

SUBSTITUTE FOR
SENATE BILL NO. 450

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 2253 and 2453 (MCL 333.2253 and 333.2453),
section 2253 as amended by 2006 PA 157.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2253. (1) ~~If~~**Subject to subsections (4) and (5), if** the
2 director determines that control of an epidemic is necessary to
3 protect the public health, the director by emergency order may **make**
4 **a declaration of that determination and may within that emergency**
5 **order** prohibit the gathering of people for any purpose and ~~may~~
6 establish procedures to be followed during the epidemic to ~~insure~~
7 **ensure** continuation of essential public health services and
8 enforcement of health laws. Emergency procedures ~~shall~~**are** not be

1 limited to this code.

2 (2) If an epidemic described in subsection (1) involves avian
3 influenza or another virus or disease that is or may be spread by
4 contact with animals, the department of agriculture **and rural**
5 **development** shall cooperate with and assist the director in the
6 director's response to the epidemic.

7 (3) ~~Upon~~**On** request from the director, the department of
8 agriculture **and rural development** shall assist the department in
9 any review or update of the department's pandemic influenza plan
10 under section 5112.

11 (4) **Beginning June 1, 2023, an emergency order issued under**
12 **subsection (1) may prohibit or otherwise limit any visitation of a**
13 **patient or resident in a qualified health care facility for a**
14 **period not to exceed 30 days after the date the director first**
15 **declares that control of the epidemic is necessary to protect the**
16 **public health.**

17 (5) **Beginning June 1, 2023, because LINDA, after 30 days after**
18 **the director first declares that control of an epidemic is**
19 **necessary to protect the public health in an emergency order issued**
20 **under subsection (1), all of the following apply:**

21 (a) Subject to subdivision (b), the emergency order must not
22 prohibit or otherwise limit a patient representative from visiting
23 a patient or resident with a cognitive impairment in a qualified
24 health care facility.

25 (b) The emergency order may do any of the following:

26 (i) **Implement reasonable safety measures before or during a**
27 **patient representative's visit to a patient or resident with a**
28 **cognitive impairment in the qualified health care facility,**
29 **including, but not limited to, prescreening or testing a patient**

1 representative, imposing a visit duration on a patient
2 representative, restricting the number of patient representatives
3 who may visit at 1 time, and requiring a patient representative to
4 preschedule a visit.

5 (ii) Establish procedures for the visitation of a patient or
6 resident with a cognitive impairment in a qualified health care
7 facility, if the director determines that establishing the
8 procedures is vital to maintaining a safe health care
9 infrastructure in this state. The director shall consult with
10 qualified health care facilities before establishing procedures
11 under this subparagraph.

12 (6) As used in this section:

13 (a) "Assisted living facility" means an unlicensed entity that
14 offers community-based residential care for at least 3 unrelated
15 adults who are 65 years of age or older or who need assistance with
16 activities of daily living that are available 24 hours a day,
17 including, but not limited to, personal, supportive, or
18 intermittent health-related services.

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

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

(d) "LINDA" means loved individuals need dedicated attention.

(e) "Patient representative" means any of the following:

(i) A family member.

(ii) A patient advocate as that term is defined in section 1106 of the estates and protected individuals code, 1998 PA 386, MCL 700.1106.

(iii) An individual who is named as the attorney-in-fact under a durable or nondurable power of attorney for the patient or resident.

(f) "Qualified health care facility" means any of the following:

(i) A health facility or agency as that term is defined in section 20106.

(ii) An assisted living facility.

(iii) A physician's private practice office.

Sec. 2453. (1) ~~If~~ **Subject to subsections (3) and (4), if a** local health officer determines that control of an epidemic is necessary to protect the public health, the local health officer **by emergency order** may ~~issue an~~ **make a declaration of that determination and may within that** emergency order ~~to~~ prohibit the gathering of people for any purpose and ~~may~~ establish procedures to be followed by persons, including a local governmental entity, during the epidemic to ~~insure~~ **ensure** continuation of essential public health services and enforcement of health laws. Emergency procedures ~~shall~~ **are** not ~~be~~ limited to this code.

(2) A local health department or the department may provide for the involuntary detention and treatment of individuals with hazardous communicable disease in the manner prescribed in sections 5201 to ~~5238~~ **5210**.

1 (3) Beginning June 1, 2023, an emergency order issued under
2 subsection (1) may prohibit or otherwise limit any visitation of a
3 patient or resident in a qualified health care facility for a
4 period not to exceed 30 days after the date the local health
5 officer first declares that control of the epidemic is necessary to
6 protect the public health.

7 (4) Beginning June 1, 2023, because LINDA, after 30 days after
8 the local health officer first declares that control of an epidemic
9 is necessary to protect the public health in an emergency order
10 issued under subsection (1), all of the following apply:

11 (a) Subject to subdivision (b), the emergency order must not
12 prohibit or otherwise limit a patient representative from visiting
13 a patient or resident with a cognitive impairment in a qualified
14 health care facility.

15 (b) The emergency order may do any of the following:

16 (i) Implement reasonable safety measures before or during a
17 patient representative's visit to a patient or resident with a
18 cognitive impairment in the qualified health care facility,
19 including, but not limited to, prescreening or testing a patient
20 representative, imposing a visit duration on a patient
21 representative, restricting the number of patient representatives
22 who may visit at 1 time, and requiring a patient representative to
23 preschedule a visit.

24 (ii) Establish procedures for the visitation of a patient or
25 resident with a cognitive impairment in a qualified health care
26 facility if the local health officer determines that establishing
27 the procedures is vital to maintaining a safe health care
28 environment. The local health officer shall consult with qualified
29 health care facilities before establishing procedures under this

1 subparagraph.

2 (5) As used in this section:

3 (a) "Assisted living facility" means an unlicensed entity that
4 offers community-based residential care for at least 3 unrelated
5 adults who are 65 years of age or older or who need assistance with
6 activities of daily living that are available 24 hours a day,
7 including, but not limited to, personal, supportive, or
8 intermittent health-related services.

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

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

20 (d) "LINDA" means loved individuals need dedicated attention.

21 (e) "Patient representative" means any of the following:

22 (i) A family member.

23 (ii) A patient advocate as that term is defined in section 1106
24 of the estates and protected individuals code, 1998 PA 386, MCL
25 700.1106.

26 (iii) An individual who is named as the attorney-in-fact under a
27 durable or nondurable power of attorney for the patient or
28 resident.

29 (f) "Qualified health care facility" means any of the

1 following:

2 (i) A health facility or agency as that term is defined in
3 section 20106.

4 (ii) An assisted living facility.

5 (iii) A physician's private practice office.