

HOUSE BILL No. 4615

March 18, 2009, Introduced by Reps. Liss, Constan, Espinoza, Womack, Lipton, Haase, Haugh, Slavens, Bledsoe, Lisa Brown, Barnett, Miller, Durhal, Bettie Scott, Young, Gregory, Valentine, Leland, Nathan, Warren, Donigan, Johnson, Wayne Schmidt, Polidori, Roy Schmidt, Meadows, Huckleberry and Bauer and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 20135.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 20135. (1) A FREESTANDING SURGICAL OUTPATIENT FACILITY OR
2 HOSPITAL LICENSED UNDER THIS ARTICLE THAT PROVIDES SURGERY SERVICES
3 SHALL DO ALL OF THE FOLLOWING:

4 (A) PROVIDE SURGERY SERVICES IN A MANNER THAT PROTECTS THE
5 HEALTH AND SAFETY OF PATIENTS IN ACCORDANCE WITH GENERALLY ACCEPTED
6 STANDARDS OF PRACTICE.

7 (B) MEET THE REQUIREMENTS OF THE CONDITIONS OF PARTICIPATION
8 ESTABLISHED UNDER 42 CFR 482.51 AS THEY APPLY TO REGISTERED

1 PROFESSIONAL NURSES PERFORMING CIRCULATING DUTIES IN THE OPERATING
2 ROOM.

3 (2) THE FREESTANDING SURGICAL OUTPATIENT FACILITY OR HOSPITAL
4 DESCRIBED IN SUBSECTION (1) SHALL ASSIGN A CIRCULATING NURSE TO BE
5 PRESENT IN THE OPERATING ROOM FOR THE DURATION OF EACH INVASIVE OR
6 OPERATIVE PROCEDURE. THIS SECTION DOES NOT PREVENT A CIRCULATING
7 NURSE PRESENT DURING THE INVASIVE OR OPERATIVE PROCEDURE FROM
8 LEAVING THE OPERATING ROOM AS PART OF THE PROCEDURE, LEAVING THE
9 OPERATING ROOM FOR SHORT PERIODS, OR BEING RELIEVED BY ANOTHER
10 CIRCULATING NURSE ASSIGNED TO CONTINUE CIRCULATING DUTIES FOR THAT
11 PROCEDURE IN ACCORDANCE WITH APPLICABLE EMPLOYEE RULES OR
12 REGULATIONS.

13 (3) AS USED IN THIS SECTION:

14 (A) "CIRCULATING NURSE" MEANS A REGISTERED PROFESSIONAL NURSE
15 WHO MEETS THE FOLLOWING REQUIREMENTS:

16 (i) IS RESPONSIBLE FOR COORDINATING ALL NURSING CARE, PATIENT
17 SAFETY NEEDS, AND THE NEEDS OF THE SURGICAL TEAM IN THE OPERATING
18 ROOM DURING AN INVASIVE OR OPERATIVE PROCEDURE.

19 (ii) IS QUALIFIED BY TRAINING AND EXPERIENCE TO PERFORM THE
20 DUTIES DESCRIBED IN SUBPARAGRAPH (i) .

21 (B) "REGISTERED PROFESSIONAL NURSE" MEANS THAT TERM AS DEFINED
22 IN SECTION 17201.

23 (C) "SURGERY SERVICES" MEANS INVASIVE OR OPERATIVE PROCEDURES
24 PERFORMED ON PATIENTS IN AN OPERATING ROOM OF A FREESTANDING
25 SURGICAL OUTPATIENT FACILITY OR HOSPITAL LICENSED UNDER THIS
26 ARTICLE.