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## LICENSURE OF NURSING HOME ADMINISTRATORS

### House Bill 4776 as introduced First Analysis (5-31-01)

**Sponsor: Rep. Steve Vear**  
**Committee: Senior Health, Security and Retirement**

#### ***THE APPARENT PROBLEM:***

Generally, health care professionals are licensed and regulated under the Public Health Code, and non-health care occupations, including accountants, real estate agents, residential builders, engineers, and cosmetologists, among many others, are licensed and regulated under the Occupational Code. In the last several years, there have been several legislative efforts to move the regulation of all the health care and related professions into the Public Health Code. Public Act 126 of 1995 implemented such a move for the regulation of marriage and family therapists, and Public Act 11 of 2000 moved the regulation of social workers into the Public Health Code. According to the Department of Consumer and Industry Services, nursing home administrators are the last remaining health care-related profession to still be regulated under the Occupational Code. At the department's request, legislation has been introduced to move the licensure of nursing home administrators under the purview of the Public Health Code.

#### ***THE CONTENT OF THE BILL:***

The bill would repeal the provisions of the Occupational Code (MCL 339.1901 to 339.1910) and of the State License Fee Act (MCL 338.2247) pertaining to the licensure of nursing home administrators, and place equivalent provisions into the Public Health Code.

The bill specifies that a person who held a license as a nursing home administrator issued under the Occupational Code on the effective date of the bill would be considered to hold a valid license until the expiration of that license, at which time the person could renew the license under the provisions of the Public Health Code. Further, members of the nursing home administrators' board created under the Occupational Code would serve as the initial members of the board created under the Public Health Code until their successors were appointed or until the expiration of their terms, whichever

occurred first. Rules promulgated by the board, the Department of Consumer and Industry Services, or the department director under the Occupational Code would continue in effect to the extent that they did not conflict with the bill's provisions. The bill specifies that such rules could be amended or rescinded by the director.

MCL 333.16131 et al.

#### ***FISCAL IMPLICATIONS:***

Fiscal information is not available.

#### ***ARGUMENTS:***

##### ***For:***

The bill would not make any substantive changes in the regulation of nursing home administrators; it would simply transfer the current regulation of this profession from the Occupational Code to the Public Health Code.

Nursing home administrators are the last health care profession whose licensure remains under the purview of the Occupational Code. Moving the location of the statutory regulatory authority for licensure of nursing home administrators would provide for more effective regulation, according to the Department of Consumer and Industry Services. Currently, licensure and regulation of the occupations listed in the Occupational Code is the responsibility of the Bureau of Commercial Services, while health care professionals regulated under the Public Health Code are the responsibility of the Bureau of Health Services. Nurse aides, nurses, doctors, and other professionals who work in nursing homes are regulated under the Public Health Code, so it makes sense to locate the regulation of nursing home administrators there also. And, in addition to the health care professionals licensed under the Public

House Bill 4776 (5-31-01)

Health Code, health care facilities, including nursing homes, are regulated under the Public Health Code.

***POSITIONS:***

The Department of Consumer and Industry Services supports the bill. (5-22-01)

The Health Care Association of Michigan supports the bill. (5-31-01)

Analyst: D. Martens

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.