

HOUSE BILL No. 5734

June 8, 2016, Introduced by Reps. Barrett, Glenn, Hughes, Hooker, Outman, McBroom, Aaron Miller, Whiteford and LaGrand and referred to the Committee on Military and Veterans Affairs.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 20109 and 21711 (MCL 333.20109 and 333.21711),
section 20109 as amended by 2015 PA 156.

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 **AND A VETERANS' FACILITY**
3 **CREATED UNDER 1885 PA 152, MCL 36.1 TO 36.12**, that provides
4 organized nursing care and medical treatment to 7 or more unrelated
5 individuals suffering or recovering from illness, injury, or
6 infirmity. As used in this subsection, "medical treatment" includes
7 treatment by an employee or independent contractor of the nursing
8 home who is an individual licensed or otherwise authorized to

1 engage in a health profession under part 170 or 175. Nursing home
2 does not include any of the following:

3 (a) A unit in a state correctional facility.

4 (b) A hospital.

5 ~~_____ (c) A veterans facility created under 1885 PA 152, MCL 36.1 to~~
6 ~~36.12.~~

7 (C) ~~(d)~~ A hospice residence that is licensed under this
8 article.

9 (D) ~~(e)~~ A hospice that is certified under 42 CFR 418.100.

10 (2) "Person" means that term as defined in section 1106 or a
11 governmental entity.

12 (3) "Public member" means a member of the general public who
13 is not a provider; who does not have an ownership interest in or
14 contractual relationship with a nursing home other than a resident
15 contract; who does not have a contractual relationship with a
16 person who does substantial business with a nursing home; and who
17 is not the spouse, parent, sibling, or child of an individual who
18 has an ownership interest in or contractual relationship with a
19 nursing home, other than a resident contract.

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

24 Sec. 21711. (1) A nursing home shall be licensed under this
25 article.

26 (2) "Nursing home", "nursing center", "convalescent center",
27 "extended care facility", or a similar term or abbreviation shall

1 not be used to describe or refer to a health facility or agency
2 unless the health facility or agency is licensed as a nursing home
3 by the department under this article.

4 (3) A person shall not purport to provide formal or informal
5 nursing care services of the kind normally provided in a nursing
6 home without obtaining a license as provided in this article. ~~This~~
7 ~~subsection does not apply to a hospital or a facility created by~~
8 ~~Act No. 152 of the Public Acts of 1885, as amended, being sections~~
9 ~~36.1 to 36.12 of the Michigan Compiled Laws.~~

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