



Senate Fiscal Agency  
P.O. Box 30036  
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383  
Fax: (517) 373-1986

Senate Bill 450 (as introduced 5-18-21)  
Sponsor: Senator Jim Stamas  
Committee: Health Policy and Human Services

Date Completed: 5-27-21

### **CONTENT**

**The bill would amend the Public Health Code to prohibit the Director of the Department of Health and Human Services (DHHS) or a local health officer from issuing an emergency order that prohibited or limited a patient representative from visiting a patient or a resident in a qualified health care facility or prohibited or limited a qualified health care facility from implementing or imposing reasonable safety measures during a patient representative visit.**

Under Section 2253 of the Code, if the Director of the DHHS determines that control of an epidemic is necessary to protect the public health, he or she by emergency order may prohibit the gathering of people for any purpose and may establish procedures to be followed during the epidemic to ensure continuation of essential public health services and enforcement of health laws. Emergency procedures are not limited to the Code. Section 2453 extends this authority to a local health official under the same circumstances.

The bill would prohibit, because LINDA, the Director or a local health officer from issuing an emergency order under Sections 2253 or 2453, respectively, that did either of the following:

- Prohibited or otherwise limited a patient representative from visiting a patient or resident in a qualified health care facility; however, the order could limit the number of patient representatives who could visit a patient or resident in a facility at one time.
- Prohibited or otherwise limited a qualified health care facility from implementing a reasonable safety measure before or during a patient representative's visit to a patient or resident in the facility, including prescreening or testing a patient representative, imposing a visit duration on a patient representative, restricting the number of patient representatives who could visit at one time, and requiring a patient representative to preschedule a visit.

"LINDA" would mean loved individuals need dedicated attention. "Patient representative" would mean any of the following:

- A family member.
- A patient advocate as that term is defined in Section 1106 of the Estates and Protected Individuals Code.
- An individual who is named as the attorney-in-fact under a durable power of attorney for the patient or resident.

"Family member" would mean an individual related to a patient or resident by blood, marriage, or adopted who is within the fifth degree of kinship to the patient or resident.

"Qualified health care facility" would mean any of the following:

- A health facility or agency as that term is defined in Section 26106.
- An assisted living facility.
- A physician's private practice office.

"Assisted living facility" would mean an unlicensed entity that offers community-based residential care for at least three unrelated adults who are 65 years of age or older or who need assistance with activities of daily living that are available 24 hours a day, including personal, supportive, or intermittent health-related services.

MCL 333.2253 & 333.2453

Legislative Analyst: Stephen Jackson

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Ellyn Ackerman

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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.