



HOUSE BILL No. 4522

March 7, 1995, Introduced by Rep. Anthony and referred to the Committee on Health Policy.

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 22218.

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 22218 to read as
4 follows:

5 SEC. 22218. (1) THE ADDENDUM TO THE CERTIFICATE OF NEED
6 REVIEW STANDARDS FOR LONG-TERM CARE SERVICES FOR SPECIAL POPULA-
7 TION GROUPS THAT BECAME EFFECTIVE UNDER THIS PART ON DECEMBER 18,
8 1989, IS MODIFIED AS FOLLOWS:

1 (A) THE STATEWIDE POOL OF ADDITIONAL NURSING HOME BEDS, SET
2 ASIDE TO BETTER MEET THE NEEDS OF SPECIAL POPULATION GROUPS,
3 ESTABLISHED IN SECTION 3(1) OF THE ADDENDUM, IS INCREASED FROM 2%
4 TO 3% OF THE TOTAL NUMBER OF BEDS NEEDED IN THE STATE THROUGH
5 APPLICATION OF THE BED NEED METHODOLOGY IN THE MOST CURRENT CER-
6 TIFICATE OF NEED REVIEW STANDARDS FOR NURSING HOME AND HOSPITAL
7 LONG-TERM CARE UNIT BEDS. THE ADDITIONAL BEDS RESULTING FROM THE
8 1% INCREASE SHALL BE ALLOCATED IN ACCORDANCE WITH SECTION 3(5) OF
9 THE ADDENDUM, AS MODIFIED BY THIS SECTION.

10 (B) THE NUMBER OF BEDS SET ASIDE IN SECTION 3(5)(A) OF THE
11 ADDENDUM IS INCREASED BY THE ADDITIONAL 1% ESTABLISHED IN
12 SUBSECTION (1)(A) OF THIS SECTION.

13 (C) A PROPOSED PROJECT IS IN COMPLIANCE WITH
14 SECTION 3(5)(B)(i) OF THE ADDENDUM IF THE PROPOSED PROJECT MEETS
15 THE APPLICABLE PROVISIONS OF SECTION 3(5)(B)(i) OF THE ADDENDUM,
16 OR IF IT WILL BE LOCATED IN A PLANNING AREA THAT HAS A POPULATION
17 OF NOT MORE THAN 71,000 PERSONS AND THE PLANNING AREA IS CONTIGU-
18 OUS TO 2 OR MORE COUNTIES THAT HAVE A POPULATION DENSITY OF LESS
19 THAN 28 INDIVIDUALS PER SQUARE MILE.

20 (D) SECTION 3(5)(B)(ii) OF THE ADDENDUM IS MODIFIED TO PRO-
21 VIDE THAT A PROPOSED PROJECT IS NOT IN COMPLIANCE WITH
22 SECTION 3(5)(B) OF THE ADDENDUM IF THE PLANNING AREA WITHIN WHICH
23 THE PROPOSED BEDS WOULD BE LOCATED HAS MORE THAN 60 BEDS APPROVED
24 UNDER SECTION 3(5) OF THE ADDENDUM, OR IF UPON APPROVAL OF THE
25 PROPOSED PROJECT THAT PLANNING AREA WOULD HAVE MORE THAN 60 BEDS
26 APPROVED UNDER SECTION 3(5) OF THE ADDENDUM.

1 (E) UNDER SECTION 3(5)(B)(iii) OF THE ADDENDUM, THE
2 APPLICANT SHALL DEMONSTRATE THAT THE AVERAGE OCCUPANCY RATE FOR
3 THE PLANNING AREA IN WHICH THE PROPOSED BEDS WILL BE LOCATED WAS
4 AT LEAST 95% FOR EACH OF THE 2 YEARS FOR WHICH VERIFIABLE DATA IS
5 AVAILABLE TO THE DEPARTMENT IMMEDIATELY PRECEDING THE DATE THE
6 PROPOSED PROJECT IS DEEMED SUBMITTED TO THE DEPARTMENT.

7 (F) SECTION 3(5)(B)(iv) OF THE ADDENDUM IS MODIFIED SO THAT
8 THE MAXIMUM NUMBER OF BEDS THAT CAN BE APPROVED PER PROJECT IS
9 INCREASED FROM 20 TO 60 BEDS.

10 (G) ALL OTHER REQUIREMENTS UNDER THIS PART, THE CERTIFICATE
11 OF NEED PROCEDURAL RULES AND CERTIFICATE OF NEED REVIEW STAN-
12 DARDS, AS APPLICABLE, APPLY TO THE REVIEW AND ISSUANCE OF A CER-
13 TIFICATE OF NEED FOR BEDS UNDER SECTION 3(5) OF THE ADDENDUM.

14 (H) THE DEPARTMENT SHALL DETERMINE POPULATION DENSITY UNDER
15 SECTION 3(5)(B)(i) OF THE ADDENDUM TO THE CERTIFICATE OF NEED
16 REVIEW STANDARDS DESCRIBED IN THIS SECTION BY USING THE MOST
17 RECENT OF THE FOLLOWING:

18 (i) THE UNITED STATES DECENNIAL CENSUS.

19 (ii) THE INTERDECENNIAL POPULATION ESTIMATES PRODUCED BY THE
20 UNITED STATES BUREAU OF THE CENSUS AND PROVIDED TO THE MICHIGAN
21 DEPARTMENT OF MANAGEMENT AND BUDGET, WHICHEVER PROVIDES THE MOST
22 RECENT DATA.

23 (2) THE COMMISSION MAY ALSO SET ASIDE AND APPROVE CERTIFI-
24 CATE OF NEED REVIEW STANDARDS TO ALLOCATE BEDS FOR PROPOSED
25 PROJECTS FOR HOSPICE CARE FROM THE 2% STATEWIDE POOL PREVIOUSLY
26 ESTABLISHED IN THE ADDENDUM.