



HOUSE BILL No. 4441

March 4, 1993, Introduced by Reps. Leland, Palamara, Bennane, Rivers, DeMars, Olshove, Kilpatrick, Clack, Freeman, Dobronski, Jaye, Berman, Schroer, Gubow, Stallworth, Barns, Hollister, Murphy, Mathieu, Points, Shepich, Harder, Curtis, Wallace, Cropsey, Willard, Gagliardi, Wetters, Gire, Ciaramitaro, Pitoniak, Anthony, Harrison, Emerson, Hood, Jondahl, Byrum, Rocca, Joe Young, Jr., Porreca and Saunders and referred to the Committee on Public Health.

A bill to amend section 21720a of Act No. 368 of the Public Acts of 1978, entitled as amended
"Public health code,"
being section 333.21720a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 21720a of Act No. 368 of the Public Acts
2 of 1978, being section 333.21720a of the Michigan Compiled Laws,
3 is amended to read as follows:

4 Sec. 21720a. (1) ~~A~~ THE DEPARTMENT SHALL NOT LICENSE A
5 nursing home ~~shall not be licensed~~ under this part unless that
6 nursing home has on its staff at least 1 registered nurse with
7 specialized training or relevant experience in the area of geron-
8 tology ~~who shall serve~~ SERVES as the director of nursing
9 and who ~~shall be~~ IS responsible for planning and directing
10 nursing care. ~~The~~ A nursing home APPLYING FOR LICENSURE shall

1 have at least 1 licensed nurse on duty at all times and shall
2 employ additional registered and licensed practical nurses in
3 accordance with subsection (2). ~~This subsection shall not take~~
4 ~~effect until January 1, 1980.~~

5 (2) A ~~nursing home~~ LICENSEE shall employ nursing personnel
6 sufficient to provide continuous 24-hour nursing care and serv-
7 ices sufficient to meet the needs of each patient in the nursing
8 home. ~~Nursing~~ THE DIRECTOR OF NURSING SHALL SUPERVISE NURSING
9 personnel employed in the nursing home. ~~shall be under the~~
10 ~~supervision of the director of nursing.~~ A licensee shall main-
11 tain a nursing home staff sufficient to provide not less than
12 ~~2.25~~ 2.65 hours of nursing care by employed nursing ~~care~~ per-
13 sonnel per patient per day. ~~The~~ A LICENSEE SHALL MAINTAIN A
14 ratio of patients to UNLICENSED nursing ~~care~~ personnel during a
15 morning shift ~~shall not exceed~~ OF NOT MORE THAN 8 ~~patients~~ to
16 1; ~~nursing care personnel; the~~ A ratio of patients to
17 UNLICENSED nursing ~~care~~ personnel during an afternoon shift
18 ~~shall not exceed~~ OF NOT MORE THAN 12 ~~patients~~ to 1; ~~nursing~~
19 ~~care personnel; and the~~ AND A ratio of patients to UNLICENSED
20 nursing ~~care~~ personnel during a nighttime shift ~~shall not~~
21 ~~exceed~~ OF NOT MORE THAN 15 ~~patients~~ to 1. ~~nursing care per-~~
22 ~~sonnel and there~~ A LICENSEE shall ~~be~~ HAVE sufficient nursing
23 ~~care~~ personnel available on duty to assure coverage for
24 patients at all times during the shift. A LICENSEE SHALL MAIN-
25 TAIN A RATIO OF UNLICENSED NURSING PERSONNEL TO LICENSED NURSES
26 OF NOT MORE THAN 5 TO 1 DURING THE MORNING AND AFTERNOON SHIFTS,
27 AND NOT MORE THAN 10 TO 1 DURING THE NIGHTTIME SHIFT. An employee

1 designated as a member of the nursing staff shall not ~~be engaged~~
2 ~~in providing~~ PROVIDE basic services such as food preparation,
3 housekeeping, laundry, or maintenance services, except in an
4 instance of natural disaster or other emergency reported to and
5 concurred in by the department. A PERSON EMPLOYED TO PROVIDE
6 SUCH BASIC SERVICES SHALL NOT PROVIDE NURSING CARE TO PATIENTS.
7 In a nursing home having 30 or more beds, the DEPARTMENT SHALL
8 NOT INCLUDE THE director of nursing ~~shall not be included~~ in
9 counting the minimum ratios of nursing personnel required by this
10 subsection.

11 (3) In administering this section, the department shall take
12 into consideration a natural disaster or other emergency.

13 (4) AS USED IN THIS SECTION, "UNLICENSED NURSING PERSONNEL"
14 MEANS PERSONS WHO PERFORM ONLY THOSE FUNCTIONS FOR WHICH A
15 LICENSE IS NOT REQUIRED UNDER THIS ACT.