

HOUSE BILL No. 4041

January 28, 2003, 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
5 participate in a federal or state health program requiring
6 certification 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
10 treatment services and equipment necessary to assure the safe

1 performance of the health care undertaken by or in the facility
2 or agency.

3 (4) A health facility or agency licensed under this article
4 shall make available to its health professional staff and may
5 make available to other staff training in first aid,
6 cardiopulmonary resuscitation, and foreign body obstruction of
7 the airway approved by the department and offered or approved by
8 the American red cross, American heart association, or a
9 comparable organization. A health facility or agency licensed
10 under this article shall have on duty during all hours of
11 operation at least 1 health professional staff member who has
12 successfully completed the course of training described in this
13 subsection and who holds a valid, current certification in first
14 aid and cardiopulmonary resuscitation issued by the organization
15 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
19 regulatory 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~~ **department shall promulgate**
8 **rules under subsection (1) establishing** standards relating to **all**
9 **of the following:**

10 (a) **Ownership of a health facility or agency.**

11 (b) Reasonable disclosure of ownership interests in
12 proprietary corporations and of financial interests of trustees
13 of voluntary, nonprofit corporations and owners of proprietary
14 corporations 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,**
20 services, and equipment appropriate to implement section 20141(3)
21 **and (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.

26 (i) Physical plant including, **but not limited to,** planning,
27 construction, functional design, sanitation, maintenance,

1 housekeeping, and fire safety.

2 (j) Arrangements for the continuing evaluation of the
3 quality of health care provided **in a health facility or agency**.

4 (k) Other pertinent organizational, operational, and
5 procedural requirements for each type of health facility or
6 agency.

7 (4) The rules promulgated under section 21563 for the
8 designation of rural community hospitals may also specify all of
9 the following:

10 (a) Maximum bed size.

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

13 (c) Requirements for transfer agreements with other
14 hospitals to assure efficient and appropriate patient care.