

Act No. 159
Public Acts of 2021
Approved by the Governor
December 23, 2021
Filed with the Secretary of State
December 27, 2021
EFFECTIVE DATE: March 30, 2022

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2021**

Introduced by Senators LaSata, Johnson and Barrett

ENROLLED SENATE BILL No. 213

AN ACT to amend 1981 PA 180, entitled “An act to create a commission on services to the aging within the executive office of the governor; to create an office of services to the aging as an autonomous entity within the department of management and budget; to authorize the designation of area agencies on services to the aging and to prescribe their powers and duties; to establish certain programs relating to older persons; to prescribe the powers and duties of certain state departments, officers, and agencies; to create funds; to provide penalties; to repeal certain acts and parts of acts; and to repeal certain parts of this act on specific dates,” by amending section 6i (MCL 400.586i), as added by 1987 PA 35.

The People of the State of Michigan enact:

Sec. 6i. (1) The state long-term care ombudsman, the local or regional long-term care ombudsmen, and their trained volunteers must be granted access to any long-term care facility for the purpose of carrying out section 6h.

(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 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.

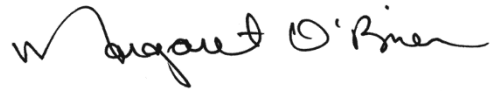
(c) Communicate privately and without restrictions with a resident who consents to communication.

(d) Observe all resident areas of the facility except the living area of a resident who protests the observation.


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

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

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



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor