



HOUSE BILL No. 5242

October 12, 1995, Introduced by Reps. Rocca, Gire, Bennane, Jamian, Griffin, Willard, Bodem, McManus, Hammerstrom, Jaye, Stallworth and Porreca and referred to the Committee on Health Policy.

A bill to amend sections 20141 and 20171 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," section 20171 as amended by Act No. 252 of the Public Acts of 1990, being sections 333.20141 and 333.20171 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 20141 and 20171 of Act No. 368 of the
2 Public Acts of 1978, section 20171 as amended by Act No. 252 of
3 the Public Acts of 1990, being sections 333.20141 and 333.20171
4 of the Michigan Compiled Laws, are amended to read as follows:

5 Sec. 20141. (1) A person shall not establish or maintain
6 and operate a health facility or agency without holding a license
7 ~~from~~ ISSUED BY the department.

1 (2) A health facility or agency is not eligible to
2 participate in a federal or state health program requiring
3 certification without current certification from the department.

4 (3) A health facility or agency shall have the physician,
5 professional nursing, health professional, technical and support-
6 ive personnel, and the technical, diagnostic, and treatment serv-
7 ices and equipment necessary to assure the safe performance of
8 the health care undertaken by or in the facility or agency.

9 (4) A HEALTH FACILITY OR AGENCY LICENSED UNDER THIS ARTICLE
10 SHALL MAKE AVAILABLE TO ITS HEALTH PROFESSIONAL STAFF AND MAY
11 MAKE AVAILABLE TO OTHER STAFF TRAINING IN FIRST AID, CARDIOPULMO-
12 NARY RESUSCITATION, AND FOREIGN BODY OBSTRUCTION OF THE AIRWAY
13 APPROVED BY THE DEPARTMENT AND OFFERED OR APPROVED BY THE AMERI-
14 CAN RED CROSS, AMERICAN HEART ASSOCIATION, OR A COMPARABLE
15 ORGANIZATION. A HEALTH FACILITY OR AGENCY LICENSED UNDER THIS
16 ARTICLE SHALL HAVE ON DUTY DURING ALL HOURS OF OPERATION AT LEAST
17 1 HEALTH PROFESSIONAL STAFF MEMBER WHO HAS SUCCESSFULLY COMPLETED
18 THE COURSE OF TRAINING DESCRIBED IN THIS SUBSECTION AND WHO HOLDS
19 A VALID, CURRENT CERTIFICATION IN FIRST AID AND CARDIOPULMONARY
20 RESUSCITATION ISSUED BY THE ORGANIZATION OFFERING THE TRAINING.

21 (5) ~~(4)~~ Licensure and certification of a health facility
22 or agency ~~shall be~~ IS evidence of the fact that the HEALTH
23 facility or agency complies with applicable statutory and regula-
24 tory requirements and standards at the time of issuance.

25 (6) ~~(5)~~ A health facility or agency shall provide the
26 department with the data and statistics required to enable the

1 department to carry out functions required by federal and state
2 law, including rules and regulations.

3 Sec. 20171. (1) The department, after obtaining approval of
4 the advisory commission, shall promulgate and enforce rules to
5 implement this article, including, BUT NOT LIMITED TO, rules nec-
6 essary to enable a health facility or agency to qualify for and
7 receive federal funds available for patient care or for projects
8 involving new construction, additions, modernizations, or
9 conversions.

10 (2) The rules PROMULGATED UNDER SUBSECTION (1) THAT ARE
11 applicable to health facilities or agencies shall be uniform
12 insofar as is reasonable.

13 (3) The ~~rules shall establish~~ THE DEPARTMENT SHALL PROMUL-
14 GATE RULES UNDER SUBSECTION (1) ESTABLISHING standards relating
15 to ALL OF THE FOLLOWING:

16 (a) Ownership OF A HEALTH FACILITY OR AGENCY.

17 (b) Reasonable disclosure of ownership interests in propri-
18 etary corporations and of financial interests of trustees of vol-
19 untary, nonprofit corporations and owners of proprietary corpora-
20 tions and partnerships.

21 (c) Organization and function of ~~the~~ A health facility or
22 agency, AND OF THE HEALTH FACILITY OR AGENCY'S owner, operator,
23 and governing body.

24 (d) Administration OF A HEALTH FACILITY OR AGENCY.

25 (e) Professional and nonprofessional staff, TRAINING, serv-
26 ices, and equipment appropriate to implement section 20141(3) AND
27 (4).

1 (f) Policies and procedures OF A HEALTH FACILITY OR AGENCY.

2 (g) Fiscal and medical audit OF A HEALTH FACILITY OR
3 AGENCY.

4 (h) Utilization and quality control review.

5 (i) Physical plant including, BUT NOT LIMITED TO, planning,
6 construction, functional design, sanitation, maintenance, house-
7 keeping, and fire safety.

8 (j) Arrangements for the continuing evaluation of the qual-
9 ity of health care provided IN A HEALTH FACILITY OR AGENCY.

10 (k) Other pertinent organizational, operational, and proce-
11 dural requirements for each type of health facility or agency.

12 (4) The rules promulgated under section 21563 for the desig-
13 nation of rural community hospitals may also specify all of the
14 following:

15 (a) Maximum bed size.

16 (b) The level of services to be provided in each category as
17 described in section 21562(2).

18 (c) Requirements for transfer agreements with other hospi-
19 tals to assure efficient and appropriate patient care.