

# SENATE BILL No. 65

January 29, 2015, Introduced by Senator HANSEN and referred to the Committee on Families, Seniors and Human Services.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending sections 20109, 21703, and 21715 (MCL 333.20109,  
333.21703, 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:

10       (A) A unit in a state correctional facility. ~~Nursing home does~~

1 ~~not include 1 or more of the following:~~

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

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

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

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

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

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

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

25 Sec. 21703. (1) "Patient" means ~~a person who receives care or~~  
26 ~~services at a nursing home.~~ **RESIDENT.**

27 (2) "Patient's representative" **OR "RESIDENT'S REPRESENTATIVE"**

means a person, other than the licensee or an employee or person having a direct or indirect ownership interest in the nursing home, designated in writing by a ~~patient-RESIDENT~~ or a ~~patient's~~ **RESIDENT'S** guardian for a specific, limited purpose or for general purposes, or, if a written designation of a representative is not made, the guardian of the ~~patient-RESIDENT~~.

(3) "Relocation" means the movement of a ~~patient-RESIDENT~~ from 1 bed to another or from 1 room to another within the same nursing home or within a certified distinct part of a nursing home.

(4) **"RESIDENT" MEANS AN INDIVIDUAL WHO RECEIVES CARE OR SERVICES AT A NURSING HOME.**

(5) ~~(4)~~-"Transfer" means the movement of a ~~patient-RESIDENT~~ from 1 nursing home to another nursing home or from 1 certified distinct part of a nursing home to another certified distinct part of the same nursing home.

(6) ~~(5)~~-"Welfare" means, with reference to a ~~patient,~~ **RESIDENT**, the physical, emotional, or social well-being of a ~~patient-RESIDENT~~ in a nursing home, including a ~~patient-RESIDENT~~ awaiting transfer or discharge, as documented in the ~~patient's~~ **RESIDENT'S** clinical record by a licensed or certified health care professional.

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

(a) A program of planned and continuing nursing care under the charge of a registered nurse. ~~in a skilled facility and a licensed practical nurse with a registered nurse consultant in an intermediate care facility. This subdivision shall expire December 31, 1979.~~

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

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