

HOUSE BILL No. 5276

October 22, 1991, Introduced by Reps. Perry Bullard, Anthony, Hertel, Pitoniak, Dobronski, Wozniak, DeMars and Richard A. Young 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 21762.

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 21762 to read as
4 follows:

5 SEC. 21762. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SEC-
6 TION, A NURSING HOME THAT PARTICIPATES IN MEDICAID SHALL MAINTAIN
7 A SINGLE WAITING LIST FOR ALL APPLICANTS FOR ADMISSION TO THE
8 NURSING HOME, AND SHALL ADMIT ALL APPLICANTS IN THE ORDER IN
9 WHICH THEY APPLY FOR ADMISSION. UPON RECEIPT OF AN APPLICATION

1 FOR ADMISSION, THE NURSING HOME SHALL PROVIDE TO THE APPLICANT A
2 RECEIPT STATING THE TIME AND DATE OF APPLICATION.

3 (2) A PATIENT TEMPORARILY ABSENT FROM THE NURSING HOME UNDER
4 SECTION 21777 HAS PRIORITY OVER APPLICANTS ON THE WAITING LIST
5 REQUIRED UNDER SUBSECTION (1).

6 (3) A NURSING HOME OPERATED, SUPERVISED, OR CONTROLLED BY A
7 RELIGIOUS OR FRATERNAL INSTITUTION OR ORGANIZATION MAY MAINTAIN A
8 SEPARATE WAITING LIST FOR APPLICANTS WHO ARE MEMBERS OF THAT
9 RELIGIOUS OR FRATERNAL INSTITUTION OR ORGANIZATION, AND MAY GIVE
10 THOSE APPLICANTS PRIORITY IN ADMISSIONS OVER OTHER APPLICANTS.
11 IF A NURSING HOME MAINTAINS A SEPARATE WAITING LIST UNDER THIS
12 SUBSECTION, THE NURSING HOME SHALL ADMIT THE APPLICANTS ON THAT
13 SEPARATE WAITING LIST IN THE ORDER IN WHICH THEY APPLY FOR
14 ADMISSION.

15 (4) IF A NURSING HOME IS PART OF A FACILITY THAT HAS
16 LONG-TERM LEASES OR LIFE INTERESTS UNDER THE LIVING CARE DISCLO-
17 SURE ACT, ACT NO. 440 OF THE PUBLIC ACTS OF 1976, BEING SECTIONS
18 554.801 TO 554.844 OF THE MICHIGAN COMPILED LAWS, THE NURSING
19 HOME MAY MAINTAIN A SEPARATE WAITING LIST FOR APPLICANTS WHO ARE
20 PURCHASERS OF, NOMINEES OF, OR SUBSCRIBERS TO A LONG-TERM LEASE
21 OR LIFE INTEREST UNDER THAT ACT AND WHO HAVE BEEN RESIDENTS AT
22 THE FACILITY FOR AT LEAST 30 DAYS BEFORE APPLYING FOR ADMISSION
23 TO THE NURSING HOME. THE NURSING HOME MAY GIVE THOSE APPLICANTS
24 PRIORITY IN ADMISSIONS OVER OTHER APPLICANTS. IF A NURSING HOME
25 MAINTAINS A SEPARATE WAITING LIST UNDER THIS SUBSECTION, THE
26 NURSING HOME SHALL ADMIT THE APPLICANTS ON THAT SEPARATE WAITING

1 LIST IN THE ORDER IN WHICH THEY APPLY FOR ADMISSION TO THE
2 NURSING HOME.

3 (5) A NURSING HOME THAT IS PART OF A FACILITY WHICH INCLUDES
4 A HOME FOR THE AGED MAY MAINTAIN A SEPARATE WAITING LIST FOR
5 APPLICANTS WHO ARE RESIDENTS OF THE HOME FOR THE AGED, AND MAY
6 GIVE THOSE APPLICANTS PRIORITY IN ADMISSIONS OVER OTHER
7 APPLICANTS. A NURSING HOME THAT MAINTAINS A SEPARATE WAITING
8 LIST UNDER THIS SUBSECTION SHALL ADMIT THE APPLICANTS ON THAT
9 SEPARATE WAITING LIST IN THE ORDER IN WHICH THOSE APPLICANTS
10 APPLY FOR ADMISSION.

11 (6) A NURSING HOME THAT PROVIDES DOUBLE OCCUPANCY LIVING
12 QUARTERS FOR ITS PATIENTS MAY ADMIT THE FIRST APPLICANT ON AN
13 ADMISSION WAITING LIST WHO IS THE SAME SEX AS THE PATIENT WITH
14 WHOM THAT APPLICANT WILL SHARE LIVING QUARTERS.

15 (7) A NURSING HOME MAY REFUSE TO ADMIT AN APPLICANT WHO, AS
16 A RESULT OF A PHYSICAL OR MENTAL CONDITION, REQUIRES EQUIPMENT OR
17 SERVICES THAT ARE NOT AVAILABLE AT THE NURSING HOME.

18 (8) A NURSING HOME SHALL RETAIN FOR PUBLIC INSPECTION A COPY
19 OF EACH SEPARATE WAITING LIST MAINTAINED UNDER SUBSECTION (3),
20 (4), OR (5), AND PROVIDE IN EACH WAITING LIST THE DATE AND TIME
21 OF EACH APPLICATION FOR ADMISSION TO THE NURSING HOME.