

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2020**

Introduced by Senator Lucido

ENROLLED SENATE BILL No. 956

AN ACT to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 21717 (MCL 333.21717), as amended by 2014 PA 66, and by adding sections 5145 and 21537.

The People of the State of Michigan enact:

Sec. 5145. (1) By August 15, 2020, the department, in consultation with the department of licensing and regulatory affairs, shall conduct an evaluation of the operation, efficacy, clinical outcomes, and performance of each COVID-19 regional hub that was implemented and operating during this state’s response to coronavirus in nursing homes and provide a detailed report on the evaluation described in this subsection to the house and senate standing committees on health policy.

(2) By September 1, 2020, the department, in consultation with the department of licensing and regulatory affairs and with hospitals located in each of the 8 health care regions, shall develop a plan based on relevant guidance established by the federal Centers for Disease Control and Prevention. The plan required under this subsection shall describe a process to ensure that, by September 1, 2020, there is at least 1 dedicated facility available for use in each of the 8 health care regions of this state to provide care only to individuals who test positive for coronavirus and are not eligible for admission at a hospital, nursing home, or adult foster care facility. On completion of the plan required under this subsection, the department shall submit the plan to the house and senate standing committees on health policy.

(3) As used in this section:

- (a) "Coronavirus" means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).
- (b) "COVID-19 regional hub" means a hub as designated by the department.
- (c) "Health care region" means a health care region as described by the department.

Sec. 21537. (1) Beginning September 1, 2020, if a hospital determines that an individual who tests positive for coronavirus is not eligible for admittance in the hospital and the individual is not a resident of a nursing home, the hospital shall transfer the individual to a dedicated facility described in section 5145(2) or a field hospital or other facility used as a surge capacity for the hospital.

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

Sec. 21717. (1) Except as otherwise provided in subsection (2), an individual shall not be admitted or retained for care in a nursing home if either of the following applies:

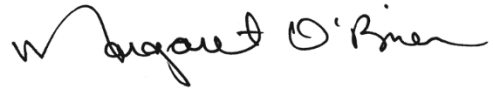
(a) The individual requires special medical or surgical treatment, or treatment for acute mental illness, developmental disability, communicable tuberculosis, or a communicable disease, unless the home is able to provide an area and a program for the care. The department shall approve both the area and the program.

(b) Beginning September 1, 2020, the individual is being moved from another health facility or agency and the individual has tested positive for coronavirus unless that individual has since recovered from coronavirus.

(2) Notwithstanding any other provision of this part, beginning September 1, 2020, unless a nursing home can provide care to a resident who tests positive for coronavirus in a physically separate building, a nursing home shall move a resident who tests positive for coronavirus to a dedicated facility as described in section 5145(2) or a field hospital or other facility used as a surge capacity for a hospital.

(3) Nothing in this section shall be construed to require a nursing home to admit or retain an individual who has tested positive for coronavirus.

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



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor