

SUBSTITUTE FOR
HOUSE BILL NO. 4207

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 21707 and 21715 (MCL 333.21707 and
333.21715) and by adding sections 21714 and 21720c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 21707. (1) ~~The~~ SUBJECT TO SECTION 21714, THE course
2 of medical treatment provided to a patient in a nursing home
3 shall be prescribed by the patient's physician.

4 (2) This part does not:

5 (a) Authorize the supervision, regulation, or control of the
6 practice of any method of healing.

7 (b) Authorize the medical supervision, regulation, or con-
8 trol of the remedial care or nonmedical nursing care of patients
9 in a nursing home operated for the adherents of a bona fide
10 church or religious denomination who rely upon treatment by

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1 prayer or spiritual means only in accordance with the creed or
2 tenets of that church or denomination. The residents, patients,
3 personnel, or employees, other than food handlers, of the NURSING
4 home are not required to submit to a medical or physical
5 examination. However, the nursing home shall be inspected and
6 licensed under laws pertaining to fire, safety, sanitation, and
7 building construction.

8 SEC. 21714. (1) IF A PATIENT IN A LICENSED HOSPITAL IS
9 UNDER THE CARE OF A PHYSICIAN AT THE TIME THE PATIENT APPLIES FOR
10 ADMISSION TO A NURSING HOME [], AND
11 IF THE PHYSICIAN WILL CONTINUE TO DIRECT THE CARE OF THE PATIENT
12 AT THE NURSING HOME [], THE NURSING
13 HOME [] SHALL REQUIRE THE PATIENT TO
14 BE EXAMINED BY THE PHYSICIAN WITHIN 30 DAYS BEFORE THE PATIENT IS
15 ADMITTED TO THE NURSING HOME [].
16 THE NURSING HOME [] SHALL ALSO
17 REQUIRE THAT A COPY OF THE EXAMINATION BE MADE AVAILABLE TO THE
18 NURSING HOME [] AT THE TIME OF THE
19 PATIENT'S ADMISSION. IF THE PATIENT HAS A SIGNIFICANT ILLNESS
20 SUBSEQUENT TO THE INITIAL EXAMINATION REQUIRED UNDER THIS SUBSEC-
21 TION, BUT BEFORE ADMISSION TO THE NURSING HOME []
22 [], THE PATIENT SHALL BE REEXAMINED BY THE PHY-
23 SICIAN WITHIN 7 DAYS BEFORE ADMISSION TO THE NURSING HOME []
24 []. THE PHYSICIAN SHALL FORWARD A COPY OF
25 THE EXAMINATION TO THE NURSING HOME []
26 [].

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(2) IF A PATIENT IS NOT UNDER THE CARE OF A PHYSICIAN WHO
WILL CONTINUE TO DIRECT THE CARE OF THE PATIENT AT THE TIME THE
PATIENT APPLIES FOR ADMISSION TO A NURSING HOME [
], THE NURSING HOME [
] SHALL REQUIRE THE PATIENT TO BE EXAMINED BY A PHYSICIAN
WITHIN 48 HOURS OF ADMISSION [OR, IF THE ADMISSION TAKES PLACE ON A
FRIDAY, SATURDAY, OR SUNDAY, WITHIN 72 HOURS OF ADMISSION,] UNLESS
THE PATIENT HAS BEEN EXAMINED
BY A PHYSICIAN NOT MORE THAN 5 DAYS BEFORE ADMISSION TO THE NURS-
ING HOME [].

9 (3) A REGISTERED PROFESSIONAL NURSE OR A LICENSED PRACTICAL
10 NURSE LICENSED UNDER ARTICLE 15 AND EMPLOYED BY OR UNDER CONTRACT
11 TO THE NURSING HOME IMMEDIATELY SHALL ENTER STANDING AND OTHER
12 TREATMENT ORDERS PRESCRIBED BY A PHYSICIAN FOR THE CARE OF A
13 PATIENT IN A NURSING HOME IN THE PATIENT'S PERMANENT MEDICAL
14 RECORD AND SHALL SIGN THE ENTRY, UNLESS THE ORDERS HAVE ALREADY
15 BEEN ENTERED AND SIGNED BY THE PRESCRIBING PHYSICIAN OR PURSUANT
16 TO SUBSECTION (4). IF A REGISTERED PROFESSIONAL NURSE OR
17 LICENSED PRACTICAL NURSE MAKES AND SIGNS AN ENTRY UNDER THIS SUB-
18 SECTION, THE PHYSICIAN WHO PRESCRIBED THE STANDING OR OTHER
19 TREATMENT ORDERS SHALL COUNTERSIGN THE ORDERS WITHIN 7 DAYS AFTER
20 THE DATE THE STANDING OR OTHER TREATMENT ORDERS ARE ENTERED INTO
21 THE PATIENT'S PERMANENT MEDICAL RECORD UNDER THIS SUBSECTION.

22 (4) IF STANDING OR OTHER TREATMENT ORDERS FOR THE CARE OF A
23 PATIENT IN A NURSING HOME ARE ENTERED INTO THE PATIENT'S MEDICAL
24 RECORD BY A PHYSICIAN'S ASSISTANT OR A CERTIFIED NURSE PRACTI-
25 TIONER, THE SUPERVISING PHYSICIAN SHALL COUNTERSIGN THE ORDERS
26 WITHIN 7 DAYS AFTER THE ENTRY.

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1 Sec. 21715. (1) ~~A~~ SUBJECT TO SECTION 21720C, A nursing
2 home shall provide ~~:(a) A program of planned and continuing~~
3 ~~nursing care under the charge of a registered nurse in a skilled~~
4 ~~facility and a licensed practical nurse with a registered nurse~~
5 ~~consultant in an intermediate care facility. This subdivision~~
6 ~~shall expire December 31, 1979. (b) A~~ A program of planned and
7 continuing medical care under the charge of 1 OR MORE
8 physicians.

9 (2) Nursing care and medical care shall consist of services
10 given to individuals who are subject to prolonged suffering from
11 illness or injury or who are recovering from illness or injury.
12 The services shall be within the ability of the NURSING home to
13 provide and shall include the functions of medical care ~~such as~~
14 INCLUDING, BUT NOT LIMITED TO, diagnosis and treatment of an ill-
15 ness; nursing care via assessment, planning, and implementation;
16 evaluation of a patient's health care needs; and the carrying out
17 of required treatment prescribed by a physician.

18 SEC. 21720C. (1) THE DEPARTMENT SHALL NOT LICENSE A NURSING
19 HOME OR RENEW A NURSING HOME LICENSE UNDER THIS PART UNLESS THE
20 NURSING HOME HAS DESIGNATED A PHYSICIAN TO SERVE AS MEDICAL
21 DIRECTOR OF THE NURSING HOME.

22 (2) A NURSING HOME MAY CONTRACT WITH A PHYSICIAN WHO IS NOT
23 AN EMPLOYEE OF THE NURSING HOME TO SERVE AS THE NURSING HOME'S
24 MEDICAL DIRECTOR FOR PURPOSES OF SUBSECTION (1). A PHYSICIAN WHO
25 ENTERS INTO A CONTRACT WITH A NURSING HOME TO SERVE AS THE NURS-
26 ING HOME'S MEDICAL DIRECTOR IS NOT AN EMPLOYEE OF THE NURSING
27 HOME FOR THAT REASON ONLY.

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1 (3) A MEDICAL DIRECTOR DESIGNATED UNDER SUBSECTION (1) IS
2 RESPONSIBLE FOR ALL OF THE FOLLOWING:

3 (A) IMPLEMENTATION OF RESIDENT CARE POLICIES.

4 (B) COORDINATION OF MEDICAL CARE IN THE NURSING HOME.

5 (C) THE OVERALL QUALITY OF MEDICAL SERVICES IN THE NURSING
6 HOME.