

**SUBSTITUTE FOR
SENATE BILL NO. 65**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 20109, 21703, and 21715 (MCL 333.20109,
333.21703, and 333.21715), section 20109 as amended by 1996 PA 224.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 20109. (1) "Nursing home" means a nursing care facility,
2 including a county medical care facility, that provides organized
3 nursing care and medical treatment to 7 or more unrelated
4 individuals suffering or recovering from illness, injury, or
5 infirmity. **AS USED IN THIS SUBSECTION, "MEDICAL TREATMENT" INCLUDES**
6 **TREATMENT BY AN EMPLOYEE OR INDEPENDENT CONTRACTOR OF THE NURSING**
7 **HOME WHO IS AN INDIVIDUAL LICENSED OR OTHERWISE AUTHORIZED TO**
8 **ENGAGE IN A HEALTH PROFESSION UNDER PART 170 OR 175.** Nursing home

1 does not include a ~~ANY OF THE FOLLOWING:~~

2 (A) A unit in a state correctional facility. ~~Nursing home does~~
3 ~~not include 1 or more of the following:~~

4 (B) ~~(a)~~ A hospital.

5 (C) ~~(b)~~ A veterans facility created under ~~Act No. 152 of the~~
6 ~~Public Acts of 1885, being sections 1885 PA 152, MCL 36.1 to 36.12.~~
7 ~~of the Michigan Compiled Laws.~~

8 (D) ~~(c)~~ A hospice residence that is licensed under this
9 article.

10 (E) ~~(d)~~ A hospice that is certified under 42 C.F.R. ~~CFR~~
11 418.100.

12 (2) "Person" means a ~~person~~ **THAT TERM** as defined in section
13 1106 or a governmental entity.

14 (3) "Public member" means a member of the general public who
15 is not a provider; who does not have an ownership interest in or
16 contractual relationship with a nursing home other than a ~~patient~~
17 **RESIDENT** contract; who does not have a contractual relationship
18 with a person who does substantial business with a nursing home;
19 and who is not the spouse, parent, sibling, or child of an
20 individual who has an ownership interest in or contractual
21 relationship with a nursing home, other than a ~~patient~~ **RESIDENT**
22 contract.

23 (4) "Skilled nursing facility" means a hospital long-term care
24 unit, nursing home, county medical care facility, or other nursing
25 care facility, or a distinct part thereof, certified by the
26 department to provide skilled nursing care.

27 Sec. 21703. (1) "Patient" means a ~~person who receives care or~~

1 ~~services at a nursing home.~~**RESIDENT.**

2 (2) "Patient's representative" OR **"RESIDENT'S REPRESENTATIVE"**
 3 means a person, other than the licensee or an employee or person
 4 having a direct or indirect ownership interest in the nursing home,
 5 designated in writing by a ~~patient~~**RESIDENT** or a ~~patient's~~
 6 **RESIDENT'S** guardian for a specific, limited purpose or for general
 7 purposes, or, if a written designation of a representative is not
 8 made, the guardian of the ~~patient~~**RESIDENT.**

9 (3) "Relocation" means the movement of a ~~patient~~**RESIDENT** from
 10 1 bed to another or from 1 room to another within the same nursing
 11 home or within a certified distinct part of a nursing home.

12 (4) **"RESIDENT" MEANS AN INDIVIDUAL WHO RECEIVES CARE OR**
 13 **SERVICES AT A NURSING HOME.**

14 (5) ~~(4)~~"Transfer" means the movement of a ~~patient~~**RESIDENT**
 15 from 1 nursing home to another nursing home or from 1 certified
 16 distinct part of a nursing home to another certified distinct part
 17 of the same nursing home.

18 (6) ~~(5)~~"Welfare" means, with reference to a ~~patient~~,
 19 **RESIDENT**, the physical, emotional, or social well-being of a
 20 ~~patient~~**RESIDENT** in a nursing home, including a ~~patient~~**RESIDENT**
 21 awaiting transfer or discharge, as documented in the ~~patient's~~
 22 **RESIDENT'S** clinical record by a licensed or certified health care
 23 professional.

24 Sec. 21715. (1) A nursing home shall provide:

25 (a) A program of planned and continuing nursing care under the
 26 charge of a registered nurse. ~~in a skilled facility and a licensed~~
 27 ~~practical nurse with a registered nurse consultant in an~~

1 ~~intermediate care facility. This subdivision shall expire December~~
2 ~~31, 1979.~~

3 (b) A program of planned and continuing medical ~~care~~**TREATMENT**
4 under the charge of physicians. **A NURSING HOME, REGARDLESS OF ITS**
5 **STATUS AS A LEGAL ENTITY, MAY EMPLOY OR CONTRACT WITH AN INDIVIDUAL**
6 **LICENSED OR OTHERWISE AUTHORIZED TO ENGAGE IN A HEALTH PROFESSION**
7 **UNDER PART 170 OR 175 TO PROVIDE THE PROGRAM OF PLANNED AND**
8 **CONTINUING NURSING CARE AND MEDICAL TREATMENT UNDER THIS**
9 **SUBSECTION, WHICH CARE AND TREATMENT INCLUDE DIRECT CLINICAL**
10 **SERVICES TO RESIDENTS.**

11 (2) ~~Nursing~~**A NURSING HOME SHALL PROVIDE NURSING** care and
12 ~~medical care shall consist~~**TREATMENT THAT CONSIST** of services given
13 to ~~individuals~~**RESIDENTS** who are subject to prolonged suffering
14 from illness or injury or who are recovering from illness or
15 injury. ~~The services shall be~~**A NURSING HOME SHALL PROVIDE THE CARE**
16 **AND TREATMENT** within the ability of the **NURSING** home to provide and
17 shall include the functions of medical ~~care such as~~**TREATMENT**
18 **INCLUDING THE** diagnosis and treatment of an illness; nursing care
19 via assessment, planning, and implementation; evaluation of a
20 ~~patient's~~**RESIDENT'S** health care needs; and the carrying out of
21 required treatment prescribed by a physician.

22 (3) **A NURSING HOME MAY PROVIDE DENTAL TREATMENT UNDER THE**
23 **SUPERVISION OF A DENTIST. A NURSING HOME, REGARDLESS OF ITS STATUS**
24 **AS A LEGAL ENTITY, MAY EMPLOY OR CONTRACT WITH A DENTIST WHO IS**
25 **LICENSED UNDER PART 166.**

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