

# HOUSE BILL No. 4789

May 17, 2005, Introduced by Reps. Vander Veen, Vagnozzi, Van Regenmorter, Clack, Stahl, Taub, Proos, Hildenbrand, Green, Zelenko and Shaffer and referred to the Committee on Senior Health, Security, and Retirement.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding section 21794.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           SEC. 21794. (1) A NURSING HOME MAY USE A DINING ASSISTANT TO  
2 FEED RESIDENTS WHO, BASED ON THE CHARGE NURSE'S ASSESSMENT OF THE  
3 RESIDENT AND THE RESIDENT'S MOST RECENT PLAN OF CARE, NEED  
4 ASSISTANCE OR ENCOURAGEMENT WITH EATING AND DRINKING, BUT DO NOT  
5 HAVE COMPLICATED FEEDING PROBLEMS, INCLUDING, BUT NOT LIMITED TO,  
6 DIFFICULTY SWALLOWING, RECURRENT LUNG ASPIRATIONS, AND TUBE OR  
7 PARENTERAL FEEDINGS. A DINING ASSISTANT SHALL WORK UNDER THE  
8 SUPERVISION OF A REGISTERED PROFESSIONAL NURSE OR A LICENSED  
9 PRACTICAL NURSE. A DINING ASSISTANT WHOSE SOLE PURPOSE IS TO  
10 PROVIDE FEEDING ASSISTANCE TO RESIDENTS IS NOT NURSING PERSONNEL

1 AND SHALL NOT BE INCLUDED IN COMPUTING THE RATIO OF PATIENTS TO  
2 NURSING CARE PERSONNEL.

3 (2) A DINING ASSISTANT SHALL SUCCESSFULLY COMPLETE A STATE  
4 APPROVED TRAINING COURSE FOR DINING ASSISTANTS THAT SATISFIES THE  
5 MINIMUM TRAINING COURSE REQUIREMENTS UNDER 42 CFR 483.160 AND  
6 INCLUDES, AT A MINIMUM, 8 HOURS OF TRAINING IN ALL OF THE  
7 FOLLOWING:

8 (A) FEEDING TECHNIQUES.

9 (B) ASSISTANCE WITH FEEDING AND HYDRATION.

10 (C) COMMUNICATION AND INTERPERSONAL SKILLS.

11 (D) APPROPRIATE RESPONSES TO RESIDENT BEHAVIOR.

12 (E) SAFETY AND EMERGENCY PROCEDURES, INCLUDING, BUT NOT  
13 LIMITED TO, THE HEIMLICH MANEUVER.

14 (F) INFECTION CONTROL.

15 (G) RESIDENT RIGHTS.

16 (H) RECOGNIZING CHANGES IN RESIDENTS THAT ARE INCONSISTENT  
17 WITH THEIR NORMAL BEHAVIOR AND THE IMPORTANCE OF REPORTING THOSE  
18 CHANGES TO THE SUPERVISORY NURSE.

19 (3) A NURSING HOME THAT UTILIZES DINING ASSISTANTS SHALL  
20 MAINTAIN A WRITTEN RECORD OF EACH INDIVIDUAL USED AS A DINING  
21 ASSISTANT. THE WRITTEN RECORD SHALL INCLUDE, AT A MINIMUM, THE  
22 COMPLETE NAME AND ADDRESS OF THE INDIVIDUAL AND THE DATE THE  
23 INDIVIDUAL SUCCESSFULLY COMPLETED THE DINING ASSISTANT TRAINING  
24 PROGRAM ALONG WITH A COPY OF THE WRITTEN RECORD OF THE SATISFACTORY  
25 COMPLETION OF THE TRAINING PROGRAM.

26 (4) AS USED IN THIS SECTION:

27 (A) "DINING ASSISTANT" MEANS AN INDIVIDUAL WHO MEETS THE

1 REQUIREMENTS OF THIS SECTION AND WHO IS ONLY PAID TO FEED NURSING  
2 HOME RESIDENTS BY THE NURSING HOME OR WHO IS USED UNDER AN  
3 ARRANGEMENT WITH ANOTHER AGENCY OR ORGANIZATION.

4 (B) "REGISTERED PROFESSIONAL NURSE" OR "LICENSED PRACTICAL  
5 NURSE" MEANS AN INDIVIDUAL LICENSED UNDER ARTICLE 15 TO ENGAGE IN  
6 THE PRACTICE OF NURSING.

7 (C) "SUPERVISION" MEANS A REGISTERED PROFESSIONAL NURSE OR  
8 LICENSED PRACTICAL NURSE WHO OVERSEES THE WORK OF A DINING  
9 ASSISTANT AND COMPLIES WITH EACH OF THE FOLLOWING:

10 (i) DESIGNATES A RESIDENT UPON WHOM FEEDING ASSISTANCE IS TO  
11 BE PROVIDED.

12 (ii) IS PHYSICALLY PRESENT IN THE NURSING HOME AT THE TIME  
13 ASSISTANCE IS BEING PROVIDED.