



HOUSE BILL No. 5491

December 14, 1995, Introduced by Reps. Law, Bankes, Hill, Fitzgerald, Dolan, Hammerstrom, Schroer, Agee, Anthony, Emerson, Bullard, Ryan, Jamian, Voorhees, Freeman, Bobier, DeHart, Griffin, Gire, Galloway and Perricone and referred to the Committee on Health Policy.

A bill to amend sections 21401, 21411, 21413, 21415, and 21417 of Act No. 368 of the Public Acts of 1978, entitled as amended

"Public health code,"

sections 21401, 21413, 21415, and 21417 as added by Act No. 293 of the Public Acts of 1980 and section 21411 as amended by Act No. 16 of the Public Acts of 1984, being sections 333.21401, 333.21411, 333.21413, 333.21415, and 333.21417 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 21401, 21411, 21413, 21415, and 21417
2 of Act No. 368 of the Public Acts of 1978, sections 21401, 21413,
3 21415, and 21417 as added by Act No. 293 of the Public Acts of
4 1980 and section 21411 as amended by Act No. 16 of the Public
5 Acts of 1984, being sections 333.21401, 333.21411, 333.21413,

1 333.21415, and 333.21417 of the Michigan Compiled Laws, are
2 amended to read as follows:

3 Sec. 21401. (1) AS USED IN THIS PART, "HOSPICE RESIDENCE"
4 MEANS A HOSPICE THAT MEETS ALL OF THE FOLLOWING:

5 (A) IS OWNED, OPERATED, AND GOVERNED BY A HOSPICE PROGRAM
6 THAT IS LICENSED UNDER THIS ARTICLE.

7 (B) PROVIDES 24-HOUR HOSPICE CARE TO 7 OR MORE PATIENTS AT A
8 SINGLE LOCATION.

9 (C) PROVIDES INPATIENT CARE DIRECTLY OR UNDER CONTRACT AND
10 IS IN COMPLIANCE WITH THIS ARTICLE AND WITH THE STANDARDS SET
11 FORTH IN 42 C.F.R. PART 418.

12 (D) PROVIDES CARE TO NOT LESS THAN 80% OF ITS PATIENTS IN
13 THEIR OWN HOMES. AS USED IN THIS SUBDIVISION, "HOME" DOES NOT
14 INCLUDE A RESIDENCE ESTABLISHED IN A HEALTH FACILITY OR AGENCY,
15 OTHER THAN A HOME FOR THE AGED, LICENSED UNDER THIS ARTICLE.

16 (2) Article 1 contains general definitions and principles of
17 construction applicable to all articles in this code and part 201
18 contains definitions applicable to this part.

19 Sec. 21411. (1) Except as provided in subsection ~~(4)~~ (5),
20 a hospice shall be licensed as required under this article.

21 (2) ~~"Hospice"~~ THE TERM "HOSPICE" shall not be used to
22 describe or refer to a health program ~~, facility,~~ or agency
23 unless that program ~~, facility,~~ or agency is licensed as a hos-
24 pice by the department as required under this article or is
25 exempted from licensure as provided in subsection ~~(4)~~ (5).

26 (3) THE TERM "HOSPICE RESIDENCE" SHALL NOT BE USED TO
27 DESCRIBE A HEALTH PROGRAM, FACILITY, OR AGENCY UNLESS THAT

1 PROGRAM, FACILITY, OR AGENCY IS LICENSED BY THE DEPARTMENT AS
2 REQUIRED UNDER THIS ARTICLE.

3 (4) ~~(3)~~ A hospital, nursing home, home for the aged,
4 county medical care facility, or any other health facility or
5 agency ~~which~~ THAT operates a hospice OR HOSPICE RESIDENCE shall
6 be licensed as a hospice OR HOSPICE RESIDENCE under this
7 article.

8 (5) ~~(4)~~ A hospice ~~shall be~~ IS exempt from licensure
9 under this article if the hospice meets all of the following
10 requirements:

11 (a) Provides services to not more than 7 patients per month
12 on a yearly average.

13 (b) Does not charge or receive ~~any~~ fees for goods or serv-
14 ices provided.

15 (c) Does not receive third party reimbursement for goods or
16 services provided.

17 (6) ~~(5)~~ If a hospice provides inpatient services ~~which~~
18 THAT meet the definition of a hospital, nursing home, home for
19 the aged, county medical care facility, HOSPICE RESIDENCE, or
20 ~~any other~~ OTHER health facility or agency, the hospice OR HOS-
21 PICE RESIDENCE shall obtain a separate license as required under
22 this article for that hospital, nursing home, home for the aged,
23 county medical care facility, HOSPICE RESIDENCE, or other health
24 facility or agency.

25 (8) ~~(6)~~ This part ~~shall~~ DOES not restrict ~~any~~ AN
26 activity of a health facility or agency if the activity is

1 permitted under the license held by that health facility or
2 agency.

3 (9) ~~(7)~~ If separate licensure is required under this sec-
4 tion, the department shall conduct inspections and issue the
5 required licenses concurrently.

6 Sec. 21413. (1) The owner, operator, and governing body of
7 a hospice OR HOSPICE RESIDENCE licensed under this article:

8 (a) Are responsible for all phases of the operation of ~~a~~
9 THE hospice OR HOSPICE RESIDENCE and for the quality of care and
10 services rendered by the hospice OR HOSPICE RESIDENCE.

11 (b) Shall cooperate with the department in the enforcement
12 of this part, and require that the physicians and other personnel
13 working in the hospice OR HOSPICE RESIDENCE and for whom a
14 license or registration is required be currently licensed or
15 registered.

16 (c) SHALL NOT DISCRIMINATE BECAUSE OF RACE, RELIGION, COLOR,
17 NATIONAL ORIGIN, OR SEX, IN THE OPERATION OF THE HOSPICE OR HOS-
18 PICE RESIDENCE INCLUDING EMPLOYMENT, PATIENT ADMISSION AND CARE,
19 OR ROOM ASSIGNMENT.

20 (2) AS A CONDITION OF LICENSURE AS A HOSPICE RESIDENCE, AN
21 APPLICANT SHALL HAVE BEEN LICENSED UNDER THIS ARTICLE AS A HOS-
22 PICE AND IN COMPLIANCE WITH THE STANDARDS SET FORTH IN 42
23 C.F.R. PART 418 FOR NOT LESS THAN THE 2 YEARS IMMEDIATELY PRECED-
24 ING THE DATE OF APPLICATION FOR LICENSURE.

25 (3) IN ADDITION TO THE REQUIREMENTS OF SUBSECTIONS (1) AND
26 (2) AND SECTION 21415, THE OWNER, OPERATOR, AND GOVERNING BODY OF

1 A HOSPICE RESIDENCE LICENSED UNDER THIS ARTICLE SHALL DO ALL OF
2 THE FOLLOWING:

3 (A) PROVIDE 24-HOUR NURSING SERVICES.

4 (B) HAVE AN APPROVED PLAN FOR INFECTION CONTROL THAT
5 INCLUDES MAKING PROVISIONS FOR ISOLATING EACH PATIENT WITH AN
6 INFECTIOUS DISEASE.

7 (C) OBTAIN SITE APPROVAL FROM THE STATE FIRE MARSHAL.

8 (D) EQUIP EACH PATIENT ROOM WITH A DEVICE FOR CALLING THE
9 STAFF MEMBER ON DUTY.

10 (E) DESIGN AND EQUIP AREAS WITHIN THE HOSPICE RESIDENCE FOR
11 THE COMFORT AND PRIVACY OF EACH PATIENT AND HIS OR HER FAMILY
12 MEMBERS.

13 (F) PERMIT PATIENTS TO RECEIVE VISITORS AT ANY HOUR, INCLUD-
14 ING SMALL CHILDREN.

15 (G) HAVE A DEPARTMENT-APPROVED PLAN FOR MEAL SERVICE, MENU
16 PLANNING, AND SUPERVISION.

17 (H) PROVIDE APPROPRIATE METHODS AND PROCEDURES FOR THE STOR-
18 AGE, DISPENSING, AND ADMINISTERING OF DRUGS AND BIOLOGICALS.

19 Sec. 21415. (1) A hospice OR A HOSPICE RESIDENCE shall pro-
20 vide a program of planned and continuous hospice care, the medi-
21 cal components of which shall be under the direction of a
22 physician.

23 (2) Hospice care shall consist of a coordinated set of serv-
24 ices rendered at home ~~or in outpatient~~ or IN HOSPICE RESIDENCE
25 OR OTHER institutional settings ON A CONTINUOUS BASIS for indi-
26 viduals suffering from a disease or condition with a terminal
27 prognosis. The coordination of services shall assure that the

1 transfer of a patient from 1 setting to another will be
2 accomplished with a minimum disruption and discontinuity of
3 care. Hospice services shall address the physical, psychologi-
4 cal, social, and spiritual needs of the individual and shall be
5 designed to meet the related needs of the individual's family
6 through the periods of illness and bereavement. These hospice
7 services shall be provided through a coordinated interdisci-
8 plinary team ~~which~~ THAT may also include services provided by
9 trained volunteers.

10 Sec. 21417. An individual shall not be admitted to or
11 retained for care by a hospice OR A HOSPICE RESIDENCE unless the
12 individual is suffering from a disease or condition with a termi-
13 nal prognosis. An individual shall be considered to have a dis-
14 ease or condition with a terminal prognosis if, in the opinion of
15 a physician, the individual's death is anticipated within 6
16 months after the date of admission to the hospice OR HOSPICE
17 RESIDENCE. ~~The fact that~~ IF a person lives beyond a 6-month or
18 less prognosis, ~~shall not disqualify~~ the person IS NOT
19 DISQUALIFIED from RECEIVING continued hospice care.