



HOUSE BILL No. 5490

December 14, 1995, 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 and referred to the Committee on Health Policy.

A bill to amend section 20109 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," 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:

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

5 Sec. 20109. (1) "Nursing home" means a nursing care facili-
6 ty, including a county medical care facility, ~~but excluding a~~
7 ~~hospital or a facility created by Act No. 152 of the Public Acts~~
8 ~~of 1885, as amended, being sections 36.1 to 36.12 of the Michigan~~
9 ~~Compiled Laws,~~ that provides organized nursing care and medical

1 treatment to 7 or more unrelated individuals suffering or
2 recovering from illness, injury, or infirmity. Nursing home does
3 not include a unit in a correctional facility that is operated by
4 the department of mental health. NURSING HOME DOES NOT INCLUDE 1
5 OR MORE OF THE FOLLOWING:

6 (A) A HOSPITAL.

7 (B) A VETERANS FACILITY CREATED UNDER ACT NO. 152 OF THE
8 PUBLIC ACTS OF 1885, BEING SECTIONS 36.1 TO 36.12 OF THE MICHIGAN
9 COMPILED LAWS.

10 (C) A HOSPICE THAT PROVIDES INPATIENT CARE DIRECTLY AND IS
11 IN COMPLIANCE WITH THIS ARTICLE FOR NOT LESS THAN 2 YEARS AND A
12 HOSPICE RESIDENCE THAT IS IN COMPLIANCE WITH THIS ARTICLE AND
13 WITH THE STANDARDS SET FORTH IN 42 C.F.R. PART 418. AS USED IN
14 THIS SUBDIVISION, "HOSPICE" AND "HOSPICE RESIDENCE" MEAN THOSE
15 TERMS AS DEFINED IN SECTIONS 21401 AND 21411.

16 (2) "Person" means a person as defined in section 1106 or a
17 governmental entity.

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

26 (4) "Skilled nursing facility" means a hospital long-term
27 care unit, nursing home, county medical care facility, or other

1 nursing care facility, or a distinct part thereof, certified by
2 the department to provide skilled nursing care.