

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.21771 Abusing, mistreating, or neglecting patient; reports; investigation; retaliation prohibited; exception to report requirement; time frame for reporting.

Sec. 21771. (1) A licensee, nursing home administrator, or employee of a nursing home shall not physically, mentally, or emotionally abuse, mistreat, or harmfully neglect a patient.

(2) A nursing home employee who has reasonable suspicion of an act prohibited by this section shall report the suspicion to the nursing home administrator or nursing director and to the department in the manner required by subsection (8). A nursing home administrator or nursing director who has reasonable suspicion of an act prohibited by this section shall report the suspicion by telephone to the department and 1 or more law enforcement entities in the manner required by subsection (8).

(3) Any individual may report a violation of this section to the department.

(4) A physician or other licensed health care personnel of a hospital or other health care facility to which a patient is transferred who has reasonable suspicion of an act prohibited by this section shall report the suspicion to the department and 1 or more law enforcement entities in the manner required by subsection (8).

(5) Upon receipt of a report made under this section, the department shall make an investigation. The department may require the individual making the report to submit a written report or to supply additional information, or both.

(6) A nursing home employee, licensee, or nursing home administrator shall not evict, harass, dismiss, or retaliate against a patient, a patient's representative, or an employee who makes a report under this section.

(7) An individual required to report an act or a reasonable suspicion under subsections (2) to (4) is not required to report the act or suspicion to the department or 1 or more local law enforcement entities if the individual knows that another individual has already reported the act or suspicion as required by this section.

(8) An individual required to report a reasonable suspicion of an act prohibited by this section shall report the suspicion as follows:

(a) If the act that causes the suspicion results in serious bodily injury to the patient, the individual shall report the suspicion immediately, but not more than 2 hours after forming the suspicion.

(b) If the act that causes the suspicion does not result in serious bodily injury to the patient, the individual shall report the suspicion not more than 24 hours after forming the suspicion.

History: Add. 1978, Act 493, Eff. Mar. 30, 1979;—Am. 2012, Act 174, Imd. Eff. June 19, 2012.

Popular name: Act 368