

# SENATE BILL No. 1174

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 20104 (MCL 333.20104), as amended by 2015 PA 155, and by adding section 20174.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 20104. (1) ~~"Certification"~~ **EXCEPT AS OTHERWISE PROVIDED**  
 2 **IN SECTION 20174, "CERTIFICATION"** means the issuance of a document  
 3 by the department to a health facility or agency attesting to the  
 4 fact that the health facility or agency meets both of the  
 5 following:

6           (a) It complies with applicable statutory and regulatory  
 7 requirements and standards.

8           (b) It is eligible to participate as a provider of care and  
 9 services in a specific federal or state health program.

10           (2) "Consumer" means a person who is not a health care

1 provider as defined in section 300jj of title 15 of the public  
2 health service act, 42 USC 300jj.

3 (3) "County medical care facility" means a nursing care  
4 facility, other than a hospital long-term care unit, that provides  
5 organized nursing care and medical treatment to 7 or more unrelated  
6 individuals who are suffering or recovering from illness, injury,  
7 or infirmity and that is owned by a county or counties.

8 (4) "Department" means the department of licensing and  
9 regulatory affairs.

10 (5) "Direct access" means access to a patient or resident or  
11 to a patient's or resident's property, financial information,  
12 medical records, treatment information, or any other identifying  
13 information.

14 (6) "Director" means the director of the department.

15 (7) "Freestanding surgical outpatient facility" means a  
16 facility, other than the office of a physician, dentist,  
17 podiatrist, or other private practice office, offering a surgical  
18 procedure and related care that in the opinion of the attending  
19 physician can be safely performed without requiring overnight  
20 inpatient hospital care. Freestanding surgical outpatient facility  
21 does not include a surgical outpatient facility owned by and  
22 operated as part of a hospital.

23 (8) "Good moral character" means that term as defined in  
24 section 1 of 1974 PA 381, MCL 338.41.

25 **SEC. 20174. (1) THE DEPARTMENT SHALL ADMINISTER A NURSE AIDE**  
26 **TRAINING AND CERTIFICATION PROGRAM IN THIS STATE IN CONFORMANCE**  
27 **WITH 42 USC 1396R AND 42 CFR PARTS 483 AND 488.**

1           (2) SUBJECT TO THIS SECTION, THE DEPARTMENT SHALL PROMULGATE  
2 AND ENFORCE RULES TO IMPLEMENT THIS SECTION. THE RULES SHALL  
3 ESTABLISH THE STANDARDS AND REQUIREMENTS FOR THE PROGRAM. THE RULES  
4 MAY ESTABLISH WHICH HEALTH FACILITIES OR AGENCIES, IN ADDITION TO  
5 SKILLED NURSING FACILITIES, MAY EMPLOY A CERTIFIED NURSE AIDE FOR  
6 PURPOSES OF THE PROGRAM. THE RULES MAY ALSO ESTABLISH STANDARDS,  
7 PROCEDURES, ELIGIBILITY REQUIREMENTS TO RENEW CERTIFICATION, FEES  
8 TO SUPPORT THE EXPANSION OF THE PROGRAM TO CERTIFIED NURSE AIDES  
9 WORKING IN OTHER HEALTH FACILITIES OR AGENCIES, COMPETENCY  
10 REQUIREMENTS, TESTING REQUIREMENTS FOR CERTIFICATION, AND TRAINING  
11 REQUIREMENTS FOR CONTINUED CERTIFICATION.

12           (3) RULES PROMULGATED UNDER THIS SECTION THAT ARE APPLICABLE  
13 TO HEALTH FACILITIES OR AGENCIES SHALL BE UNIFORM INsofar AS IS  
14 REASONABLE.

15           (4) THE DEPARTMENT MAY ISSUE A CERTIFICATE TO AN APPLICANT WHO  
16 IS A NURSE AIDE WHO IS CERTIFIED IN ANOTHER STATE IF THE APPLICANT  
17 MEETS ALL OF THE FOLLOWING REQUIREMENTS:

18           (A) THE APPLICANT PASSES A NURSE AIDE TRAINING PROGRAM THAT IS  
19 APPROVED BY THE DEPARTMENT.

20           (B) THE APPLICANT PASSES A COMPETENCY EXAMINATION THAT IS  
21 APPROVED BY THE DEPARTMENT.

22           (C) THE APPLICANT'S STATUS AS A CERTIFIED NURSE AIDE IN THE  
23 OTHER STATE IS IN GOOD STANDING, AS VERIFIED BY THAT STATE'S  
24 CERTIFIED NURSE AIDE REGISTRY.

25           (5) THE CERTIFICATION OF AN INDIVIDUAL WHILE IN ACTIVE SERVICE  
26 IN THE MILITARY SERVICE OF THE UNITED STATES, AN AUXILIARY BRANCH  
27 OF THE MILITARY SERVICE OF THE UNITED STATES, OR THE UNITED STATES

1 PUBLIC HEALTH SERVICE, WHO WAS CERTIFIED AT THE TIME OF INDUCTION  
2 OR ENTERING INTO THE SERVICE, CONTINUES IN EFFECT WITHOUT FURTHER  
3 ACTION BY THE INDIVIDUAL UNTIL DISCHARGE OR LEAVING THE SERVICE AS  
4 LONG AS THE INDIVIDUAL REMAINS IN COMPLIANCE WITH 42 USC  
5 1396R(B) (5) (D) .

6 (6) AS USED IN THIS SECTION:

7 (A) "CERTIFICATE" MEANS A DOCUMENT ISSUED AS EVIDENCE OF  
8 CERTIFICATION.

9 (B) "CERTIFICATION" MEANS THE AUTHORIZATION GRANTED BY THE  
10 DEPARTMENT UNDER THE PROGRAM TO PRACTICE AS A CERTIFIED NURSE AIDE.

11 (C) "CERTIFIED NURSE AIDE" MEANS AN INDIVIDUAL WHO IS  
12 CERTIFIED UNDER THE PROGRAM TO PROVIDE NURSING OR NURSING-RELATED  
13 SERVICES TO RESIDENTS OF A SKILLED-NURSING FACILITY, OR, SUBJECT TO  
14 SUBSECTION (2), RESIDENTS OF A HEALTH FACILITY OR AGENCY, AND WHO  
15 IS NOT A HEALTH PROFESSIONAL LICENSED UNDER ARTICLE 15, A  
16 REGISTERED DIETITIAN, OR SOMEONE WHO VOLUNTEERS TO PROVIDE NURSING  
17 OR NURSING-RELATED SERVICES WITHOUT PAY.

18 (D) "PROGRAM" MEANS THE NURSE AIDE TRAINING AND CERTIFICATION  
19 PROGRAM DESCRIBED IN SUBSECTION (1) .

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