

HOUSE BILL No. 6242

July 3, 2002, Introduced by Reps. Spade and Woronchak and referred to the Committee on Senior Health, Security and Retirement.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 21799c (MCL 333.21799c), as amended by 1996
PA 546.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 21799c. (1) A person who violates 1 of the following
2 sections is guilty of a misdemeanor, punishable by imprisonment
3 for not more than 1 year or a fine of not less than \$1,000.00,
4 nor more than \$10,000.00, or both:
- 5 (a) Section 21711.
 - 6 (b) Section 21712.
 - 7 (c) Section 21763(5).
 - 8 (d) Section 21765a(1) or (2).
 - 9 (e) Section 21771(1) or (6).

1 (f) Section 21791.

2 (2) A person who violates section 21765a(1) or (2) is liable
3 to an applicant or patient in a civil action for treble the
4 amount of actual damages or \$1,000.00, whichever is greater,
5 together with costs and reasonable attorney fees.

6 (3) For the purpose of computing administrative penalties
7 under this section, the number of patients per day is based on
8 the average number of patients in the nursing home during the 30
9 days immediately preceding the discovery of the violation.

10 (4) If the department finds a violation of section 20201 as
11 to a particular nursing home patient, the department shall issue
12 an order requiring the nursing home to pay to the patient
13 ~~-\$100.00-~~ \$1,000.00, or to reimburse the patient for costs
14 incurred or injuries sustained as a result of the violation,
15 whichever is greater. The department also shall assess the nurs-
16 ing home an administrative penalty that is the lesser of the
17 following:

18 (a) Not more than \$1,500.00.

19 (b) \$15.00 per patient bed.

20 (5) The department of community health shall promulgate
21 rules for a quality of care allowance formula that is consistent
22 with the recommendations of the fiscal incentives subcommittee to
23 the committee on nursing home reimbursement established ~~pursuant~~
24 ~~to Act No. 241 of the Public Acts of 1975~~ IN ACCORDANCE WITH
25 1975 PA 241, as described in the November 24, 1975 interim
26 report, in the December 3, 1975 final report, and the November

1 24, 1976 report of the committee recommending appropriate changes
2 in the procedures utilized.

3 (6) The department shall not assess an administrative pen-
4 alty under subsection (4) for a violation of this part for which
5 a nursing home's reimbursement is withheld under subsection (5).