

# HOUSE BILL No. 4176

January 30, 1997, Introduced by Reps. Leland, Freeman, DeHart, Wojno, Goschka, Mathieu, Agee, Murphy, Harder, LaForge, Quarles, Thomas, Schauer, Tesanovich, Cherry, Schermesser, Hale, Baird, Varga, Hanley, Brater, Price, Rocca, Middaugh, Stallworth, Brown, Kilpatrick, Kukuk, Martinez, Brewer, Dobronski, Olshove, Gire, Willard, Gubow, Prusi and Baade and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 21720a (MCL 333.21720a).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 21720a. (1) ~~A~~ THE DEPARTMENT SHALL NOT LICENSE A  
2 nursing home ~~shall not be licensed~~ under this part unless that  
3 nursing home has on its staff at least 1 registered nurse with  
4 specialized training or relevant experience in the area of geron-  
5 tology ~~—, who shall serve~~ SERVES as the director of nursing  
6 and who ~~shall be~~ IS responsible for planning and directing  
7 nursing care. ~~The~~ A nursing home APPLYING FOR LICENSURE shall  
8 have at least 1 licensed nurse on duty at all times and shall  
9 employ additional registered PROFESSIONAL NURSES and licensed  
10 practical nurses in accordance with subsection (2). ~~This~~  
11 ~~subsection shall not take effect until January 1, 1980.~~

1       (2) ~~A nursing home~~ SUBJECT TO SUBSECTION (3), A LICENSEE  
2 shall employ nursing personnel sufficient to provide continuous  
3 24-hour nursing care and services sufficient to meet the needs of  
4 each patient in the nursing home. ~~Nursing~~ THE DIRECTOR OF  
5 NURSING SHALL SUPERVISE NURSING personnel employed in the nursing  
6 home. ~~shall be under the supervision of the director of~~  
7 ~~nursing.~~ A licensee shall maintain a nursing home staff suffi-  
8 cient to provide not less than ~~2.25~~ 2.65 hours of nursing care  
9 by employed nursing ~~care~~ personnel per patient per day. ~~The~~  
10 A LICENSEE SHALL MAINTAIN A ratio of patients to UNLICENSED nurs-  
11 ing ~~care~~ personnel during a morning shift ~~shall not exceed~~ OF  
12 NOT MORE THAN 8 ~~patients~~ to 1; ~~nursing care personnel; the~~ A  
13 ratio of patients to UNLICENSED nursing ~~care~~ personnel during  
14 an afternoon shift ~~shall not exceed~~ OF NOT MORE THAN 12  
15 ~~patients~~ to 1; ~~nursing care personnel; and the~~ AND A ratio of  
16 patients to UNLICENSED nursing ~~care~~ personnel during a night-  
17 time shift ~~shall not exceed~~ OF NOT MORE THAN 15 ~~patients~~ to  
18 1. ~~nursing care personnel and there~~ A LICENSEE shall ~~be~~ HAVE  
19 sufficient nursing ~~care~~ personnel available on duty to assure  
20 coverage for patients at all times during the shift. A LICENSEE  
21 SHALL MAINTAIN A RATIO OF PATIENTS TO LICENSED NURSING PERSONNEL  
22 OF NOT MORE THAN 30 TO 1 DURING THE MORNING AND AFTERNOON SHIFTS,  
23 AND NOT MORE THAN 50 TO 1 DURING THE NIGHTTIME SHIFT. An employee  
24 designated as a member of the nursing staff shall not ~~be engaged~~  
25 ~~in providing~~ PROVIDE basic services such as food preparation,  
26 housekeeping, laundry, or maintenance services, except in an  
27 instance of natural disaster or other emergency reported to and

1 concurred in by the department. A PERSON EMPLOYED TO PROVIDE  
2 SUCH BASIC SERVICES SHALL NOT PROVIDE NURSING CARE TO PATIENTS.  
3 In a nursing home having 30 or more beds, the DEPARTMENT SHALL  
4 NOT INCLUDE THE director of nursing ~~shall not be included~~ in  
5 counting the minimum ratios of nursing personnel required by this  
6 subsection.

7 (3) A LICENSEE THAT MAINTAINS A NURSING HOME STAFF SUFFI-  
8 CIENT TO PROVIDE 3 OR MORE HOURS OF CARE BY UNLICENSED NURSING  
9 PERSONNEL PER PATIENT PER DAY IS NOT SUBJECT TO THE  
10 STAFF-TO-PATIENT RATIO REQUIREMENTS OF SUBSECTION (2).

11 (4) ~~-(3)-~~ In administering this section, the department  
12 shall take into consideration a natural disaster or other  
13 emergency.

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