



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



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

Senate Bill 450 (as enacted)
Sponsor: Senator Jim Stamas
Senate Committee: Health Policy and Human Services
House Committee: Health Policy

PUBLIC ACT 274 of 2022

Date Completed: 1-6-23

CONTENT

The bill amended 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 prohibits or limits a patient representative from visiting a patient or a resident in a qualified health care facility for more than 30 days, beginning June 1, 2023, and to prescribe certain requirements for an emergency order after the 30-day period.

The bill took effect on December 29, 2022.

Under Sections 2253 and 2453 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 make a declaration of that determination and may within that emergency order 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.

Under the bill, beginning June 1, 2023, an emergency order may prohibit or otherwise limit any visitation of a patient or resident in a qualified health care facility for a period not exceeding 30 days after the date the Director first declares that control of the epidemic is necessary to protect the public health.

Beginning June 1, 2023, because LINDA, after 30 days after the Director first declares that control of an epidemic is necessary to protect the public health in an emergency order, all of the following apply:

- The emergency order may not prohibit or otherwise limit a patient representative from visiting a patient or resident with a cognitive impairment in a qualified health care facility.
- The emergency order may implement reasonable safety measures before or during a patient representative's visit to a patient or resident with a cognitive impairment in the qualified health care facility, including prescreening or testing a patient representative, imposing a visit duration on a patient representative, restricting the number of patient representatives who may visit at one time, and requiring a patient representative to preschedule a visit.
- The emergency order may establish procedures for the visitation of a patient or resident with a cognitive impairment in a qualified health care facility, if the Director determines that establishing the procedures is vital to maintaining a safe health care infrastructure in

- this State; the Director must consult with qualified health care facilities before establishing the procedures.

"LINDA" means loved individuals need dedicated attention. "Patient representative" means 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 or nondurable power of attorney for the patient or resident.

"Cognitive impairment" means a deficiency in the patient's or resident's mental capability or loss of intellectual ability, either of which affects the patient's or resident's comprehension, decision-making, reasoning, adaptive functioning, judgment, learning, or memory and that materially affects the patient's or resident's ability to function. A cognitive impairment may be a temporary short-term change in cognition, a medically induced change in cognition, or a long-term ongoing change in cognition.

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

"Qualified health care facility" means any of the following:

- A health facility or agency as that term is defined in Section 20106.
- An assisted living facility.
- A physician's private practice office.

"Assisted living facility" means 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 P. Jackson

FISCAL IMPACT

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

Fiscal Analyst: Ellyn Ackerman

SAS\S2122\s450es

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.