

HOUSE BILL No. 5659

April 4, 1990, Introduced by Reps. Gnodtke, Pridnia, Emmons, Munsell, Stacey, Crandall, Ouwinga, Power, Dunaskiss and Miller and referred to the Committee on Public Health.

A bill to amend Act No. 368 of the Public Acts of 1978, entitled as amended
"Public health code,"
as amended, being sections 333.1101 to 333.25211 of the Michigan Compiled Laws, by adding section 21551.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 368 of the Public Acts of 1978, as
2 amended, being sections 333.1101 to 333.25211 of the Michigan
3 Compiled Laws, is amended by adding section 21551 to read as
4 follows:

5 SEC. 21551. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SEC-
6 TION, UPON RECEIPT OF AN APPLICATION FROM A HOSPITAL, THE DEPART-
7 MENT MAY TEMPORARILY DELICENSE CERTAIN BEDS IN THE HOSPITAL FOR
8 NOT MORE THAN 5 YEARS. THE APPLICATION SHALL BE ON A FORM

1 PROVIDED BY THE DEPARTMENT. THE FORM SHALL CONTAIN ALL OF THE
2 FOLLOWING INFORMATION:

3 (A) THE SPECIFIC BEDS TO BE DELICENSED.

4 (B) THE PERIOD OF TIME DURING WHICH THE BEDS WILL BE
5 DELICENSED.

6 (C) THE ALTERNATIVE USE PROPOSED FOR THE SPACE OCCUPIED BY
7 THE BEDS TO BE DELICENSED.

8 (2) AN ALTERNATIVE USE OF SPACE MADE AVAILABLE BY THE DELI-
9 CENSURE OF BEDS UNDER THIS SECTION SHALL NOT RESULT IN A VIOLA-
10 TION OF THIS ARTICLE OR THE RULES PROMULGATED UNDER THIS
11 ARTICLE. FOR PURPOSES OF THIS SECTION, ALTERNATIVE USES MAY
12 INCLUDE, BUT ARE NOT LIMITED TO, SENIOR RESPITE CARE, SENIOR DAY
13 CARE, MENTAL HEALTH SERVICES, AND THE LEASING OF SPACE TO HEALTH
14 CARE PROVIDERS.

15 (3) A HOSPITAL THAT IS GRANTED A DELICENSURE OF BEDS UNDER
16 SUBSECTION (1) MAY APPLY TO THE DEPARTMENT FOR AN EXTENSION OF
17 TEMPORARY DELICENSURE FOR THOSE BEDS FOR UP TO AN ADDITIONAL 5
18 YEARS. THE DEPARTMENT SHALL GRANT AN EXTENSION UNDER THIS SUB-
19 SECTION UNLESS THE DEPARTMENT DETERMINES THAT THERE IS A DEMON-
20 STRATED NEED FOR THE BEDS IN THE SUBAREA IN WHICH THE HOSPITAL IS
21 LOCATED.

22 (4) THE DEPARTMENT SHALL RELICENSE BEDS THAT ARE TEMPORARILY
23 DELICENSED UNDER THIS SECTION IF ALL OF THE FOLLOWING REQUIRE-
24 MENTS ARE MET:

25 (A) THE HOSPITAL FILES WITH THE DEPARTMENT A WRITTEN REQUEST
26 FOR RELICENSURE NOT LESS THAN 90 DAYS BEFORE EITHER OF THE
27 FOLLOWING:

1 (i) THE EXPIRATION OF THE PERIOD FOR WHICH DELICENSURE WAS
2 GRANTED.

3 (ii) THE DATE UPON WHICH THE HOSPITAL IS REQUESTING
4 RELICENSURE.

5 (B) THE SPACE TO BE OCCUPIED BY THE RELICENSED BEDS IS IN
6 COMPLIANCE WITH THIS ARTICLE AND THE RULES PROMULGATED UNDER THIS
7 ARTICLE.

8 (5) IF A HOSPITAL DOES NOT MEET ALL OF THE REQUIREMENTS OF
9 SUBSECTION (4), THEN ALL OF THE TEMPORARILY DELICENSED BEDS SHALL
10 BE AUTOMATICALLY AND PERMANENTLY DELICENSED EFFECTIVE ON THE LAST
11 DAY OF THE PERIOD FOR WHICH THE DEPARTMENT GRANTED TEMPORARY
12 DELICENSURE.

13 (6) THE DEPARTMENT SHALL CONTINUE TO COUNT BEDS TEMPORARILY
14 DELICENSED UNDER THIS PART IN THE DEPARTMENT'S BED INVENTORY FOR
15 PURPOSES OF DETERMINING HOSPITAL BED NEED IN THE SUBAREA IN WHICH
16 THE BEDS ARE LOCATED.

17 (7) A HOSPITAL THAT IS GRANTED TEMPORARY DELICENSURE OF BEDS
18 UNDER THIS SECTION SHALL NOT TRANSFER THE BEDS TO ANOTHER SITE OR
19 HOSPITAL.

20 (8) A HOSPITAL THAT HAS BEDS THAT ARE SUBJECT TO A HOSPITAL
21 BED REDUCTION PLAN OR TO A DEPARTMENT ACTION TO ENFORCE THIS
22 ARTICLE IS NOT ELIGIBLE TO HAVE BEDS TEMPORARILY DELICENSED UNDER
23 THIS SECTION.