



**Senate Fiscal Agency**  
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**BILL ANALYSIS**



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Senate Bills 65, 66, and 67 (as enacted)

**PUBLIC ACTS 156, 157, & 158 of 2015**

Sponsor: Senator Goeff Hansen

Senate Committee: Families, Seniors and Human Services

House Committee: Health Policy

Date Completed: 12-10-15

**CONTENT**

**Senate Bill 65 amends Article 17 (Facilities and Agencies) of the Public Health Code to do the following:**

- Specify that "medical treatment", in the definition of "nursing home", includes treatment by an employee or independent contractor licensed or otherwise authorized to engage in a health profession under Part 170 (Medicine) or Part 175 (Osteopathic Medicine and Surgery) of the Code.
- Require a nursing home to provide a program of planned and continuing nursing care under the charge of a registered nurse and a program of planned and continuing medical treatment under the charge of physicians.
- Allow a nursing home to employ or contract with an individual licensed or otherwise authorized to engage in a health profession under Part 170 or Part 175 to provide nursing care and medical treatment.
- Authorize a nursing home to provide dental treatment under the supervision of a dentist.
- Allow a nursing home to employ or contract with a licensed dentist.

**Senate Bills 66 and 67 amends the Michigan Limited Liability Company Act and the Business Corporation Act, respectively, to specify that "services in a learned profession" does not include services provided to residents of a nursing home by a dentist, osteopathic physician, physician, or surgeon who is an employee or independent contractor of the nursing home.**

All of the bills will take effect on January 18, 2016.

**Senate Bill 65**

**Definition of "Nursing Home" & "Medical Treatment"**

Article 17 of the Public Health Code defines "nursing home" as a nursing care facility, including a county medical care facility, that provides organized nursing care and medical treatment to seven or more unrelated individuals suffering or recovering from illness, injury, or infirmity.

The bill specifies that, as used in that definition, "medical treatment" includes 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 Part 170 or Part 175 of the Public Health Code.

## Nursing Home Care/Dental Care

The Code requires a nursing home to provide a program of planned and continuing medical care under the charge of physicians. The bill refers to "treatment", rather than "care". The bill also requires a nursing home to provide a program of planned and continuing nursing care under the charge of a registered nurse.

The bill specifies that, regardless of its status as a legal entity, a nursing home may employ or contract with an individual licensed or otherwise authorized to engage in a health profession under Part 170 or 175 of the Public Health Code to provide the program of planned and continuing nursing care and medical treatment. The care and treatment must include direct clinical services to residents.

The bill authorizes a nursing home to provide dental treatment under the supervision of a dentist. A nursing home, regardless of its status as a legal entity, may employ or contract with a dentist who is licensed under Part 166 (Dentistry) of the Public Health Code.

### **Senate Bill 66**

The Michigan Limited Liability Company (LLC) Act allows an LLC to be formed for any lawful purpose for which a domestic corporation or a domestic partnership could be formed, except as otherwise provided by law. An LLC formed to provide services in a learned profession, or more than one learned profession, must comply with Article 9 (Professional Limited Liability Companies) of the Act.

The Act defines "services in a learned profession" as services rendered by a dentist, an osteopathic physician, a physician, a surgeon, a doctor of divinity or other clergy, or an attorney-at-law. The bill specifies that the term does not include services provided to residents of a nursing home by a dentist, osteopathic physician, physician, or surgeon who is an employee or independent contractor of the nursing home.

### **Senate Bill 67**

Under the Business Corporation Act, a corporation incorporated to provide one or more services in a learned profession must be incorporated as a professional corporation under Chapter 2A (Professional Corporations) of the Act.

The Act defines "services in a learned profession" as services provided to the public by a dentist, an osteopathic physician, a physician, a surgeon, a doctor of divinity or other clergy, or an attorney-at-law. The bill specifies that the term does not include services provided to residents of a nursing home by a dentist, osteopathic physician, physician, or surgeon who is an employee or independent contractor of the nursing home.

MCL 333.20109 & 333.21715 (S.B. 65)  
450.4102 (S.B. 66)  
450.1109 (S.B. 67)

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bills will have no fiscal impact on State or local government.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.