

# HOUSE BILL No. 4842

May 18, 1989, Introduced by Reps. Bennane, DeMars, Ostling, Knight, Pridnia, Gubow and Gire and referred to the Committee on Public Health.

A bill to amend section 22209 of Act No. 368 of the Public Acts of 1978, entitled as amended  
"Public health code,"  
as added by Act No. 332 of the Public Acts of 1988, being section 333.22209 of the Michigan Compiled Laws; and to add section 20146.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 22209 of Act No. 368 of the Public Acts  
2 of 1978, as added by Act No. 332 of the Public Acts of 1988,  
3 being section 333.22209 of the Michigan Compiled Laws, is amended  
4 and section 20146 is added to read as follows:

5       SEC. 20146. (1) THE DEPARTMENT MAY ISSUE A LIMITED LICENSE  
6 TO A HEALTH FACILITY OR AGENCY TO TREAT INDIVIDUALS WHO ARE HIV  
7 INFECTED, IF THE DIRECTOR DETERMINES THAT THE HEALTH FACILITY OR

1 AGENCY IS NECESSARY TO PROVIDE QUALITY, ACCESSIBLE, AND EFFICIENT  
2 HEALTH CARE TO THOSE INDIVIDUALS.

3 (2) EXCEPT AS WAIVED BY THE DEPARTMENT, A HEALTH FACILITY OR  
4 AGENCY ISSUED A LIMITED LICENSE UNDER THIS SECTION IS SUBJECT TO  
5 THE LICENSURE REQUIREMENTS OF PART 215 AND TO THE LICENSE LIMITA-  
6 TIONS IMPOSED BY THE DEPARTMENT.

7 (3) AS A CONDITION OF RECEIVING A LIMITED LICENSE UNDER THIS  
8 SECTION, THE DEPARTMENT MAY REQUIRE A HEALTH FACILITY OR AGENCY  
9 TO VOLUNTARILY SURRENDER ITS LICENSURE FOR A NUMBER OF GENERAL  
10 ACUTE CARE BEDS EQUAL TO OR GREATER THAN THE NUMBER OF LIMITED  
11 LICENSE BEDS AUTHORIZED UNDER THIS SECTION. THE SURRENDER SHALL  
12 BE EFFECTIVE ON THE EFFECTIVE DATE OF THE LIMITED LICENSE ISSUED  
13 UNDER THIS SECTION.

14 (4) THE GENERAL ACUTE CARE BED LICENSURE SURRENDERED UNDER  
15 SUBSECTION (3) MAY BE REINSTATED BY THE DEPARTMENT WITHIN 5 YEARS  
16 AFTER THE EFFECTIVE DATE OF THE SURRENDER IF THE LIMITED LICENSE  
17 ISSUED UNDER THIS SECTION IS TERMINATED FOR ANY REASON OR EXPIRES  
18 WITHOUT RENEWAL DURING THE 5-YEAR PERIOD.

19 (5) AS USED IN THIS SECTION, "HIV INFECTED" MEANS THAT TERM  
20 AS DEFINED IN SECTION 5101.

21 Sec. 22209. (1) Except as otherwise provided under this  
22 part, a person shall not do any of the following without first  
23 obtaining a certificate of need:

24 (a) Acquire or begin operation of a new health facility.

25 (b) Make a change in the bed capacity of a health facility.

26 (c) Initiate a new service.

1 (d) Acquire covered medical equipment.

2 (e) Make a covered capital expenditure.

3 (2) For purposes of evaluating the effect of this part, the  
4 department shall require persons to report capital expenditures  
5 and single projects that were subject to former part 221. The  
6 reports shall be made in conjunction with the annual survey of  
7 hospitals conducted by the department and according to procedures  
8 approved by the commission. The department, with the concurrence  
9 of the commission, may require that reports for specific types of  
10 capital expenditures or projects be reported on other than an  
11 annual basis, as necessary to evaluate the effect of this part.

12 (3) SUBSECTION (1)(A) AND (B) DOES NOT APPLY TO A HEALTH  
13 FACILITY APPLYING FOR A LIMITED LICENSE OR REINSTATEMENT OF SUR-  
14 RENDERED GENERAL ACUTE CARE BED LICENSURE UNDER SECTION 20146.