

# HOUSE BILL No. 5183

September 15, 2005, Introduced by Reps. Hune, Farrah, Gaffney and Vander Veen 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 20173a.

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

1           **SEC. 20173A. (1) A HEALTH FACILITY OR AGENCY THAT IS A NURSING**  
2 **HOME, COUNTY MEDICAL CARE FACILITY, OR HOME FOR THE AGED SHALL**  
3 **PROVIDE EACH EMPLOYEE, WHO PROVIDES DIRECT SERVICES TO PATIENTS OR**  
4 **RESIDENTS WITHIN THAT HEALTH FACILITY OR AGENCY, AT HIRE WITH A**  
5 **WRITTEN NOTICE OF ITS SUBSTANCE ABUSE TESTING POLICY. THE WRITTEN**  
6 **NOTICE SHALL INCLUDE, BUT IS NOT LIMITED TO, EACH OF THE FOLLOWING:**  
7           **(A) GROUNDS ON WHICH AN EMPLOYEE MAY BE REQUIRED TO SUBMIT TO**  
8 **A TEST.**

1 (B) CONSEQUENCES FOR REFUSING TO SUBMIT TO A TEST.

2 (C) APPEAL PROCEDURE FOR CHALLENGING THE RESULTS OF THE TEST.

3 (D) NOTICE AND TESTING REQUIREMENTS.

4 (2) A HEALTH FACILITY OR AGENCY THAT IS A NURSING HOME, COUNTY  
5 MEDICAL CARE FACILITY, OR HOME FOR THE AGED MAY REQUIRE AN EMPLOYEE  
6 WHO PROVIDES DIRECT SERVICES TO PATIENTS OR RESIDENTS IN THE HEALTH  
7 FACILITY OR AGENCY TO SUBMIT TO SUBSTANCE ABUSE TESTING AS A  
8 CONDITION OF EMPLOYMENT IF THAT HEALTH FACILITY OR AGENCY HAS  
9 PROBABLE CAUSE TO SUSPECT THE EMPLOYEE OF SUBSTANCE ABUSE.

10 (3) A HEALTH FACILITY OR AGENCY THAT REQUIRES AN EMPLOYEE TO  
11 SUBMIT TO A TEST UNDER THIS SECTION SHALL PAY ALL COSTS INVOLVED IN  
12 THE SUBSTANCE ABUSE TEST.