

Legislative Analysis



NURSING HOMES: PROVISION OF MEDICAL TREATMENT

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House Bill 5375-5377
Sponsor: Rep. Gail Haines
Committee: Health Policy

Complete to 3-24-14

A SUMMARY OF HOUSE BILLS 5375-5377 AS INTRODUCED 2-27-14

House Bill 5375 will amend the Public Health Code (MCL 333.20109 and 333.21715) regarding nursing homes in two ways:

** The bill would specify that a nursing home, *regardless of its status as a legal entity*, could employ or contract with an individual licensed or otherwise authorized to engage in a health profession under Article 15 to provide the program of planned and continuing nursing care and medical treatment, which care and treatment would include direct clinical services to patients. (Article 15 licenses health professions, including physicians.)

** The code currently requires a nursing home to provide a program of planned and continuing *medical care* under the charge of physicians. The bill would instead require a nursing home to provide a program of planned and continuing *nursing care and medical treatment* under the charge of physicians.

"Medical treatment" would be defined to include treatment by an employee or independent contractor of the nursing home who is an individual licensed or otherwise authorized to engage in a health profession under Article 15 of the code.

The bill also would make numerous editorial revisions, including deletion of an expired provision.

House Bill 5376 and 5377 would each amend a different act to revise the definition of "services in a learned profession." Currently, the term means services provided to the public by a dentist, osteopathic physician, physician, surgeon, doctor of divinity or other clergy, or an attorney-at-law.

The bills specify that the term "services in a learned profession" *would not include* services provided to residents of a nursing home by an osteopathic physician, physician, or surgeon who is an employee or independent contractor of the nursing home.

House Bill 5376 amends the Michigan Limited Liability Company Act (MCL 450.4102) and House Bill 5377 amends the Business Corporation Act (MCL 450.1109). The bills are tie-barred to House Bill 4375, meaning that neither could take effect unless HB 4375 was also enacted.

FISCAL IMPACT:

A fiscal analysis is in process.

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