

HOUSE BILL No. 5853

May 20, 1992, Introduced by Reps. Perry Bullard, DeMars, Ciaramitaro, Webb, Dobronski, Kosteva, Wozniak, Pitoniak and Baade and referred to the Committee on Judiciary.

A bill to amend Act No. 328 of the Public Acts of 1931,
entitled as amended

"The Michigan penal code,"

as amended, being sections 750.1 to 750.568 of the Michigan
Compiled Laws, by adding section 411h.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 328 of the Public Acts of 1931, as
2 amended, being sections 750.1 to 750.568 of the Michigan Compiled
3 Laws, is amended by adding section 411h to read as follows:

4 SEC. 411H. (1) A NURSING HOME THAT IS ENROLLED AS A MEDI-
5 CAID PROVIDER UNDER SECTION 111B OF THE SOCIAL WELFARE ACT, ACT
6 NO. 280 OF THE PUBLIC ACTS OF 1939, BEING SECTION 400.111B OF THE
7 MICHIGAN COMPILED LAWS, SHALL NOT EVICT, DISCHARGE, OR TRANSFER A
8 PATIENT OF THAT NURSING HOME OR THREATEN TO EVICT, DISCHARGE, OR
9 TRANSFER A PATIENT OF THAT NURSING HOME SOLELY ON THE GROUNDS

1 THAT THE PATIENT BECOMES ELIGIBLE FOR, APPLIES FOR, OR RECEIVES
2 MEDICAID.

3 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), A NURSING HOME
4 THAT VIOLATES SUBSECTION (1) IS GUILTY OF A FELONY PUNISHABLE BY
5 A FINE OF NOT MORE THAN \$50,000.00.

6 (3) A NURSING HOME THAT VIOLATES SUBSECTION (1) AFTER HAVING
7 PREVIOUSLY BEEN CONVICTED OF VIOLATING SUBSECTION (1) IS GUILTY
8 OF A FELONY PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000,000.00.

9 (4) AS USED IN THIS SECTION:

10 (A) "MEDICAID" MEANS THE PROGRAM OF MEDICAL ASSISTANCE
11 ESTABLISHED AND ADMINISTERED BY THE DEPARTMENT OF SOCIAL SERVICES
12 PURSUANT TO SECTION 105 OF ACT NO. 280 OF THE PUBLIC ACTS OF
13 1939, BEING SECTION 400.105 OF THE MICHIGAN COMPILED LAWS.

14 (B) "NURSING HOME" MEANS THAT TERM AS DEFINED IN SECTION
15 20109 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS
16 OF 1978, BEING SECTION 333.20109 OF THE MICHIGAN COMPILED LAWS.