

Act No. 224  
Public Acts of 1996  
Approved by the Governor  
May 24, 1996  
Filed with the Secretary of State  
May 28, 1996

**STATE OF MICHIGAN  
88TH LEGISLATURE  
REGULAR SESSION OF 1996**

**Introduced by Reps. Law, Bankes, Hill, Fitzgerald, Dolan, Hammerstrom, Schroer, Agee, Anthony, Emerson, Bullard, Ryan, Jamian, Voorhees, Freeman, Bobier, DeHart, Griffin, Gire, Galloway and Perricone**

# **ENROLLED HOUSE BILL No. 5490**

AN ACT to amend section 20109 of Act No. 368 of the Public Acts of 1978, entitled as amended "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," as amended by Act No. 39 of the Public Acts of 1991, being section 333.20109 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Section 20109 of Act No. 368 of the Public Acts of 1978, as amended by Act No. 39 of the Public Acts of 1991, being section 333.20109 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 20109. (1) "Nursing home" means a nursing care facility, including a county medical care facility, that provides organized nursing care and medical treatment to 7 or more unrelated individuals suffering or recovering from illness, injury, or infirmity. Nursing home does not include a unit in a state correctional facility. Nursing home does not include 1 or more of the following:

- (a) A hospital.
  - (b) A veterans facility created under Act No. 152 of the Public Acts of 1885, being sections 36.1 to 36.12 of the Michigan Compiled Laws.
  - (c) A hospice residence that is licensed under this article.
  - (d) A hospice that is certified under 42 C.F.R. 418.100.
- (2) "Person" means a person as defined in section 1106 or a governmental entity.

(3) "Public member" means a member of the general public who is not a provider; who does not have an ownership interest in or contractual relationship with a nursing home other than a patient contract; who does not have a contractual relationship with a person who does substantial business with a nursing home; and who is not the spouse, parent, sibling, or child of an individual who has an ownership interest in or contractual relationship with a nursing home, other than a patient contract.

(4) "Skilled nursing facility" means a hospital long-term care unit, nursing home, county medical care facility, or other nursing care facility, or a distinct part thereof, certified by the department to provide skilled nursing care.

Section 2. This amendatory act shall not take effect unless House Bill No. 5491 of the 88th Legislature is enacted into law.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved -----

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Governor.