

SENATE BILL No. 371

June 6, 1991, Introduced by Senators KOIVISTO, PRIDNIA,
DI NELLO and MC MANUS and referred to the Committee on
Health Policy.

A bill to amend section 22217 of Act No. 368 of the Public
Acts of 1978, entitled as amended
"Public health code,"
as added by Act No. 332 of the Public Acts of 1988, being section
333.22217 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 22217 of Act No. 368 of the Public Acts
2 of 1978, as added by Act No. 332 of the Public Acts of 1988,
3 being section 333.22217 of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 22217. (1) Until other certificate of need review
6 standards are approved pursuant to this section or
7 section 22215(1)(b), the following documents, policies, and
8 guidelines shall be used by the department as certificate of need

1 review standards for purposes of this part, but are not
2 incorporated by reference into this part:

3 (a) For general acute care beds, the subareas described on
4 page 67 and the bed need methodology set forth on pages 72 and 73
5 and the policies pertaining to general hospitals set forth on
6 pages 26 and 27 of the document entitled "Michigan department of
7 public health administrative guidelines for the certificate of
8 need program", adopted by the department on February 1, 1982.

9 (b) For long-term care services, the policies in the docu-
10 ment entitled "planning policies pertaining to long-term nursing
11 care bed need", approved by the statewide health coordinating
12 council on May 16, 1985, and amended on March 19, 1987, except
13 that the limitation on the number of beds that may be set aside
14 to better meet the needs of special population groups within the
15 long-term care and nursing home populations, as described on page
16 5 of "planning policies pertaining to long-term nursing care bed
17 need", is changed from 0.5% to ~~2.0%~~ 4.0%. Subject to the pro-
18 visions of this subdivision, the commission shall set aside the
19 additional beds in a statewide pool ~~that shall~~ TO be used for
20 proposed projects that better meet the religious or health needs
21 for specialized services within the long-term care and nursing
22 home populations including, but not limited to, acquired immuno-
23 deficiency syndrome and Alzheimer's disease. Not more than 6
24 months after the initial appointment and confirmation of all mem-
25 bers of the commission, the commission shall define and determine
26 those needs and the pool of additional beds by approving or
27 modifying the recommendations of the office and the department.

1 After a public hearing, but not later than 3 months after ~~the~~
2 ~~effective date of this part~~ OCTOBER 1, 1988, the office and the
3 department shall submit recommendations to the commission regard-
4 ing those needs and the pool of additional beds.

5 (c) For cardiac services, the policies in the document enti-
6 tled "planning policies pertaining to cardiac services" approved
7 by the statewide health coordinating council on January 16,
8 1986.

9 (d) For extrarenal organ transplantation services, the poli-
10 cies in the document entitled "planning policies pertaining to
11 extrarenal organ transplantation" approved by the statewide
12 health coordinating council on January 16, 1986.

13 (e) For special radiological procedures rooms, but excluding
14 procedure rooms used only for general radiology and fluoroscopy
15 procedures, the policies in the document entitled "planning poli-
16 cies pertaining to diagnostic radiology services" approved by the
17 statewide health coordinating council on January 16, 1986.

18 (f) For specialized radiation therapy services, including,
19 but not limited to, linear accelerators and cobalt units, the
20 policies in the document entitled "planning policies pertaining
21 to specialized radiation therapy services" approved by the state-
22 wide health coordinating council on January 16, 1986.

23 (g) For neonatal intensive care services, including special
24 newborn nursery services, item number 5 on page 29 of the admin-
25 istrative guidelines for certificate of need adopted by the
26 department on February 1, 1982.

1 (h) For extracorporeal shock wave lithotripsy, policies in
2 the document entitled "planning policies pertaining to
3 extracorporeal shock wave lithotripsy" approved by the statewide
4 health coordinating council on November 21, 1985.

5 (i) For magnetic resonance units, the policies in the docu-
6 ment entitled "planning policies pertaining to magnetic
7 resonance" as amended and approved by the statewide health coor-
8 dinating council on March 19, 1987.

9 (j) For mobile computed tomography scanners, the policies in
10 the document entitled "planning policies pertaining to mobile
11 computed tomography scanner services" approved by the statewide
12 health coordinating council on May 15, 1986.

13 (k) For fixed computed tomography scanner services, pages 61
14 to 66 of the administrative guidelines for certificate of need
15 adopted by the department on February 1, 1982.

16 (l) For psychiatric hospitals and units, the document enti-
17 tled "psychiatric hospitals and units" on pages 18 to 24 of chap-
18 ter 2 of volume II of the Michigan state health plan, 1983-87,
19 except that, for purposes of this subdivision only, the term
20 "public patient" means an individual approved for inpatient serv-
21 ices by a community mental health service board or an individual
22 who is admitted as a patient under section 423, 429, or 438 of
23 the mental health code, Act No. 258 of the Public Acts of 1974,
24 being sections 330.1423, 330.1429, and 330.1438 of the Michigan
25 Compiled Laws.

26 (m) For surgical facilities, including surgical facilities
27 in hospital or outpatient settings, the policies entitled

1 "policies pertaining to outpatient and inpatient surgical
2 facilities" on pages 41 and 42 of the administrative guidelines
3 for the certificate of need program adopted by the department on
4 February 1, 1982.

5 (2) Not later than 3 months after ~~the effective date of~~
6 ~~this part~~ OCTOBER 1, 1988, the office and the department shall
7 hold a public hearing on the documents, policies, and guidelines
8 set forth in subsection (1). The hearing shall provide inter-
9 ested persons an opportunity to submit information and testimony
10 on the appropriateness of the documents, policies, and guidelines
11 and the need, if any, to revise the documents, policies, and
12 guidelines to promote efficient, accessible, and quality health
13 services. Within 5 months after ~~the effective date of this~~
14 ~~part~~ OCTOBER 1, 1988, based on the public hearing and other
15 available information, the office and the department shall recom-
16 mend to the commission 1 of the following in regard to each of
17 the documents, policies, and guidelines set forth in
18 subsection (1):

19 (a) Approval as certificate of need review standards.

20 (b) Approval with specific modifications as certificate of
21 need review standards.

22 (c) Deletion, because the applicable clinical services and
23 medical equipment should no longer be governed under this part,
24 as determined by the commission pursuant to section 22215(1)(a).

25 (d) Review and revision.

26 (3) Before or during its third meeting, and after
27 consideration of the recommendations of the department and the

1 office under subsection (2), the commission shall assign each
2 document, policy, and guideline set forth in subsection (1) to 1
3 of the categories set forth in subsection (2)(a) to (d). The
4 commission's approval, or approval with specific modifications,
5 of certificate of need review standards shall be considered
6 approval under section 22215(1)(b), and ~~such~~ THOSE standards
7 shall be binding on all persons affected by this part. The pro-
8 cedures of sections 22215(3) and 22221(2) do not apply to stan-
9 dards approved, or approved with specific modifications, under
10 this subsection, except that a final commission action under this
11 subsection shall be submitted to the governor and legislature as
12 provided by section 22215(3) before it becomes effective.
13 However, the governor and the legislature shall have 30 days,
14 including not less than 6 session days, in which to disapprove
15 the action of the commission. For a document, policy, or guide-
16 line considered appropriate for review and revision, the commis-
17 sion shall, after considering the recommendations of the depart-
18 ment and the office, establish a schedule for expeditious review
19 and revision by the commission and shall direct the department
20 and office to adhere to the schedule in the development of pro-
21 posed or revised certificate of need review standards under this
22 part.

23 (4) An application submitted on or after the effective date
24 of this part for a proposed project subject to a document,
25 policy, or guideline listed in this section shall be considered
26 submitted as of January 1, 1989, except for applications meeting
27 the requirements of section 22235.

1 (5) Until all members of the commission are appointed and
2 confirmed, or until 5 months after the effective date of this
3 part, whichever is sooner, the statewide health coordinating
4 council may perform the duties of the commission under this
5 section. During the period described in this subsection, the
6 statewide health coordinating council may approve, disapprove, or
7 revise, as a certificate of need review standard, a policy
8 described in subsection (1)(c), (e), and (i). Action by the
9 statewide health coordinating council under this subsection shall
10 be submitted to the legislature and the governor as provided in
11 subsection (3) before it becomes effective and the standards
12 shall be binding on all parties affected by this part.

13 (6) The documents, policies, and guidelines set forth in
14 subsection (1) are public information. Upon receipt of a written
15 request, the department shall provide a copy of a document,
16 policy, or guideline to the person making the request.