 21 days or 10 treatments, whichever first occurs.

1 However, a physical therapist shall determine that the patient's
2 condition requires physical therapy before delegating physical
3 therapy interventions to a physical therapist assistant.

4 (b) The patient is seeking physical therapy services for the
5 purpose of preventing injury or promoting fitness.

6 (2) The following words, titles, or letters or a combination
7 of words, titles, or letters, with or without qualifying words or
8 phrases, are restricted in use only to those persons authorized
9 under this part to use the terms and in a way prescribed in this
10 part: "physical therapy", "physical therapist", "doctor of
11 physiotherapy", "doctor of physical therapy", "physiotherapist",
12 "physiotherapy", "registered physical therapist", "licensed
13 physical therapist", "physical therapy technician", "physical
14 therapist assistant", "physical therapy assistant",
15 "physiotherapist assistant", "physiotherapy assistant", "p.t.
16 assistant", "p.t.", "r.p.t.", "l.p.t.", "c.p.t.", "d.p.t.",
17 "m.p.t.", "p.t.a.", "registered p.t.a.", "licensed p.t.a.",
18 "certified p.t.a.", "c.p.t.a.", "l.p.t.a.", "r.p.t.a.", and
19 "p.t.t."

20 Sec. 17822. This part does not prohibit a hospital, as a
21 condition of employment or the granting of staff privileges, from
22 requiring **THAT** a physical therapist ~~to~~ **PERFORM ACTIVITIES WITHIN**
23 **HIS OR HER SCOPE OF** practice in the hospital ~~only upon the~~
24 ~~prescription of~~ **IF THAT TREATMENT IS PRESCRIBED BY** an individual
25 ~~holding~~ **WHO IS AN ADVANCED PRACTICE REGISTERED NURSE AS THAT TERM**
26 **IS DEFINED IN SECTION 17201, OR WHO HOLDS** a license issued under
27 part 166, 170, 175, or 180, or ~~the~~ **AN** equivalent license issued by

1 another state.

2 Sec. 20201. (1) A health facility or agency that provides
3 services directly to patients or residents and is licensed under
4 this article shall adopt a policy describing the rights and
5 responsibilities of patients or residents admitted to the health
6 facility or agency. Except for a licensed health maintenance
7 organization, ~~which shall comply with~~ **THAT IS SUBJECT TO** chapter
8 35 of the insurance code of 1956, 1956 PA 218, MCL 500.3501 to
9 ~~500.3580,~~ **500.3573, THE HEALTH FACILITY OR AGENCY SHALL POST** the
10 policy ~~shall be posted~~ at a public place in the health facility or
11 agency and shall ~~be provided~~ **PROVIDE THE POLICY** to each member of
12 the health facility or agency staff. Patients or residents shall be
13 treated in accordance with the policy.

14 (2) The policy describing the rights and responsibilities of
15 patients or residents required under subsection (1) shall include,
16 as a minimum, all of the following:

17 (a) A patient or resident shall not be denied appropriate care
18 on the basis of race, religion, color, national origin, sex, age,
19 disability, marital status, sexual preference, or source of
20 payment.

21 (b) An individual who is or has been a patient or resident is
22 entitled to inspect, or receive for a reasonable fee, a copy of his
23 or her medical record upon request in accordance with the medical
24 records access act, 2004 PA 47, MCL 333.26261 to 333.26271. Except
25 as otherwise permitted or required under the health insurance
26 portability and accountability act of 1996, Public Law 104-191, or
27 regulations promulgated under that act, 45 CFR parts 160 and 164, a

1 third party shall not be given a copy of the patient's or
2 resident's medical record without prior authorization of the
3 patient or resident.

4 (c) A patient or resident is entitled to confidential
5 treatment of personal and medical records, and may refuse their
6 release to a person outside the health facility or agency except as
7 required because of a transfer to another health care facility, as
8 required by law or third party payment contract, or as permitted or
9 required under the health insurance portability and accountability
10 act of 1996, Public Law 104-191, or regulations promulgated under
11 that act, 45 CFR parts 160 and 164.

12 (d) A patient or resident is entitled to privacy, to the
13 extent feasible, in treatment and in caring for personal needs with
14 consideration, respect, and full recognition of his or her dignity
15 and individuality.

16 (e) A patient or resident is entitled to receive adequate and
17 appropriate care, and to receive, from the appropriate individual
18 within the health facility or agency, information about his or her
19 medical condition, proposed course of treatment, and prospects for
20 recovery, in terms that the patient or resident can understand,
21 unless medically contraindicated as documented in the medical
22 record by the attending physician, ~~or a physician's assistant to~~
23 **WITH** whom the physician has ~~delegated the performance of medical~~
24 ~~care services.~~ **A PRACTICE AGREEMENT, OR AN ADVANCED PRACTICE**
25 **REGISTERED NURSE.**

26 (f) A patient or resident is entitled to refuse treatment to
27 the extent provided by law and to be informed of the consequences

1 of that refusal. If a refusal of treatment prevents a health
2 facility or agency or its staff from providing appropriate care
3 according to ethical and professional standards, the relationship
4 with the patient or resident may be terminated upon reasonable
5 notice.

6 (g) A patient or resident is entitled to exercise his or her
7 rights as a patient or resident and as a citizen, and to this end
8 may present grievances or recommend changes in policies and
9 services on behalf of himself or herself or others to the health
10 facility or agency staff, to governmental officials, or to another
11 person of his or her choice within or outside the health facility
12 or agency, free from restraint, interference, coercion,
13 discrimination, or reprisal. A patient or resident is entitled to
14 information about the health facility's or agency's policies and
15 procedures for initiation, review, and resolution of patient or
16 resident complaints.

17 (h) A patient or resident is entitled to information
18 concerning an experimental procedure proposed as a part of his or
19 her care and has the right to refuse to participate in the
20 experimental procedure without jeopardizing his or her continuing
21 care.

22 (i) A patient or resident is entitled to receive and examine
23 an explanation of his or her bill regardless of the source of
24 payment and to receive, upon request, information relating to
25 financial assistance available through the health facility or
26 agency.

27 (j) A patient or resident is entitled to know who is

1 responsible for and who is providing his or her direct care, ~~is~~
2 ~~entitled~~ to receive information concerning his or her continuing
3 health needs and alternatives for meeting those needs, and to be
4 involved in his or her discharge planning, if appropriate.

5 (k) A patient or resident is entitled to associate and have
6 private communications and consultations with his or her physician
7 or a physician's assistant ~~to~~ **WITH** whom the physician has ~~delegated~~
8 ~~the performance of medical care services, A PRACTICE AGREEMENT,
9 **WITH HIS OR HER ADVANCED PRACTICE REGISTERED NURSE, WITH HIS OR HER**
10 attorney, or **WITH** any other ~~person~~ **INDIVIDUAL** of his or her choice
11 and to send and receive personal mail unopened on the same day it
12 is received at the health facility or agency, unless medically
13 contraindicated as documented in the medical record by the
14 attending physician, ~~or~~ a physician's assistant ~~to~~ **WITH** whom the
15 physician has ~~delegated the performance of medical care services. A~~
16 **PRACTICE AGREEMENT, OR AN ADVANCED PRACTICE REGISTERED NURSE.** A
17 patient's or resident's civil and religious liberties, including
18 the right to independent personal decisions and the right to
19 knowledge of available choices, shall not be infringed and the
20 health facility or agency shall encourage and assist in the fullest
21 possible exercise of these rights. A patient or resident may meet
22 with, and participate in, the activities of social, religious, and
23 community groups at his or her discretion, unless medically
24 contraindicated as documented in the medical record by the
25 attending physician, ~~or~~ a physician's assistant ~~to~~ **WITH** whom the
26 physician has ~~delegated the performance of medical care services. A~~
27 **PRACTICE AGREEMENT, OR AN ADVANCED PRACTICE REGISTERED NURSE.**~~

1 (l) A patient or resident is entitled to be free from mental
2 and physical abuse and from physical and chemical restraints,
3 except those restraints authorized in writing by the attending
4 physician, ~~or BY~~ a physician's assistant ~~to WITH~~ whom the physician
5 has ~~delegated the performance of medical care services~~ **A PRACTICE**
6 **AGREEMENT, OR BY AN ADVANCED PRACTICE REGISTERED NURSE,** for a
7 specified and limited time or as are necessitated by an emergency
8 to protect the patient or resident from injury to self or others,
9 in which case the restraint may only be applied by a qualified
10 professional who shall set forth in writing the circumstances
11 requiring the use of restraints and who shall promptly report the
12 action to the attending physician, ~~or~~ physician's assistant, **OR**
13 **ADVANCED PRACTICE REGISTERED NURSE WHO AUTHORIZED THE RESTRAINT.** In
14 case of a chemical restraint, ~~a~~ **THE physician, OR THE ADVANCED**
15 **PRACTICE REGISTERED NURSE WHO AUTHORIZED THE RESTRAINT,** shall be
16 consulted within 24 hours after the commencement of the chemical
17 restraint.

18 (m) A patient or resident is entitled to be free from
19 performing services for the health facility or agency that are not
20 included for therapeutic purposes in the plan of care.

21 (n) A patient or resident is entitled to information about the
22 health facility or agency rules and regulations affecting patient
23 or resident care and conduct.

24 (o) A patient or resident is entitled to adequate and
25 appropriate pain and symptom management as a basic and essential
26 element of his or her medical treatment.

27 (3) The following additional requirements for the policy

1 described in subsection (2) apply to licensees under parts 213 and
2 217:

3 (a) The policy shall be provided to each nursing home patient
4 or home for the aged resident upon admission, and the staff of the
5 facility shall be trained and involved in the implementation of the
6 policy.

7 (b) Each nursing home patient may associate and communicate
8 privately with persons of his or her choice. Reasonable, regular
9 visiting hours, which shall be not less than 8 hours per day, and
10 which shall take into consideration the special circumstances of
11 each visitor, shall be established for patients to receive
12 visitors. A patient may be visited by the patient's attorney or by
13 representatives of the departments named in section 20156, during
14 other than established visiting hours. Reasonable privacy shall be
15 afforded for visitation of a patient who shares a room with another
16 patient. Each patient shall have reasonable access to a telephone.
17 A married nursing home patient or home for the aged resident is
18 entitled to meet privately with his or her spouse in a room that
19 ~~assures~~ **ENSURES** privacy. If both spouses are residents in the same
20 facility, they are entitled to share a room unless medically
21 contraindicated and documented in the medical record by the
22 attending physician, ~~or a physician's assistant to~~ **WITH** whom the
23 physician has ~~delegated the performance of medical care services.~~ **A**
24 **PRACTICE AGREEMENT, OR AN ADVANCED PRACTICE REGISTERED NURSE.**

25 (c) A nursing home patient or home for the aged resident is
26 entitled to retain and use personal clothing and possessions as
27 space permits, unless to do so would infringe upon the rights of

1 other patients or residents, or unless medically contraindicated as
2 documented in the medical record by the attending physician, ~~or a~~
3 physician's assistant ~~to~~ **WITH** whom the physician has delegated the
4 ~~performance of medical care services.~~ **A PRACTICE AGREEMENT, OR AN**
5 **ADVANCED PRACTICE REGISTERED NURSE.** Each nursing home patient or
6 home for the aged resident shall be provided with reasonable space.
7 At the request of a patient, a nursing home shall provide for the
8 safekeeping of personal effects, ~~funds,~~ **MONEY**, and other property
9 of a patient in accordance with section 21767, except that a
10 nursing home is not required to provide for the safekeeping of a
11 property that would impose an unreasonable burden on the nursing
12 home.

13 (d) A nursing home patient or home for the aged resident is
14 entitled to the opportunity to participate in the planning of his
15 or her medical treatment. The attending physician, ~~or a~~ physician's
16 assistant ~~to~~ **WITH** whom the physician has delegated the performance
17 ~~of medical care services.~~ **A PRACTICE AGREEMENT, OR AN ADVANCED**
18 **PRACTICE REGISTERED NURSE**, shall fully inform the nursing home
19 patient of the patient's medical condition unless medically
20 contraindicated as documented in the medical record by a physician,
21 ~~or a~~ physician's assistant ~~to~~ **WITH** whom the physician has delegated
22 ~~the performance of medical care services.~~ **A PRACTICE AGREEMENT, OR**
23 **AN ADVANCED PRACTICE REGISTERED NURSE.** Each nursing home patient
24 shall be afforded the opportunity to discharge himself or herself
25 from the nursing home.

26 (e) A home for the aged resident may be transferred or
27 discharged only for medical reasons, for his or her welfare or that

1 of other residents, or for nonpayment of his or her stay, except as
2 provided by title XVIII or title XIX. A nursing home patient may be
3 transferred or discharged only as provided in sections 21773 to
4 21777. A nursing home patient or home for the aged resident is
5 entitled to be given reasonable advance notice to ensure orderly
6 transfer or discharge. Those actions shall be documented in the
7 medical record.

8 (f) A nursing home patient or home for the aged resident is
9 entitled to be fully informed before or at the time of admission
10 and during stay of services available in the facility, and of the
11 related charges including any charges for services not covered
12 under title XVIII, or not covered by the facility's basic per diem
13 rate. The statement of services provided by the facility shall be
14 in writing and shall include those required to be offered on an as-
15 needed basis.

16 (g) A nursing home patient or home for the aged resident is
17 entitled to manage his or her own financial affairs, or to have at
18 least a quarterly accounting of personal financial transactions
19 undertaken in his or her behalf by the facility during a period of
20 time the patient or resident has delegated those responsibilities
21 to the facility. In addition, a patient or resident is entitled to
22 receive each month from the facility an itemized statement setting
23 forth the services paid for by or on behalf of the patient and the
24 services rendered by the facility. The admission of a patient to a
25 nursing home does not confer on the nursing home or its owner,
26 administrator, employees, or representatives the authority to
27 manage, use, or dispose of a patient's property.

1 (h) A nursing home patient or a person authorized by the
2 patient in writing may inspect and copy the patient's personal and
3 medical records. The records shall be made available for inspection
4 and copying by the nursing home within a reasonable time, not
5 exceeding 1 week, after the receipt of a written request.

6 (i) If a nursing home patient desires treatment by a licensed
7 member of the healing arts, the treatment shall be made available
8 unless it is medically contraindicated, and the medical
9 contraindication is justified in the patient's medical record by
10 the attending physician, ~~or a physician's assistant to~~ **WITH** whom
11 the physician has ~~delegated the performance of medical care~~
12 ~~services.~~ **A PRACTICE AGREEMENT, OR AN ADVANCED PRACTICE REGISTERED**
13 **NURSE.**

14 (j) A nursing home patient has the right to have his or her
15 parents, if a minor, or his or her spouse, next of kin, or
16 patient's representative, if an adult, stay at the facility 24
17 hours a day if the patient is considered terminally ill by the
18 physician responsible for the patient's care, ~~or a physician's~~
19 ~~assistant to~~ **WITH** whom the physician has ~~delegated the performance~~
20 ~~of medical care services.~~ **A PRACTICE AGREEMENT, OR AN ADVANCED**
21 **PRACTICE REGISTERED NURSE.**

22 (k) Each nursing home patient shall be provided with meals
23 that meet the recommended dietary allowances for that patient's age
24 and sex and that may be modified according to special dietary needs
25 or ability to chew.

26 (l) Each nursing home patient has the right to receive
27 representatives of approved organizations as provided in section

1 21763.

2 (4) A nursing home, its owner, administrator, employee, or
3 representative shall not discharge, harass, or retaliate or
4 discriminate against a patient because the patient has exercised a
5 right protected under this section.

6 (5) In the case of a nursing home patient, the rights
7 enumerated in subsection (2)(c), (g), and (k) and subsection
8 (3)(d), (g), and (h) may be exercised by the patient's
9 representative.

10 (6) A nursing home patient or home for the aged resident is
11 entitled to be fully informed, as evidenced by the patient's or
12 resident's written acknowledgment, before or at the time of
13 admission and during stay, of the policy required by this section.
14 The policy shall provide that if a patient or resident is
15 adjudicated incompetent and not restored to legal capacity, the
16 rights and responsibilities set forth in this section shall be
17 exercised by a person designated by the patient or resident. The
18 health facility or agency shall provide proper forms for the
19 patient or resident to provide for the designation of this person
20 at the time of admission.

21 (7) This section does not prohibit a health facility or agency
22 from establishing and recognizing additional patients' rights.

23 (8) As used in this section:

24 (A) **"ADVANCED PRACTICE REGISTERED NURSE" MEANS THAT TERM AS**
25 **DEFINED IN SECTION 17201.**

26 (B) ~~(a)~~-"Patient's representative" means that term as defined
27 in section 21703.

1 (C) "PRACTICE AGREEMENT" MEANS AN AGREEMENT DESCRIBED IN
2 SECTION 17047, 17547, OR 18047.

3 (D) ~~(b)~~"Title XVIII" means title XVIII of the social security
4 act, 42 USC 1395 to ~~1395kk-1~~.1395///.

5 (E) ~~(e)~~"Title XIX" means title XIX of the social security
6 act, 42 USC 1396 to 1396w-5.

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