

# HOUSE BILL No. 5013

June 27, 1991, Introduced by Reps. Bennane, Bandstra, Rocca, Gire, Wozniak, Gnodtke, London, Willis Bullard, Johnson, Knight, Ostling, Gubow and Griffin and referred to the Committee on Public Health.

A bill to amend sections 21313 and 21713 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," being sections 333.21313 and 333.21713 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 21313 and 21713 of Act No. 368 of the  
2 Public Acts of 1978, being sections 333.21313 and 333.21713 of  
3 the Michigan Compiled Laws, are amended to read as follows:

4 Sec. 21313. (1) The owner, operator, and governing body of  
5 a home for the aged are responsible for all phases of the opera-  
6 tion of the home and shall assure that the home maintains an  
7 organized program to provide room and board, protection,  
8 supervision, assistance, and supervised personal care for its  
9 residents.

1 (2) The owner, operator, and governing body OF A HOME FOR  
2 THE AGED shall assure the availability of ~~emergency~~ EACH OF THE  
3 FOLLOWING:

4 (A) EMERGENCY medical care required by a resident.

5 (B) STAFF TRAINED IN RESUSCITATIVE PROCEDURES THAT INCLUDE  
6 THE HEIMLICH MANEUVER, MOUTH-TO-MOUTH VENTILATION, AND PRECORDIAL  
7 CHEST COMPRESSIONS, AS THOSE TERMS ARE DEFINED BY RULE OF THE  
8 DEPARTMENT.

9 (3) THE OWNER, OPERATOR, GOVERNING BODY, OR EMPLOYEE OF A  
10 HOME FOR THE AGED SHALL NOT WITHHOLD FROM A RESIDENT A RESUSCITA-  
11 TIVE PROCEDURE REQUIRED BY THAT RESIDENT, UNLESS THAT RESIDENT OR  
12 AUTHORIZED REPRESENTATIVE OF THAT RESIDENT HAS REQUESTED IN WRIT-  
13 ING THAT NO RESUSCITATIVE PROCEDURES BE IMPLEMENTED ON HIS OR HER  
14 BEHALF.

15 (4) A PERSON WHO VIOLATES SUBSECTION (3) IS GUILTY OF A MIS-  
16 DEMEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR.

17 (5) A PERSON WHO VIOLATES SUBSECTION (3) IS SUBJECT TO A  
18 CIVIL FINE OF NOT MORE THAN \$10,000.00 FOR EACH SEPARATE  
19 VIOLATION. FOR PURPOSES OF THIS SUBDIVISION, EACH DAY OF A VIO-  
20 LATION CONSTITUTES A SEPARATE VIOLATION.

21 Sec. 21713. (1) The owner, operator, and governing body of  
22 a nursing home licensed under this article:

23 (a) Are responsible for all phases of the operation of the  
24 nursing home and quality of care rendered in the home.

25 (b) Shall cooperate with the department in the enforcement  
26 of this article and SHALL require ~~that the physicians and other~~  
27 ~~personnel~~ PROOF OF CURRENT LICENSURE OR REGISTRATION OF EACH

1 PERSON working in the nursing home ~~and for whom a license or~~  
2 ~~registration~~ WHO is required BY LAW TO be currently licensed or  
3 registered.

4 (C) SHALL ASSURE THAT NURSING HOME STAFF IS TRAINED IN RESU-  
5 SCITATIVE PROCEDURES THAT INCLUDE THE HEIMLICH MANEUVER,  
6 MOUTH-TO-MOUTH VENTILATION, AND PRECORDIAL CHEST COMPRESSIONS, AS  
7 THOSE TERMS ARE DEFINED BY RULE OF THE DEPARTMENT.

8 (D) SHALL NOT ESTABLISH A POLICY OF WITHHOLDING FROM A  
9 PATIENT, OR AUTHORIZE AN EMPLOYEE TO WITHHOLD FROM A PATIENT, A  
10 RESUSCITATIVE PROCEDURE REQUIRED BY THAT PATIENT, UNLESS THAT  
11 PATIENT OR AN AUTHORIZED REPRESENTATIVE OF THAT PATIENT HAS  
12 REQUESTED IN WRITING THAT NO RESUSCITATIVE PROCEDURES BE IMPLE-  
13 MENTED ON HIS OR HER BEHALF.

14 (2) A PERSON WHO VIOLATES SUBSECTION (1)(D) IS GUILTY OF A  
15 MISDEMEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1  
16 YEAR.

17 (3) A PERSON WHO VIOLATES SUBSECTION (1)(D) IS SUBJECT TO A  
18 CIVIL FINE OF NOT MORE THAN \$10,000.00 FOR EACH SEPARATE  
19 VIOLATION. FOR PURPOSES OF THIS SECTION, EACH DAY OF A VIOLATION  
20 CONSTITUTES A SEPARATE VIOLATION.