

SENATE BILL No. 455

May 16, 1989, Introduced by Senator IRWIN and referred to the Committee on Health Policy.

A bill to amend Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," as amended, being sections 333.1101 to 333.25211 of the Michigan Compiled Laws, by adding section 22234.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 368 of the Public Acts of 1978, as
2 amended, being sections 333.1101 to 333.25211 of the Michigan
3 Compiled Laws, is amended by adding section 22234 to read as
4 follows:

5 SEC. 22234. (1) A COUNTY SHALL BE CONSIDERED TO HAVE AN
6 ACUTE SHORTAGE OF NURSING HOME AND HOSPITAL LONG-TERM CARE FACIL-
7 ITY BEDS IF BOTH OF THE FOLLOWING CONDITIONS EXIST:

8 (A) THE COUNTY HAS A POPULATION OF LESS THAN 20,000.

1 (B) THE AVERAGE OCCUPANCY RATE OF ALL THE NURSING HOMES AND
2 HOSPITAL LONG-TERM CARE FACILITIES IN THE COUNTY IS NOT LESS THAN
3 90% FOR THE 3 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION
4 FOR A CERTIFICATE OF NEED.

5 (2) IF A NURSING HOME OR HOSPITAL LONG-TERM CARE FACILITY
6 LOCATED IN A COUNTY DESCRIBED IN SUBSECTION (1) APPLIES FOR A
7 CERTIFICATE OF NEED FOR A CHANGE IN BED CAPACITY, THE DEPARTMENT
8 SHALL PROCESS THE APPLICATION ON A NONSUBSTANTIVE BASIS AND
9 APPROVE THE APPLICATION IF THE DEPARTMENT DETERMINES BOTH OF THE
10 FOLLOWING:

11 (A) THE CAPITAL EXPENDITURE FOR THE CHANGE IN BED CAPACITY
12 IS NOT A COVERED CAPITAL EXPENDITURE.

13 (B) THE CHANGE IN BED CAPACITY DOES NOT ADD MORE THAN 20
14 NURSING HOME OR HOSPITAL LONG-TERM CARE FACILITY BEDS TO THE
15 TOTAL NUMBER OF NURSING HOME AND HOSPITAL LONG-TERM CARE FACILITY
16 BEDS IN THE COUNTY.

17 (3) IF THE DEPARTMENT GRANTS A CERTIFICATE OF NEED UNDER
18 THIS SECTION, THE DEPARTMENT SHALL NOT PROCESS ANOTHER APPLICA-
19 TION FOR A CERTIFICATE OF NEED FOR A CHANGE IN BED CAPACITY SUB-
20 MITTED BY A NURSING HOME OR HOSPITAL LONG-TERM CARE FACILITY
21 LOCATED IN THAT COUNTY UNLESS THE CONDITION DESCRIBED IN SUBSEC-
22 TION (1)(B) IS MET.