

# HOUSE BILL No. 4261

February 14, 2013, Introduced by Reps. Hovey-Wright, Slavens, Cavanagh, Ananich, Brunner, Lamonte, Schmidt, Goike, Nathan, Irwin, Lipton, Dillon, Stallworth, Rutledge, Tlaib, Hobbs and Oakes 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) BEGINNING JUNE 1, 2013, A DIALYSIS CENTER  
2        OPERATING IN THIS STATE SHALL HAVE A BACKUP EMERGENCY GENERATOR  
3        WITH SUFFICIENT CAPACITY TO PROVIDE ELECTRICITY NECESSARY TO  
4        SUSTAIN DIALYSIS TREATMENTS WHILE ALSO MAINTAINING WATER PRESSURE  
5        LEVELS REQUIRED TO OPERATE ITS DIALYSIS TREATMENT SYSTEM. A  
6        DIALYSIS CENTER SHALL MAINTAIN ENOUGH FUEL ON THE PREMISES TO  
7        MAINTAIN THE OPERATION OF THE BACKUP EMERGENCY GENERATOR FOR AT  
8        LEAST 48 HOURS. A DIALYSIS CENTER SHALL TEST ITS BACKUP EMERGENCY  
9        GENERATOR BY MAKING IT OPERATIONAL FOR AT LEAST 1/2 HOUR EVERY  
10       MONTH.

11       (2) THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS SHALL

1 DEVELOP GUIDELINES FOR DIALYSIS CENTERS TO FOLLOW REGARDING THE  
2 INSTALLATION, CAPACITY, TESTING, AND USE OF BACKUP EMERGENCY  
3 GENERATORS REQUIRED UNDER THIS SECTION. THE DEPARTMENT OF LICENSING  
4 AND REGULATORY AFFAIRS MAY PROMULGATE RULES FOR DIALYSIS CENTERS TO  
5 FOLLOW REGARDING THE INSTALLATION, CAPACITY, TESTING, AND USE OF  
6 BACKUP EMERGENCY GENERATORS REQUIRED UNDER THIS SECTION.

7 (3) ON OR BEFORE JANUARY 1, 2014, THE DEPARTMENT OF LICENSING  
8 AND REGULATORY AFFAIRS SHALL SUBMIT A REPORT TO THE LEGISLATURE  
9 IDENTIFYING EACH DIALYSIS CENTER OPERATING IN THIS STATE AND THE  
10 LEVEL OF COMPLIANCE BY THOSE CENTERS WITH THIS SECTION.

11 (4) AS USED IN THIS SECTION:

12 (A) "DIALYSIS" MEANS A PROCESS BY WHICH DISSOLVED SUBSTANCES  
13 ARE REMOVED FROM A PATIENT'S BODY BY DIFFUSION FROM 1 FLUID  
14 COMPARTMENT TO ANOTHER ACROSS A SEMIPERMEABLE MEMBRANE. DIALYSIS  
15 INCLUDES HEMODIALYSIS AND PERITONEAL DIALYSIS.

16 (B) "DIALYSIS CENTER" MEANS A NONHOSPITAL OUTPATIENT DIALYSIS  
17 UNIT THAT PROVIDES DIALYSIS TREATMENT ON AN OUTPATIENT BASIS OR  
18 TRAINING FOR HOME DIALYSIS.

19 (C) "DIALYSIS TREATMENT" MEANS EITHER OF THE FOLLOWING:

20 (i) CHRONIC DIALYSIS GIVEN TO END-STAGE RENAL DISEASE PATIENTS.

21 (ii) ACUTE DIALYSIS GIVEN TO PATIENTS WHO REQUIRE DIALYSIS  
22 BECAUSE OF TEMPORARY KIDNEY FAILURE.

23 (D) "END-STAGE RENAL DISEASE" MEANS THAT STATE OF RENAL  
24 IMPAIRMENT THAT APPEARS IRREVERSIBLE AND PERMANENT AND REQUIRES A  
25 REGULAR COURSE OF DIALYSIS OR KIDNEY TRANSPLANTATION TO MAINTAIN  
26 LIFE.