

# HOUSE BILL No. 4017

January 26, 1999, Introduced by Rep. Rocca and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20141 and 20171 (MCL 333.20141 and 333.20171), section 20171 as amended by 1990 PA 252.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

4       (2) A health facility or agency is not eligible to partici-  
5 pate in a federal or state health program requiring certification  
6 without current certification from the department.

7       (3) A health facility or agency shall have the physician,  
8 professional nursing, health professional, technical and  
9 supportive personnel, and the technical, diagnostic, and

1 treatment services and equipment necessary to assure the safe  
2 performance of the health care undertaken by or in the facility  
3 or agency.

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

16 (5) ~~(4)~~ Licensure and certification of a health facility  
17 or agency ~~shall be~~ IS evidence of the fact that the HEALTH  
18 facility or agency complies with applicable statutory and regula-  
19 tory requirements and standards at the time of issuance.

20 (6) ~~(5)~~ A health facility or agency shall provide the  
21 department with the data and statistics required to enable the  
22 department to carry out functions required by federal and state  
23 law, including rules and regulations.

24 Sec. 20171. (1) The department, after obtaining approval of  
25 the advisory commission, shall promulgate and enforce rules to  
26 implement this article, including, BUT NOT LIMITED TO, rules  
27 necessary to enable a health facility or agency to qualify for

1 and receive federal funds available for patient care or for  
2 projects involving new construction, additions, modernizations,  
3 or conversions.

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

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

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

11 (b) Reasonable disclosure of ownership interests in propri-  
12 etary corporations and of financial interests of trustees of vol-  
13 untary, nonprofit corporations and owners of proprietary corpora-  
14 tions and partnerships.

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

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

19 (e) Professional and nonprofessional staff, TRAINING, serv-  
20 ices, and equipment appropriate to implement section 20141(3) AND  
21 (4).

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

23 (g) Fiscal and medical audit OF A HEALTH FACILITY OR  
24 AGENCY.

25 (h) Utilization and quality control review.

1 (i) Physical plant including, BUT NOT LIMITED TO, planning,  
2 construction, functional design, sanitation, maintenance,  
3 housekeeping, and fire safety.

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

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

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

11 (a) Maximum bed size.

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

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