

# HOUSE BILL No. 5392

January 16, 1990, Introduced by Reps. Bandstra, Pridnia, Krause, Crandall, Griffin, Dunaskiss and Trim and referred to the Committee on Public Health.

A bill to amend section 21720a of Act No. 368 of the Public Acts of 1978, entitled as amended  
"Public health code,"  
being section 333.21720a of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 21720a of Act No. 368 of the Public Acts  
2 of 1978, being section 333.21720a of the Michigan Compiled Laws,  
3 is amended to read as follows:

4 Sec. 21720a. (1) A nursing home shall not be licensed  
5 under this part unless that nursing home has on its staff at  
6 least 1 registered PROFESSIONAL nurse with specialized training  
7 or relevant experience in the area of gerontology, who shall  
8 serve as the director of nursing and who shall be responsible for  
9 planning and directing nursing care. The nursing home shall have  
10 at least 1 ~~licensed~~ REGISTERED PROFESSIONAL nurse on duty at

1 all times and shall employ additional registered PROFESSIONAL  
 2 NURSES and licensed practical nurses in accordance with subsec-  
 3 tion (2). ~~This subsection shall not take effect until January~~  
 4 ~~1, 1980.~~

5 (2) A ~~nursing home~~ LICENSEE shall employ nursing personnel  
 6 sufficient to provide continuous 24-hour nursing care and serv-  
 7 ices sufficient to meet the needs of each patient in the nursing  
 8 home. Nursing personnel employed in the nursing home shall be  
 9 under the supervision of the director of nursing. A licensee  
 10 shall maintain a nursing home staff sufficient to provide not  
 11 less than ~~2.25~~ A WEEKLY AVERAGE OF 2.30 hours of nursing care  
 12 by employed nursing ~~care~~ personnel per patient per day ~~. The~~  
 13 OR A WEEKLY AVERAGE ratio of patients to nursing ~~care~~ personnel  
 14 ~~during a morning shift shall~~ THAT DOES not exceed ~~8~~ 10  
 15 patients to 1 nursing ~~care~~ personnel, WHICHEVER IS LESS. ~~;~~  
 16 ~~the~~ THE MINIMUM ratio of patients to nursing ~~care~~ personnel  
 17 ~~during an afternoon shift~~ AT ANY 1 TIME shall not exceed ~~12~~  
 18 20 patients to 1 nursing ~~care~~ personnel. ~~;~~ and the ratio of  
 19 patients to nursing care personnel during a nighttime shift shall  
 20 not exceed ~~15 patients to 1 nursing care personnel and there~~ A  
 21 LICENSEE shall ~~be~~ MAINTAIN sufficient nursing ~~care~~ personnel  
 22 available on duty to assure coverage for patients at all times  
 23 during the shift. A LICENSEE SHALL NOT SCHEDULE AN EMPLOYEE DES-  
 24 IGNATED AS A MEMBER OF THE NURSING STAFF TO WORK A SHIFT OF  
 25 LONGER THAN 12 HOURS.

26 (3) An employee designated as a member of the nursing staff,  
 27 OTHER THAN A NURSE AIDE, shall not be engaged in providing basic

1 services such as food preparation, housekeeping, laundry, or  
2 maintenance services, except in an instance of natural disaster  
3 or other emergency reported to and concurred in by the  
4 department. A LICENSEE MAY INCLUDE NURSE AIDES AND OTHER NURSING  
5 SUPPORT STAFF WHOSE FUNCTION IS TO PERFORM DUTIES THAT ALLOW REG-  
6 ISTERED PROFESSIONAL NURSES AND LICENSED PRACTICAL NURSES TO PRO-  
7 VIDE HANDS ON NURSING CARE IN COUNTING THE MINIMUM RATIOS  
8 REQUIRED UNDER SUBSECTION (2). In a nursing home having 30 or  
9 more beds, the director of nursing shall not be included in  
10 counting the minimum ratios of nursing personnel required by  
11 ~~this~~ subsection (2).

12 (4) ~~(3)~~ In administering this section, the department  
13 shall take into consideration a natural disaster or other emer-  
14 gency AND AN EXTRAORDINARY GOOD FAITH EFFORT ON THE PART OF A  
15 LICENSEE TO MEET THE STAFFING REQUIREMENTS OF SUBSECTION (2).