

SENATE BILL NO. 213

March 09, 2021, Introduced by Senators LASATA, JOHNSON and BARRETT and referred to the Committee on Health Policy and Human Services.

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~~

~~ombudsmen, access shall be allowed each day from 8 a.m. to 8 p.m.~~
~~For ombudsman trained volunteers, access shall be allowed to~~
~~nursing homes during regular visiting hours each day as required by~~
~~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, and that restriction lasts longer than 7 days, 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) If a restriction on visitation prohibits a representative of the long-term care ombudsman program from entering a long-term care facility to carry out his or her duties, the long-term care facility must make a good-faith effort to facilitate a virtual visit, if necessary.

(4) 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 with respect to**
10 **long-term care facilities.**