

# HOUSE BILL No. 5866

March 14, 2006, Introduced by Reps. Shaffer, Farhat, Kolb, Taub, Brown, Hood, Hansen, Marleau, Caswell, Gaffney, Hildenbrand, LaJoy, Schuitmaker, Kahn, Polidori, Caul, Nofs, Sheltrown, Baxter, Whitmer, Farrah, Byrnes, Huizenga, Stahl, Proos, Rocca, Garfield, Sak, Gleason, Pastor, Stewart, Jones, Booher, Angerer, Gillard, McDowell, Byrum, Zelenko, Vagnozzi, Alma Smith, Lipsey, Nitz, Mortimer, Ball, Brandenburg, Amos, Bieda, Moolenaar, David Law, Stakoe, Wenke, Mayes, Pavlov, Palsrok and Cheeks and referred to the Committee on Appropriations.

A bill to amend 1939 PA 280, entitled  
 "The social welfare act,"  
 by amending section 58 (MCL 400.58).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        Sec. 58. (1) ~~The~~ A county ~~social welfare~~ board ~~is hereby~~  
 2 ~~authorized~~ MAY, with the approval of the COUNTY board of  
 3 ~~supervisors, to~~ COMMISSIONERS, supervise and be responsible for  
 4 the operation of a county medical care facility ~~which is now or~~  
 5 ~~may hereafter be established within or~~ IN, auxiliary to, or  
 6 independent of the county infirmary. ~~Provided, That in any~~ IF A  
 7 county ~~having~~ HAS a board of county institutions, ~~such~~  
 8 ~~facilities~~ A COUNTY MEDICAL CARE FACILITY shall be supervised and  
 9 operated by ~~such~~ THE board OF COUNTY INSTITUTIONS, and all

1 references ~~hereinafter~~ **IN THIS SECTION** to the county ~~social~~  
 2 ~~welfare~~ board ~~in such counties in relation to the operation of~~  
 3 ~~such facilities shall be construed to refer to~~ **MEANS, FOR THAT**  
 4 **COUNTY**, the board of county institutions. The ~~social welfare~~  
 5 **COUNTY** board in ~~such~~ **A** county ~~shall have the authority to~~ **THAT**  
 6 **HAS ESTABLISHED A COUNTY MEDICAL CARE FACILITY MAY** collect from any  
 7 available source for the cost of care given ~~therein and such~~ **IN**  
 8 **THE FACILITY AND THE** collections shall be deposited in the social  
 9 welfare fund **CREATED UNDER SECTION 73A.** ~~Such~~ **THE** facility shall  
 10 provide a program of planned and continuing medical treatment and  
 11 nursing care under the general direction and supervision of a  
 12 licensed physician employed full or part-time who shall be known as  
 13 the medical director.

14 (2) Medical treatment and nursing care **PROVIDED IN A COUNTY**  
 15 **MEDICAL CARE FACILITY** shall consist of ~~those~~ services given to  
 16 persons ~~who are~~ suffering from prolonged illness, defect,  
 17 infirmity, or senility, or ~~who may be~~ recovering from injury or  
 18 illness. ~~Such~~ **THE** services **PROVIDED** shall include ~~any~~ **SOME** or  
 19 all of the procedures commonly employed, such as physical  
 20 examination, diagnosis, minor surgical treatment, administration of  
 21 medicines, ~~provision of~~ **PROVIDING** special diets, giving ~~of~~  
 22 bedside care, and ~~the~~ carrying out ~~of~~ any required treatment  
 23 prescribed by a ~~duly~~ licensed physician ~~and~~ **THAT ARE** within the  
 24 ability of the facility to provide.

25 (3) ~~These services~~ **SERVICES PROVIDED IN A COUNTY MEDICAL**  
 26 **CARE FACILITY** shall be consistent with the needs of the type of  
 27 patient admitted and cared for, ~~and must be on a~~ professionally

1 supervised ~~—~~ **AND** planned, and **PROVIDED ON A** continuing basis. ~~—~~  
 2 ~~Provided, however, That no~~ **A** person shall **NOT** be admitted or  
 3 retained for care ~~who~~ **IF HE OR SHE** requires special medical or  
 4 surgical treatment ~~—~~ **OR** treatment for a psychosis, tuberculosis,  
 5 or contagious disease, except that the facility may contain a  
 6 supervised psychiatric ward for the temporary detention of mentally  
 7 ~~disturbed~~ **ILL** patients ~~—~~ ~~Provided, That such~~ **IF THE** ward has  
 8 been inspected and approved by the ~~state~~ department of ~~mental~~  
 9 **COMMUNITY** health and ~~so~~ certified by ~~it~~ **THE DEPARTMENT OF**  
 10 **COMMUNITY HEALTH** to the county ~~social welfare~~ board, ~~—~~ ~~And~~  
 11 ~~provided further, That~~ **AND IF** no other ~~such~~ facility for  
 12 temporary detention of mentally ~~disturbed~~ **ILL** patients exists  
 13 ~~within~~ **IN** the county. ~~—~~ ~~And provided further, That a~~ **A** county  
 14 department may provide for the support of poor persons who may be  
 15 feeble-minded or mentally ill at some other place or places and in  
 16 ~~such~~ **A** manner ~~as shall~~ **THAT** best ~~promote~~ **PROMOTES** the  
 17 interests of the county and ~~be for~~ the comfort and recovery of  
 18 such persons, at the expense of the county.

19 (4) ~~The~~ **A** county ~~social welfare~~ board, in seeking approval  
 20 to establish, extend, and operate a county medical care facility in  
 21 an existing building, shall ~~make application~~ **APPLY** in writing to  
 22 the ~~state~~ department. ~~submitting therewith its~~ **THE COUNTY BOARD**  
 23 **SHALL INCLUDE WITH THE APPLICATION A** proposed plan with  
 24 specifications, including standards of operation, for the  
 25 examination and recommendations of the ~~state~~ department.

26 (5) ~~The~~ **A COUNTY** board of ~~supervisors of any county~~  
 27 **COMMISSIONERS** may determine to erect a county infirmary or county

1 medical care facilities for the reception and care of the poor and  
 2 unfortunate of the county. ~~which~~ **THE COUNTY** medical **CARE**  
 3 facilities may be on different sites than the **COUNTY** infirmary.  
 4 ~~Upon~~ **ON** filing ~~such~~ **THE** determination with the **COUNTY** clerk, ~~of~~  
 5 ~~the county, they~~ **THE COUNTY BOARD OF COMMISSIONERS** may direct the  
 6 county ~~social welfare~~ board to purchase 1 or more tracts of land,  
 7 not exceeding 320 acres, and to erect ~~thereon~~ **ON THE LAND** 1 or  
 8 more suitable buildings for ~~that purpose~~ **THE COUNTY INFIRMARY OR**  
 9 **COUNTY MEDICAL CARE FACILITIES**. Before any county infirmary or  
 10 **COUNTY** medical care facility is erected or any existing buildings  
 11 are remodeled, added to, or substantially altered ~~—~~ under ~~the~~  
 12 ~~provisions of~~ this section, ~~and~~ before ~~the~~ plans ~~thereof~~ **FOR**  
 13 **THE COUNTY INFIRMARY OR COUNTY MEDICAL CARE FACILITIES** are finally  
 14 accepted, ~~or~~ **AND BEFORE** any contract **IS** entered into for  
 15 construction, the plans shall be submitted to the ~~state~~  
 16 department for examination and approval. The determination reached  
 17 shall be certified to the county clerk ~~of the county~~ and ~~shall~~  
 18 ~~be placed before~~ **PRESENTED TO** the **COUNTY** board of ~~supervisors~~  
 19 **COMMISSIONERS** at the next regular meeting ~~thereof~~. ~~No~~ **OF THE**  
 20 **COUNTY BOARD OF COMMISSIONERS**. A county infirmary or **COUNTY** medical  
 21 care facility shall **NOT** be constructed ~~without the approval of~~  
 22 **UNLESS** the plans ~~thereof having~~ **HAVE** been ~~duly~~ certified ~~as~~  
 23 ~~herein provided. No~~ **UNDER THIS SUBSECTION**. A contract for the  
 24 erection of ~~an~~ **A COUNTY** infirmary or **COUNTY** medical care facility  
 25 ~~shall be~~ **IS NOT** valid or binding unless the plans ~~thereby~~  
 26 ~~contemplated~~ **REFERRED TO IN THE CONTRACT** and actually followed  
 27 ~~shall~~ **IN THE CONSTRUCTION** have been approved. ~~—, nor shall any~~

1 ~~money~~ **MONEY SHALL NOT** be paid ~~out of the treasury of the~~ **FROM**  
 2 county **FUNDS** for ~~any~~ construction ~~unless and~~ until the plans  
 3 ~~thereof~~ have been approved and the determination filed.

4 (6) ~~It shall be the duty of the state~~ **THE** department ~~to~~  
 5 **SHALL** review the proposals and plans of ~~the~~ **A** county ~~social~~  
 6 ~~welfare~~ board submitted in connection with **AN APPLICATION FOR** the  
 7 establishment, extension, and operation of ~~the~~ **A COUNTY** medical  
 8 care facility or ~~the~~ county infirmary and ~~to~~ **SHALL** consult with  
 9 and give advice to the county department as to plans, procedures,  
 10 and programs required ~~in~~ **FOR** the proper establishment, extension,  
 11 and operation of the **COUNTY** medical care facility or ~~the~~ county  
 12 infirmary.

13 (7) The ~~state~~ department shall approve the **COUNTY** medical  
 14 care facilities by proper notice to the county department.  
 15 ~~Subsequent to its~~ **AFTER** approval, the ~~state~~ department shall  
 16 inspect ~~such~~ **THE** facility as frequently as it ~~deems~~ **CONSIDERS**  
 17 necessary, but at least ~~1 annual inspection shall be made.~~ County  
 18 ~~departments shall be governed by and shall adhere to~~ **ONCE EACH**  
 19 **YEAR. A COUNTY DEPARTMENT SHALL COMPLY WITH** any reasonable order  
 20 issued by the ~~state~~ department. The county department may appeal  
 21 ~~such~~ **AN** order in writing, within 30 days of ~~receipt of same~~  
 22 **RECEIVING THE ORDER**, to the ~~Michigan social welfare commission~~  
 23 **DIRECTOR OF THE DEPARTMENT.**

24 (8) Any reasonable order of the ~~commission governing~~  
 25 **DEPARTMENT FOR** the establishment, extension, operation, or ~~the~~  
 26 closing of ~~an~~ **A COUNTY** infirmary or **COUNTY** medical care facility  
 27 ~~, if circumstances so warrant,~~ may be enforced ~~through~~ **BY**

1 mandamus or injunction in the circuit court for the county where  
 2 the facility is located ~~through proper~~ **IN** proceedings instituted  
 3 by the attorney general on behalf of the ~~commission~~ **DEPARTMENT**.

4       (9) ~~No~~ **A COUNTY** medical care facility shall **NOT** be opened  
 5 for operation until it has been inspected and approved in writing  
 6 to the ~~state~~ department by the ~~state fire marshal~~ **BUREAU OF**  
 7 **FIRE SERVICES CREATED IN SECTION 1B OF THE FIRE PROTECTION CODE,**  
 8 **1941 PA 207, MCL 29.1B,** and the ~~state~~ **DEPARTMENT OF COMMUNITY**  
 9 **health.** ~~commissioner.~~ The county department shall ~~abide by~~  
 10 **COMPLY WITH** any reasonable directive issued by the ~~state fire~~  
 11 ~~marshal~~ **BUREAU OF FIRE SERVICES** or the ~~state~~ **DEPARTMENT OF**  
 12 **COMMUNITY health** ~~commissioner~~ with regard to the fire safety and  
 13 sanitation of ~~said institution. Said directives~~ **THE COUNTY**  
 14 **INFIRMARY OR COUNTY MEDICAL CARE FACILITY. A DIRECTIVE** may be  
 15 enforced by the ~~social welfare commission~~ **DEPARTMENT** in the same  
 16 manner as are orders of the ~~commission. Upon receipt of~~  
 17 **DEPARTMENT. AFTER RECEIVING** the approval of the ~~state~~ department,  
 18 the county department shall ~~thereafter~~ represent ~~such~~ **THE**  
 19 facility to the public as the county medical care facility and  
 20 shall make reasonable and continuing effort to divorce ~~such~~ **THE**  
 21 facility from an association in the public mind with the words  
 22 "poor house" or "poor farm". —."

23       Enacting section 1. This amendatory act does not take effect  
 24 unless Senate Bill No. 1133 or House Bill No.\_\_\_\_ (request no.  
 25 03197'05 \*\*\*) of the 93rd Legislature is enacted into law.