

SENATE BILL No. 1173

November 10, 2016, Introduced by Senator HOPGOOD 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:

1 Sec. 21720a. (1) ~~A~~ **THE DEPARTMENT SHALL NOT LICENSE A** nursing
2 home ~~shall not be licensed~~ under this part unless ~~that~~ **THE** nursing
3 home has on its staff at least 1 registered nurse with specialized
4 training or relevant experience in the area of gerontology ~~,~~ who
5 ~~shall serve~~ **SERVES** as the director of nursing and who ~~shall be~~ **IS**
6 responsible for planning and directing nursing care. The nursing
7 home shall have at least 1 licensed nurse on duty at all times and
8 shall employ additional registered and licensed practical nurses
9 **AND CERTIFIED NURSE AIDES** in accordance with ~~subsection (2)~~. ~~This~~

1 ~~subsection shall not take effect until January 1, 1980.~~**THIS**
2 **SECTION.**

3 (2) A nursing home shall employ nursing **CARE** personnel **AND**
4 **CERTIFIED NURSE AIDES** 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 **CARE** personnel **AND CERTIFIED**
7 **NURSE AIDES WHO ARE** employed in the nursing home shall be under the
8 supervision of the director of nursing **DESCRIBED IN SUBSECTION (1)**.

9 (3) A licensee shall maintain a nursing home staff sufficient
10 to provide not less than 2.25 hours of nursing care by employed
11 nursing care personnel per patient per day. The ratio of patients
12 to nursing care personnel during a morning shift shall not exceed 8
13 patients to 1 nursing care personnel; the ratio of patients to
14 nursing care personnel during an afternoon shift shall not exceed
15 12 patients to 1 nursing care personnel; and the ratio of patients
16 to nursing care personnel during a nighttime shift shall not exceed
17 15 patients to 1 nursing care personnel, and there shall be
18 sufficient nursing care personnel available on duty to ~~assure~~
19 **ENSURE** coverage for patients at all times during the shift. ~~An~~
20 ~~employee~~**NURSING CARE PERSONNEL WHO ARE** designated as a ~~member~~
21 **MEMBERS** of the nursing staff shall not ~~be engaged in providing~~
22 **PROVIDE** basic services, ~~such as~~**INCLUDING, BUT NOT LIMITED TO,** food
23 preparation, housekeeping, laundry, or maintenance services, except
24 ~~in an instance of~~**A** natural disaster or other emergency reported to
25 and concurred in by the department. In a nursing home having 30 or
26 more beds, the director of nursing **DESCRIBED IN SUBSECTION (1)**
27 shall not be included in counting the minimum ratios of nursing

1 CARE personnel required by this subsection.

2 (4) A LICENSEE SHALL MAINTAIN A NURSING HOME STAFF SUFFICIENT
3 TO PROVIDE NOT FEWER THAN 2.25 HOURS OF NURSING CARE BY EMPLOYED
4 CERTIFIED NURSE AIDES PER PATIENT PER DAY. THE RATIO OF PATIENTS TO
5 CERTIFIED NURSE AIDES DURING A MORNING SHIFT SHALL NOT EXCEED 6
6 PATIENTS TO 1 CERTIFIED NURSE AIDE; THE RATIO OF PATIENTS TO
7 CERTIFIED NURSE AIDES DURING AN AFTERNOON SHIFT SHALL NOT EXCEED 8
8 PATIENTS TO 1 CERTIFIED NURSE AIDE; AND THE RATIO OF PATIENTS TO
9 CERTIFIED NURSE AIDES DURING A NIGHTTIME SHIFT SHALL NOT EXCEED 12
10 PATIENTS TO 1 CERTIFIED NURSE AIDE, AND THERE SHALL BE SUFFICIENT
11 CERTIFIED NURSE AIDES AVAILABLE ON DUTY TO ENSURE COVERAGE FOR
12 PATIENTS AT ALL TIMES DURING THE SHIFT. A CERTIFIED NURSE AIDE WHO
13 IS DESIGNATED AS A MEMBER OF THE NURSING STAFF SHALL NOT PROVIDE
14 BASIC SERVICES, INCLUDING, BUT NOT LIMITED TO, FOOD PREPARATION,
15 HOUSEKEEPING, LAUNDRY, OR MAINTENANCE SERVICES, EXCEPT IN A NATURAL
16 DISASTER OR OTHER EMERGENCY REPORTED TO AND CONCURRED IN BY THE
17 DEPARTMENT. IN A NURSING HOME HAVING 30 OR MORE BEDS, THE DIRECTOR
18 OF NURSING DESCRIBED IN SUBSECTION (1) SHALL NOT BE INCLUDED IN
19 COUNTING THE MINIMUM RATIOS OF CERTIFIED NURSE AIDES REQUIRED BY
20 THIS SUBSECTION.

21 (5) ~~(3)~~—In administering this section, the department shall
22 ~~take into consideration~~ CONSIDER a natural disaster or other
23 emergency.

24 (6) AS USED IN THIS SECTION, "CERTIFIED NURSE AIDE" MEANS AN
25 INDIVIDUAL WHO PROVIDES NURSING OR NURSING RELATED SERVICES TO
26 RESIDENTS OF A NURSING HOME AND WHO IS NOT A HEALTH PROFESSIONAL
27 LICENSED UNDER ARTICLE 15, A REGISTERED DIETICIAN, OR SOMEONE WHO

1 **VOLUNTEERS TO PROVIDE THOSE SERVICES WITHOUT PAY.**

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