

Act No. 156
Public Acts of 2015
Approved by the Governor
October 20, 2015
Filed with the Secretary of State
October 20, 2015
EFFECTIVE DATE: January 18, 2016

**STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2015**

Introduced by Senator Hansen

ENROLLED SENATE BILL No. 65

AN ACT to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” 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:

Sec. 20109. (1) “Nursing home” means a nursing care facility, including a county medical care facility, that provides organized nursing care and medical treatment to 7 or more unrelated individuals suffering or recovering from illness, injury, or infirmity. As used in this subsection, “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 175. Nursing home does not include any of the following:

- (a) A unit in a state correctional facility.
- (b) A hospital.
- (c) A veterans facility created under 1885 PA 152, MCL 36.1 to 36.12.
- (d) A hospice residence that is licensed under this article.
- (e) A hospice that is certified under 42 CFR 418.100.
- (2) “Person” means that term as defined in section 1106 or a governmental entity.

(3) “Public member” means a member of the general public who is not a provider; who does not have an ownership interest in or contractual relationship with a nursing home other than a resident contract; who does not have a contractual relationship with a person who does substantial business with a nursing home; and who is not the spouse,

parent, sibling, or child of an individual who has an ownership interest in or contractual relationship with a nursing home, other than a resident contract.

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

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

(a) A program of planned and continuing nursing care under the charge of a registered nurse.

(b) A program of planned and continuing medical treatment under the charge of physicians. A nursing home, regardless of its status as a legal entity, may employ or contract with an individual licensed or otherwise authorized to engage in a health profession under part 170 or 175 to provide the program of planned and continuing nursing care and medical treatment under this subsection, which care and treatment include direct clinical services to residents.

(2) A nursing home shall provide nursing care and medical treatment that consist of services given to residents who are subject to prolonged suffering from illness or injury or who are recovering from illness or injury. A nursing home shall provide the care and treatment within the ability of the nursing home to provide and shall include the functions of medical treatment including the diagnosis and treatment of an illness; nursing care via assessment, planning, and implementation; evaluation of a resident's health care needs; and the carrying out of required treatment prescribed by a physician.

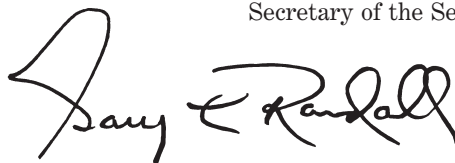
(3) A nursing home may provide dental treatment under the supervision of a dentist. A nursing home, regardless of its status as a legal entity, may employ or contract with a dentist who is licensed under part 166.

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

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor