

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 213

A bill to amend 1981 PA 180, entitled
"older Michiganians act,"
by amending section 6i (MCL 400.586i), as added by 1987 PA 35.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6i. **(1)** The state long-term care ombudsman, the local or
2 regional long-term care ombudsmen, and their trained volunteers
3 ~~shall~~**must** be granted access to any long-term care facility for the
4 purpose of carrying out section 6h. ~~of this act. For the state~~
5 ~~long-term care ombudsman and the local or regional long-term care~~
6 ~~ombudsmen, access shall be allowed each day from 8 a.m. to 8 p.m.~~
7 ~~For ombudsman trained volunteers, access shall be allowed to~~
8 ~~nursing homes during regular visiting hours each day as required by~~
9 ~~section 20201(3)(b) of the public health code, Act No. 368 of the~~

~~Public Acts of 1978, being section 333.20201 of the Michigan
Compiled Laws. For ombudsman trained volunteers, access shall be
allowed to homes for the aged, hospital long-term care units, and
adult foster care homes each day from 11 a.m. to 7 p.m.~~

(2) If a restriction is placed on the ability to visit a resident of a long-term care facility, that visitation restriction does not apply to a representative of the long-term care ombudsman program. A representative of the long-term care ombudsman program must be allowed access to the long-term care facility to carry out the duties required under this act.

(3) At the request of the long-term care ombudsman or a representative of the long-term care ombudsman program, the long-term care facility must make a good-faith effort to facilitate a virtual, outdoor, window, or telephonic communication visit within 24 hours after receiving the request.

(4) If necessary to protect the health of residents or staff at a long-term care facility, an individual entering a long-term care facility to carry out his or her duties under this act must take proper precautions, including, but not limited to, obtaining appropriate screening and use of personal protective equipment.

(5) As used in this section, "access" means the right to do all of the following:

(a) ~~Enter any facility and identify himself or herself.~~ a long-term care facility, and identify himself or herself, at any time during that long-term care facility's regular business hours or regular visiting hours, and at any other time when access may be required by the circumstances to be investigated.

(b) Seek consent from a resident to communicate privately and without restriction with that resident.

1 (c) Communicate privately and without restrictions with ~~any~~**a**
2 resident who consents to communication.

3 (d) Observe all resident areas of the facility except the
4 living area of ~~any~~**a** resident who protests the observation.

5 **(e) Obtain the name and contact information of the resident's**
6 **representative, if any, when needed to perform the functions and**
7 **duties set forth in section 6h.**

8 **(f) Review and, upon request, receive copies of all licensing**
9 **and certification records maintained by the state that are not**
10 **confidential or that can be released without specific approval from**
11 **the Centers for Medicare and Medicaid Services with respect to**
12 **long-term care facilities.**

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