

HOUSE BILL No. 5038

October 29, 2015, Introduced by Reps. Hovey-Wright, Plawecki, Greig, Irwin, Geiss, Sarah Roberts, Talabi, Banks, Hughes, Chirkun, Wittenberg, Singh, Townsend, Gay-Dagnogo, Driskell, Durhal, Dianda, Byrd, Pagan, Robinson, Love, Darany, Faris, Liberati, Neeley, Rutledge, Chang, Hooker, Callton, Hoadley, Vaupel, Bizon, Victory and Lucido and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 20135.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 20135. (1) BEGINNING JUNE 1, 2016, A DIALYSIS CENTER
2 OPERATING IN THIS STATE SHALL DO 1 OF THE FOLLOWING:

3 (A) HAVE A BACKUP EMERGENCY GENERATOR WITH SUFFICIENT CAPACITY
4 TO PROVIDE ELECTRICITY NECESSARY TO SUSTAIN DIALYSIS TREATMENTS
5 WHILE ALSO MAINTAINING WATER PRESSURE LEVELS REQUIRED TO OPERATE
6 ITS DIALYSIS TREATMENT SYSTEM. A DIALYSIS CENTER SHALL MAINTAIN
7 ENOUGH FUEL ON THE PREMISES TO MAINTAIN THE OPERATION OF THE BACKUP
8 EMERGENCY GENERATOR FOR AT LEAST 48 HOURS. A DIALYSIS CENTER SHALL
9 TEST ITS BACKUP EMERGENCY GENERATOR BY MAKING IT OPERATIONAL FOR AT
10 LEAST 1/2 HOUR EVERY MONTH.

11 (B) HAVE ACCESS TO A PERMANENT HOOKUP FOR A MOBILE BACKUP

1 EMERGENCY GENERATOR UNIT THAT MEETS ALL OF THE FOLLOWING
2 REQUIREMENTS:

3 (i) HAS SUFFICIENT CAPACITY AS DESCRIBED IN SUBDIVISION (A).

4 (ii) IS AVAILABLE TO THAT DIALYSIS CENTER WITHIN 12 HOURS OF
5 THE EVENT THAT CAUSES THE NEED FOR THE GENERATOR.

6 (2) THE DEPARTMENT SHALL DEVELOP GUIDELINES FOR DIALYSIS
7 CENTERS TO FOLLOW REGARDING THE INSTALLATION, CAPACITY, TESTING,
8 AND USE OF BACKUP EMERGENCY GENERATORS REQUIRED UNDER THIS SECTION.
9 THE DEPARTMENT MAY PROMULGATE RULES FOR DIALYSIS CENTERS TO FOLLOW
10 REGARDING THE INSTALLATION, CAPACITY, TESTING, AND USE OF BACKUP
11 EMERGENCY GENERATORS REQUIRED UNDER THIS SECTION.

12 (3) ON OR BEFORE JANUARY 1, 2017, THE DEPARTMENT SHALL SUBMIT
13 A REPORT TO THE LEGISLATURE IDENTIFYING EACH DIALYSIS CENTER
14 OPERATING IN THIS STATE AND THE LEVEL OF COMPLIANCE BY THOSE
15 CENTERS WITH THIS SECTION.

16 (4) AS USED IN THIS SECTION:

17 (A) "DIALYSIS" MEANS A PROCESS BY WHICH DISSOLVED SUBSTANCES
18 ARE REMOVED FROM A PATIENT'S BODY BY DIFFUSION FROM 1 FLUID
19 COMPARTMENT TO ANOTHER ACROSS A SEMIPERMEABLE MEMBRANE. DIALYSIS
20 INCLUDES HEMODIALYSIS AND PERITONEAL DIALYSIS.

21 (B) "DIALYSIS CENTER" MEANS A NONHOSPITAL OUTPATIENT DIALYSIS
22 UNIT THAT PROVIDES DIALYSIS TREATMENT ON AN OUTPATIENT BASIS OR
23 TRAINING FOR HOME DIALYSIS.

24 (C) "DIALYSIS TREATMENT" MEANS EITHER OF THE FOLLOWING:

25 (i) CHRONIC DIALYSIS GIVEN TO END-STAGE RENAL DISEASE
26 PATIENTS.

27 (ii) ACUTE DIALYSIS GIVEN TO PATIENTS WHO REQUIRE DIALYSIS

1 BECAUSE OF TEMPORARY KIDNEY FAILURE.

2 (D) "END-STAGE RENAL DISEASE" MEANS THAT STATE OF RENAL
3 IMPAIRMENT THAT APPEARS IRREVERSIBLE AND PERMANENT AND REQUIRES A
4 REGULAR COURSE OF DIALYSIS OR KIDNEY TRANSPLANTATION TO MAINTAIN
5 LIFE.