

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 635

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 21311 (MCL 333.21311), as amended by 1984 PA
311.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 21311. (1) A home for the aged shall be licensed under
2 this article.

3 (2) "Home for the aged" or a similar term or abbreviation
4 shall not be used to describe or refer to ~~an institution~~ a
5 **health facility** or agency unless the ~~institution~~ **health**
6 **facility** or agency is licensed as a home for the aged by the
7 department under this article.

8 (3) Except as otherwise provided in this subsection, a home
9 for the aged shall not admit ~~individuals~~ **an individual** under 60
10 years of age. Upon the request of a home for the aged **and**

1 subject to subsection (4), the director ~~may~~ shall waive the age
2 limitation imposed by this subsection if the ~~director determines~~
3 ~~that a waiver would be in the best interests of a resident of the~~
4 ~~home for the aged and the individual for whom the waiver is~~
5 ~~sought.~~ individual, the individual's guardian or other legal
6 representative, if appointed, and the owner, operator, and
7 governing body of the home for the aged, upon consultation with
8 the individual's physician, agree on each of the following:

9 (a) The home for the aged is capable of meeting all of the
10 individual's medical, social, and other needs as determined in
11 the individual's plan of service.

12 (b) The individual will be compatible with the other
13 residents of that home for the aged.

14 (c) The placement in that home for the aged is in the best
15 interests of the individual.

16 (4) The owner, operator, and governing body of the home for
17 the aged shall submit, with its request for a waiver,
18 documentation to the director that supports each of the points of
19 agreement necessary under subsection (3). Within 5 days after
20 receipt of the information required under this subsection, the
21 director shall determine if that documentation collectively
22 substantiates each of the points of agreement necessary under
23 subsection (3) and approve or deny the waiver. If denied, the
24 director shall send a written notice of the denial and the
25 reasons for denial to the requesting party.