



HOUSE BILL No. 6094

November 9, 2000, Introduced by Reps. Kuipers, Scranton, Voorhees, Howell, Allen, Patterson, Tabor, Koetje, Toy, Middaugh, Jellema, Stamas, Julian, Gosselin, Jansen, Cassis, DeVuyst, Green, Law, Woronchak, Bisbee, Sanborn, Vear, Richner, Scott, Basham, Rick Johnson, Cameron Brown, Rivet, Richardville, Kukuk, LaSata, Godchaux, Kowall, Hager, DeRossett, Gilbert, DeWeese, Geiger, Caul, Ruth Johnson, Rocca, Byl, Vander Roest, Mead, Pumford, Ehardt, Faunce, Van Woerkom, Bradstreet, Mortimer, Kilpatrick, DeHart, Pestka, Frank, Hardman, Daniels, Raczkowski, O'Neil, Schauer, Jelinek, Lockwood, Hale and Garcia and referred to the Committee on Senior Health, Security and Retirement.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 21734.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 21734. (1) IF A NURSING HOME HAS A POLICY PROHIBITING
2 THE USE OF SAFETY RAILS ON HOSPITAL-TYPE BEDS, THE NURSING HOME
3 SHALL GIVE EACH RESIDENT WHO USES A HOSPITAL-TYPE BED OR THE
4 RESIDENT'S LEGAL REPRESENTATIVE THE OPTION OF HAVING SAFETY RAILS
5 ON THE BED. A NURSING HOME SHALL OFFER THE OPTION TO NEW RESI-
6 DENTS UPON ADMISSION AND TO OTHER RESIDENTS UPON REQUEST.

7 (2) IF A RESIDENT OR HIS OR HER LEGAL REPRESENTATIVE CHOOSES
8 SAFETY RAILS UNDER SUBSECTION (1), THE NURSING HOME MAY REQUIRE
9 THE RESIDENT OR LEGAL REPRESENTATIVE TO SIGN A STATEMENT WAIVING
10 THE RESIDENT'S RIGHT TO FILE A CIVIL ACTION FOR DAMAGES FOR AN
11 INJURY CAUSED BY THE USE OF THE SAFETY RAILS IF THE INJURY IS NOT

1 THE RESULT OF NEGLIGENCE ON THE PART OF THE NURSING HOME OR AN
2 EMPLOYEE OF THE NURSING HOME.