

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 65

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 20109 and 21715 (MCL 333.20109 and 333.21715),
section 20109 as amended by 1996 PA 224.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 20109. (1) "Nursing home" means a nursing care facility,
2 including a county medical care facility, that provides organized
3 nursing care and medical treatment to 7 or more unrelated
4 individuals suffering or recovering from illness, injury, or
5 infirmity. **AS USED IN THIS SUBSECTION, "MEDICAL TREATMENT" INCLUDES**
6 **TREATMENT BY AN EMPLOYEE OR INDEPENDENT CONTRACTOR OF THE NURSING**
7 **HOME WHO IS AN INDIVIDUAL LICENSED OR OTHERWISE AUTHORIZED TO**
8 **ENGAGE IN A HEALTH PROFESSION UNDER PART 170 OR 175.** Nursing home
9 does not include ~~a~~**ANY OF THE FOLLOWING:**

1 (A) A unit in a state correctional facility. ~~Nursing home does~~
2 ~~not include 1 or more of the following.~~

3 (B) ~~(a)~~ A hospital.

4 (C) ~~(b)~~ A veterans facility created under ~~Act No. 152 of the~~
5 ~~Public Acts of 1885, being sections 1885 PA 152, MCL 36.1 to 36.12.~~
6 ~~of the Michigan Compiled Laws.~~

7 (D) ~~(c)~~ A hospice residence that is licensed under this
8 article.

9 (E) ~~(d)~~ A hospice that is certified under 42 C.F.R. ~~CFR~~
10 418.100.

11 (2) "Person" means ~~a person~~ **THAT TERM** as defined in section
12 1106 or a governmental entity.

13 (3) "Public member" means a member of the general public who
14 is not a provider; who does not have an ownership interest in or
15 contractual relationship with a nursing home other than a ~~patient~~
16 **RESIDENT** contract; who does not have a contractual relationship
17 with a person who does substantial business with a nursing home;
18 and who is not the spouse, parent, sibling, or child of an
19 individual who has an ownership interest in or contractual
20 relationship with a nursing home, other than a ~~patient~~ **RESIDENT**
21 contract.

22 (4) "Skilled nursing facility" means a hospital long-term care
23 unit, nursing home, county medical care facility, or other nursing
24 care facility, or a distinct part thereof, certified by the
25 department to provide skilled nursing care.

26 Sec. 21715. (1) A nursing home shall provide:

27 (a) A program of planned and continuing nursing care under the

1 charge of a registered nurse. ~~in a skilled facility and a licensed~~
2 ~~practical nurse with a registered nurse consultant in an~~
3 ~~intermediate care facility. This subdivision shall expire December~~
4 ~~31, 1979.~~

5 (b) A program of planned and continuing medical ~~care~~ **TREATMENT**
6 under the charge of physicians. **A NURSING HOME, REGARDLESS OF ITS**
7 **STATUS AS A LEGAL ENTITY, MAY EMPLOY OR CONTRACT WITH AN INDIVIDUAL**
8 **LICENSED OR OTHERWISE AUTHORIZED TO ENGAGE IN A HEALTH PROFESSION**
9 **UNDER PART 170 OR 175 TO PROVIDE THE PROGRAM OF PLANNED AND**
10 **CONTINUING NURSING CARE AND MEDICAL TREATMENT UNDER THIS**
11 **SUBSECTION, WHICH CARE AND TREATMENT INCLUDE DIRECT CLINICAL**
12 **SERVICES TO RESIDENTS.**

13 (2) ~~Nursing~~ **A NURSING HOME SHALL PROVIDE NURSING** care and
14 medical ~~care shall consist~~ **TREATMENT THAT CONSIST** of services given
15 to ~~individuals~~ **RESIDENTS** who are subject to prolonged suffering
16 from illness or injury or who are recovering from illness or
17 injury. ~~The services shall be~~ **A NURSING HOME SHALL PROVIDE THE CARE**
18 **AND TREATMENT** within the ability of the **NURSING** home to provide and
19 shall include the functions of medical ~~care such as~~ **TREATMENT**
20 **INCLUDING THE** diagnosis and treatment of an illness; nursing care
21 via assessment, planning, and implementation; evaluation of a
22 ~~patient's~~ **RESIDENT'S** health care needs; and the carrying out of
23 required treatment prescribed by a physician.

24 (3) **A NURSING HOME MAY PROVIDE DENTAL TREATMENT UNDER THE**
25 **SUPERVISION OF A DENTIST. A NURSING HOME, REGARDLESS OF ITS STATUS**
26 **AS A LEGAL ENTITY, MAY EMPLOY OR CONTRACT WITH A DENTIST WHO IS**
27 **LICENSED UNDER PART 166.**

1 Enacting section 1. This amendatory act takes effect 90 days
2 after the date it is enacted into law.