



SENATE BILL No. 415

March 16, 1995, Introduced by Senators SCHWARZ and O'BRIEN
and referred to the Committee on Health Policy and Senior
Citizens.

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 PROFESSIONAL NURSES and licensed
 3 practical nurses in accordance with subsection (2). ~~This sub-~~
 4 ~~section shall not take effect until January 1, 1980.~~

5 (2) ~~A nursing home~~ SUBJECT TO SUBSECTION (3), A LICENSEE
 6 shall employ nursing personnel sufficient to provide continuous
 7 24-hour nursing care and services sufficient to meet the needs of
 8 each patient in the nursing home. ~~Nursing~~ THE DIRECTOR OF
 9 NURSING SHALL SUPERVISE NURSING personnel employed in the nursing
 10 home. ~~shall be under the supervision of the director of~~
 11 ~~nursing.~~ A licensee shall maintain a nursing home staff suffi-
 12 cient to provide not less than ~~2.25~~ 2.65 hours of nursing care
 13 by employed nursing ~~care~~ personnel per patient per day. ~~The~~
 14 A LICENSEE SHALL MAINTAIN A ratio of patients to UNLICENSED nurs-
 15 ing ~~care~~ personnel during a morning shift ~~shall not exceed~~ OF
 16 NOT MORE THAN 8 ~~patients~~ to 1; ~~nursing care personnel;~~ the A
 17 ratio of patients to UNLICENSED nursing ~~care~~ personnel during
 18 an afternoon shift ~~shall not exceed~~ OF NOT MORE THAN 12
 19 ~~patients~~ to 1; ~~nursing care personnel;~~ and the AND A ratio of
 20 patients to UNLICENSED nursing ~~care~~ personnel during a night-
 21 time shift ~~shall not exceed~~ OF NOT MORE THAN 15 ~~patients~~ to
 22 1. ~~nursing care personnel and there~~ A LICENSEE shall ~~be~~ HAVE
 23 sufficient nursing ~~care~~ personnel available on duty to assure
 24 coverage for patients at all times during the shift. A LICENSEE
 25 SHALL MAINTAIN A RATIO OF PATIENTS TO LICENSED NURSING PERSONNEL
 26 OF NOT MORE THAN 30 TO 1 DURING THE MORNING AND AFTERNOON SHIFTS,
 27 AND NOT MORE THAN 50 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) A LICENSEE THAT MAINTAINS A NURSING HOME STAFF SUFFI-
12 CIENT TO PROVIDE 3 OR MORE HOURS OF CARE BY UNLICENSED NURSING
13 PERSONNEL PER PATIENT PER DAY IS NOT SUBJECT TO THE
14 STAFF-TO-PATIENT RATIO REQUIREMENTS OF SUBSECTION (2).

15 (4) ~~(3)~~ In administering this section, the department
16 shall take into consideration a natural disaster or other
17 emergency.

18 (5) AS USED IN THIS SECTION, "UNLICENSED NURSING PERSONNEL"
19 MEANS PERSONS WHO PERFORM IN A NURSING HOME ONLY THOSE FUNCTIONS
20 FOR WHICH A LICENSE IS NOT REQUIRED UNDER THIS ACT.