

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.