

**SUBSTITUTE FOR
SENATE BILL NO. 1094**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 21717 (MCL 333.21717), as amended by 2014 PA
66, and by adding section 5145.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 5145. (1) The department, in consultation with the**
2 **department of licensing and regulatory affairs, shall do all of the**
3 **following:**

4 **(a) By November 1, 2020, conduct an evaluation of the**
5 **operation, efficacy, clinical outcomes, and performance of each**
6 **COVID-19 regional hub that was implemented and operating during**
7 **this state's response to coronavirus in nursing homes and provide a**
8 **detailed report on its evaluation to the house and senate standing**

1 committees on health policy.

2 (b) By November 1, 2020, develop and submit a plan to the
3 house and senate standing committees on health policy that is based
4 on relevant guidance issued by the federal Centers for Disease
5 Control and Prevention and incorporates recommendations from the
6 Michigan nursing homes COVID-19 preparedness task force. The plan
7 shall describe a process by which the department is able to
8 implement dedicated facilities available for use for only
9 coronavirus-positive patients in each of the 8 health care regions
10 of this state to provide care to individuals who test positive for
11 coronavirus and are ineligible for admission at a hospital, nursing
12 home, or adult foster care facility. The plan shall also describe
13 how health care systems and hospitals with excess surge capacity
14 can be utilized for the placement of individuals who test positive
15 for coronavirus and are ineligible for admission at a hospital,
16 nursing home, or adult foster care facility, prior to the
17 individuals being transferred to a dedicated facility described in
18 this subdivision. The department shall consider and address within
19 the plan any relevant operational or procedural challenges
20 identified by the Michigan nursing homes COVID-19 preparedness task
21 force, including, but not limited to, the transfer of nursing home
22 residents, testing and laboratory priority for nursing home
23 residents and staff, and quality of life considerations. If the
24 plan uses the regional hub design described in subdivision (a), the
25 plan must incorporate any enhancement that the department considers
26 appropriate to prevent the spread of coronavirus in nursing homes
27 based on the evaluation conducted by the department under this
28 section.

29 (c) By November 1, 2020, and each month thereafter, provide a

1 report to the house and senate standing committees on health policy
2 that includes, but is not limited to, all of the following
3 information for each nursing home:

4 (i) The new number of COVID-19 positive cases among nursing
5 home residents and staff for the reporting period.

6 (ii) The new number of COVID-19 positive cases among nursing
7 home residents and staff that are symptomatic versus asymptomatic
8 for the reporting period.

9 (iii) The new number of COVID-19 deaths among nursing home
10 residents and staff for the reporting period.

11 (iv) The new number of COVID-19 recoveries among nursing home
12 residents and staff for the reporting period.

13 (v) The new number of COVID-19 tests conducted on nursing home
14 residents and staff for the reporting period.

15 (vi) The new number of nursing home residents who were
16 transferred out of the facility and into a hospital, care and
17 recovery center, or other facility for the reporting period.

18 (vii) The cumulative number of COVID-19 positive cases among
19 nursing home residents and staff, to date.

20 (viii) The cumulative number of COVID-19 deaths among nursing
21 home residents and staff that are symptomatic versus asymptomatic,
22 to date.

23 (ix) The cumulative number of COVID-19 deaths among nursing
24 home residents and staff, to date.

25 (x) The cumulative number of COVID-19 recoveries among nursing
26 home residents and staff, to date.

27 (xi) The cumulative number of COVID-19 tests conducted on
28 nursing home residents and staff, to date.

1 (xii) The cumulative number of nursing home residents who were
2 transferred to a hospital, COVID-19 regional hub, care and recovery
3 center, or other facility, to date.

4 (xiii) An inventory of current stock of medical supplies and
5 personal protective equipment.

6 (xiv) Current version of any visitation policy issued by the
7 department affecting nursing homes.

8 (2) The plan required under subsection (1) (b) shall also
9 provide for both of the following regarding an individual who tests
10 positive for coronavirus and needs to be transferred to a dedicated
11 facility or other location described in subsection (1) (b):

12 (a) That a physician shall provide, in writing and in a time
13 frame and manner determined by the department, that the individual
14 is medically stable for the transfer.

15 (b) Twenty-four hour notice to the individual, the
16 individual's family members, or the individual's legal
17 representative regarding the transfer.

18 (3) As used in this section:

19 (a) "Coronavirus" means severe acute respiratory syndrome
20 coronavirus 2 (SARS-CoV-2).

21 (b) "Health care region" means a health care region as
22 described by the department.

23 Sec. 21717. (1) An individual shall not be admitted or
24 retained for care in a nursing home ~~who~~ **if any of the following**
25 **apply:**

26 (a) **The individual** requires special medical or surgical
27 treatment, or treatment for acute mental illness, developmental
28 disability, communicable tuberculosis, or a communicable disease,
29 unless the home is able to provide an area and a program for the

1 care. The department shall approve both the area and the program.

2 (b) The individual has tested positive for coronavirus, is
3 currently receiving treatment at a hospital, and has less than 72
4 hours remaining in the individual's overall isolation period as
5 described in guidelines established by the federal Centers for
6 Disease Control and Prevention.

7 (c) Beginning November 1, 2020, the individual has tested
8 positive for coronavirus unless either of the following applies:

9 (i) The individual has since recovered from coronavirus.

10 (ii) The nursing home elects to establish and subsequently
11 demonstrates to the department that it is able to provide a
12 designated area within its facility for individuals who test
13 positive for coronavirus and has a program for retaining and
14 providing the appropriate level of care necessary for individuals
15 who test positive for coronavirus. To be considered for approval by
16 the department, the nursing home's designated area must meet proper
17 infection control safeguards and the program must be consistent
18 with adequate supply, testing, dedicated staffing, and operational
19 capacity of the nursing home at the time of an individual's
20 diagnosis. The nursing home shall not admit or retain an individual
21 in its care under this subparagraph unless the department approves
22 the nursing home's designated area and program described in this
23 subparagraph. A nursing home with a designated area approved by the
24 department must continuously evaluate and ensure the nursing home's
25 ability to meet each standard established by the department at the
26 time of the initial approval.

27 (2) As used in this section, "coronavirus" means severe acute
28 respiratory syndrome coronavirus 2 (SARS-CoV-2).