

SUBSTITUTE FOR
SENATE BILL NO. 462

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 21771 (MCL 333.21771).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 21771. (1) A licensee, nursing home administrator, or
2 employee of a nursing home shall not physically, mentally, or
3 emotionally abuse, mistreat, or harmfully neglect a patient.

4 (2) A nursing home employee who ~~becomes aware~~ **HAS REASONABLE**
5 **SUSPICION** of an act prohibited by this section ~~immediately~~ shall
6 report the ~~matter~~ **SUSPICION** to the nursing home administrator or
7 nursing director **AND TO THE DEPARTMENT IN THE MANNER REQUIRED BY**
8 **SUBSECTION (8)**. A nursing home administrator or nursing director
9 who ~~becomes aware~~ **HAS REASONABLE SUSPICION** of an act prohibited by

1 this section ~~immediately~~ shall report the ~~matter~~ **SUSPICION** by
2 telephone to the department ~~of public health, which in turn shall~~
3 ~~notify the department of social services.~~ **AND 1 OR MORE LAW**
4 **ENFORCEMENT ENTITIES IN THE MANNER REQUIRED BY SUBSECTION (8).**

5 (3) Any ~~person~~ **INDIVIDUAL** may report a violation of this
6 section to the department.

7 (4) A physician or other licensed health care personnel of a
8 hospital or other health care facility to which a patient is
9 transferred who ~~becomes aware~~ **HAS REASONABLE SUSPICION** of an act
10 prohibited by this section shall report the ~~act~~ **SUSPICION** to the
11 department **AND 1 OR MORE LAW ENFORCEMENT ENTITIES IN THE MANNER**
12 **REQUIRED BY SUBSECTION (8).**

13 (5) Upon receipt of a report made under this section, the
14 department shall make an investigation. The department may require
15 the ~~person~~ **INDIVIDUAL** making the report to submit a written report
16 or to supply additional information, or both.

17 (6) A **NURSING HOME EMPLOYEE**, licensee, or nursing home
18 administrator shall not evict, harass, dismiss, or retaliate
19 against a patient, a patient's representative, or an employee who
20 makes a report under this section.

21 (7) **AN INDIVIDUAL REQUIRED TO REPORT AN ACT OR A REASONABLE**
22 **SUSPICION UNDER SUBSECTIONS (2) TO (4) IS NOT REQUIRED TO REPORT**
23 **THE ACT OR SUSPICION TO THE DEPARTMENT OR 1 OR MORE LOCAL LAW**
24 **ENFORCEMENT ENTITIES IF THE INDIVIDUAL KNOWS THAT ANOTHER**
25 **INDIVIDUAL HAS ALREADY REPORTED THE ACT OR SUSPICION AS REQUIRED BY**
26 **THIS SECTION.**

27 (8) **AN INDIVIDUAL REQUIRED TO REPORT A REASONABLE SUSPICION OF**

1 AN ACT PROHIBITED BY THIS SECTION SHALL REPORT THE SUSPICION AS
2 FOLLOWS:

3 (A) IF THE ACT THAT CAUSES THE SUSPICION RESULTS IN SERIOUS
4 BODILY INJURY TO THE PATIENT, THE INDIVIDUAL SHALL REPORT THE
5 SUSPICION IMMEDIATELY, BUT NOT MORE THAN 2 HOURS AFTER FORMING THE
6 SUSPICION.

7 (B) IF THE ACT THAT CAUSES THE SUSPICION DOES NOT RESULT IN
8 SERIOUS BODILY INJURY TO THE PATIENT, THE INDIVIDUAL SHALL REPORT
9 THE SUSPICION NOT MORE THAN 24 HOURS AFTER FORMING THE SUSPICION.