



HOUSE BILL No. 4182

January 30, 1995, Introduced by Rep. Schroer and referred to the Committee on Health Policy.

A bill to amend sections 21707 and 21715 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," being sections 333.21707 and 333.21715 of the Michigan Compiled Laws; and to add sections 21714 and 21720c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 21707 and 21715 of Act No. 368 of the
2 Public Acts of 1978, being sections 333.21707 and 333.21715 of
3 the Michigan Compiled Laws, are amended and sections 21714 and
4 21720c are added to read as follows:

5 Sec. 21707. (1) ~~The~~ SUBJECT TO SECTION 21714, THE course
6 of medical treatment provided to a patient in a nursing home
7 shall be prescribed by the patient's physician.

8 (2) This part does not:

1 (a) Authorize the supervision, regulation, or control of the
2 practice of any method of healing.

3 (b) Authorize the medical supervision, regulation, or con-
4 trol of the remedial care or nonmedical nursing care of patients
5 in a nursing home operated for the adherents of a bona fide
6 church or religious denomination who rely upon treatment by
7 prayer or spiritual means only in accordance with the creed or
8 tenets of that church or denomination. The residents, patients,
9 personnel, or employees, other than food handlers, of the NURSING
10 home are not required to submit to a medical or physical
11 examination. However, the nursing home shall be inspected and
12 licensed under laws pertaining to fire, safety, sanitation, and
13 building construction.

14 SEC. 21714. (1) IF A PATIENT IN A LICENSED HOSPITAL IS
15 UNDER THE CARE OF A PHYSICIAN AT THE TIME THE PATIENT APPLIES FOR
16 ADMISSION TO A NURSING HOME OR HOSPITAL LONG-TERM CARE UNIT, AND
17 IF THE PHYSICIAN WILL CONTINUE TO DIRECT THE CARE OF THE PATIENT
18 AT THE NURSING HOME OR HOSPITAL LONG-TERM CARE UNIT, THE NURSING
19 HOME OR HOSPITAL LONG-TERM CARE UNIT SHALL REQUIRE THE PATIENT TO
20 BE EXAMINED BY THE PHYSICIAN WITHIN 1 MONTH BEFORE THE PATIENT IS
21 ADMITTED TO THE NURSING HOME OR HOSPITAL LONG-TERM CARE UNIT.
22 THE NURSING HOME OR HOSPITAL LONG-TERM CARE UNIT SHALL ALSO
23 REQUIRE THE PATIENT TO SUBMIT A COPY OF THE EXAMINATION AT THE
24 TIME OF THE PATIENT'S ADMISSION. IF THE PATIENT HAS AN ACUTE
25 ILLNESS SUBSEQUENT TO THE INITIAL EXAMINATION REQUIRED UNDER THIS
26 SUBSECTION, BUT BEFORE ADMISSION TO THE NURSING HOME OR HOSPITAL
27 LONG-TERM CARE UNIT, THE NURSING HOME OR HOSPITAL LONG-TERM CARE

1 UNIT SHALL REQUIRE THE PATIENT TO BE REEXAMINED BY THE PHYSICIAN
2 WITHIN 1 WEEK BEFORE ADMISSION TO THE NURSING HOME OR HOSPITAL
3 LONG-TERM CARE UNIT. A PHYSICIAN'S ASSISTANT OR CERTIFIED NURSE
4 PRACTITIONER MAY PERFORM THE INITIAL EXAMINATION REQUIRED UNDER
5 THIS SUBSECTION UNDER THE SUPERVISION OF THE PHYSICIAN.

6 (2) IF A PATIENT IS NOT UNDER THE CARE OF A PHYSICIAN WHO
7 WILL CONTINUE TO DIRECT THE CARE OF THE PATIENT AT THE TIME THE
8 PATIENT APPLIES FOR ADMISSION TO A NURSING HOME OR HOSPITAL
9 LONG-TERM CARE UNIT, THE NURSING HOME OR HOSPITAL LONG-TERM CARE
10 UNIT SHALL REQUIRE THE PATIENT TO BE EXAMINED BY A PHYSICIAN
11 WITHIN 7 DAYS BEFORE OR 14 DAYS AFTER ADMISSION TO THE NURSING
12 HOME OR HOSPITAL LONG-TERM CARE UNIT.

13 (3) A NURSING HOME OR HOSPITAL LONG-TERM CARE UNIT SHALL NOT
14 ADMIT A PATIENT UNLESS THERE ARE ORDERS PRESCRIBED BY A PHYSICIAN
15 FOR THE PATIENT'S IMMEDIATE CARE IN THE NURSING HOME OR HOSPITAL
16 LONG-TERM CARE UNIT.

17 (4) THE DIRECTOR OF NURSING IMMEDIATELY SHALL ENTER STANDING
18 AND OTHER TREATMENT ORDERS PRESCRIBED BY A PHYSICIAN FOR THE CARE
19 OF A PATIENT IN A NURSING HOME IN THE PATIENT'S PERMANENT MEDICAL
20 RECORD AND SHALL SIGN THE ENTRY, UNLESS THE ORDERS HAVE ALREADY
21 BEEN ENTERED AND SIGNED BY THE PRESCRIBING PHYSICIAN OR PURSUANT
22 TO SUBSECTION (5). IF THE DIRECTOR OF NURSING MAKES AND SIGNS AN
23 ENTRY UNDER THIS SUBSECTION, THE PHYSICIAN WHO PRESCRIBED THE
24 STANDING OR OTHER TREATMENT ORDERS SHALL COUNTERSIGN THE ORDERS
25 WITHIN 1 MONTH AFTER THE DATE THE STANDING OR OTHER TREATMENT
26 ORDERS ARE ENTERED INTO THE PATIENT'S PERMANENT MEDICAL RECORD BY
27 THE DIRECTOR OF NURSING.

1 (5) IF STANDING OR OTHER TREATMENT ORDERS FOR THE CARE OF A
2 PATIENT IN A NURSING HOME ARE ENTERED INTO THE PATIENT'S MEDICAL
3 RECORD BY A PHYSICIAN'S ASSISTANT OR A CERTIFIED NURSE PRACTI-
4 TIONER, THE SUPERVISING PHYSICIAN SHALL COUNTERSIGN THE ORDERS
5 WITHIN 1 MONTH AFTER THE ENTRY.

6 Sec. 21715. (1) ~~A~~ SUBJECT TO SECTION 21720C, A nursing
7 home shall provide ~~:(a) A program of planned and continuing~~
8 ~~nursing care under the charge of a registered nurse in a skilled~~
9 ~~facility and a licensed practical nurse with a registered nurse~~
10 ~~consultant in an intermediate care facility. This subdivision~~
11 ~~shall expire December 31, 1979. (b) A~~ A program of planned and
12 continuing medical care under the charge of 1 OR MORE
13 physicians.

14 (2) Nursing care and medical care shall consist of services
15 given to individuals who are subject to prolonged suffering from
16 illness or injury or who are recovering from illness or injury.
17 The services shall be within the ability of the NURSING home to
18 provide and shall include the functions of medical care ~~such as~~
19 INCLUDING, BUT NOT LIMITED TO, diagnosis and treatment of an ill-
20 ness; nursing care via assessment, planning, and implementation;
21 evaluation of a patient's health care needs; and the carrying out
22 of required treatment prescribed by a physician.

23 SEC. 21720C. (1) THE DEPARTMENT SHALL NOT LICENSE A NURSING
24 HOME OR RENEW A NURSING HOME LICENSE UNDER THIS PART UNLESS THE
25 NURSING HOME HAS DESIGNATED A PHYSICIAN TO SERVE AS MEDICAL
26 DIRECTOR OF THE NURSING HOME.

1 (2) A MEDICAL DIRECTOR DESIGNATED UNDER SUBSECTION (1) IS
2 RESPONSIBLE FOR ALL OF THE FOLLOWING:

3 (A) IMPLEMENTATION OF RESIDENT CARE POLICIES.

4 (B) COORDINATION OF MEDICAL CARE IN THE NURSING HOME.

5 (C) THE OVERALL QUALITY OF MEDICAL SERVICES IN THE NURSING
6 HOME.