

**SUBSTITUTE FOR  
HOUSE BILL NO. 5375**

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending sections 20109 and 21715 (MCL 333.20109 and 333.21715),  
section 20109 as amended by 1996 PA 224.

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

1       Sec. 20109. (1) "Nursing home" means a nursing care facility,  
2 including a county medical care facility, that provides organized  
3 nursing care and medical treatment to 7 or more unrelated  
4 individuals suffering or recovering from illness, injury, or  
5 infirmity. **AS USED IN THIS SUBSECTION, "MEDICAL TREATMENT" INCLUDES**  
6 **TREATMENT BY AN EMPLOYEE OR INDEPENDENT CONTRACTOR OF THE NURSING**  
7 **HOME WHO IS AN INDIVIDUAL LICENSED OR OTHERWISE AUTHORIZED TO**  
8 **ENGAGE IN A HEALTH PROFESSION UNDER PART 170 OR 175.** Nursing home  
9 does not include ~~a~~**ANY OF THE FOLLOWING:**

1 (A) A unit in a state correctional facility. ~~Nursing home does~~  
2 ~~not include 1 or more of the following:~~

3 (B) ~~(a)~~ A hospital.

4 (C) ~~(b)~~ A veterans facility created under ~~Act No. 152 of the~~  
5 ~~Public Acts of 1885, being sections 1885 PA 152, MCL 36.1 to 36.12.~~  
6 ~~of the Michigan Compiled Laws.~~

7 (D) ~~(c)~~ A hospice residence that is licensed under this  
8 article.

9 (E) ~~(d)~~ A hospice that is certified under 42 ~~C.F.R.~~ **CFR**  
10 418.100.

11 (2) "Person" means ~~a person~~ **THAT TERM** as defined in section  
12 1106 or a governmental entity.

13 (3) "Public member" means a member of the general public who  
14 is not a provider; who does not have an ownership interest in or  
15 contractual relationship with a nursing home other than a patient  
16 contract; who does not have a contractual relationship with a  
17 person who does substantial business with a nursing home; and who  
18 is not the spouse, parent, sibling, or child of an individual who  
19 has an ownership interest in or contractual relationship with a  
20 nursing home, other than a patient contract.

21 (4) "Skilled nursing facility" means a hospital long-term care  
22 unit, nursing home, county medical care facility, or other nursing  
23 care facility, or a distinct part thereof, certified by the  
24 department to provide skilled nursing care.

25 Sec. 21715. (1) A nursing home shall provide +

26 ~~— (a) A program of planned and continuing nursing care under the~~  
27 ~~charge of a registered nurse in a skilled facility and a licensed~~

1 ~~practical nurse with a registered nurse consultant in an~~  
2 ~~intermediate care facility. This subdivision shall expire December~~  
3 ~~31, 1979.~~

4 ~~—— (b) A~~ **A** program of planned and continuing ~~medical~~ **NURSING** care  
5 **AND MEDICAL TREATMENT** under the charge of physicians. **A NURSING**  
6 **HOME, REGARDLESS OF ITS STATUS AS A LEGAL ENTITY, MAY EMPLOY OR**  
7 **CONTRACT WITH AN INDIVIDUAL LICENSED OR OTHERWISE AUTHORIZED TO**  
8 **ENGAGE IN A HEALTH PROFESSION UNDER PART 170 OR 175 TO PROVIDE THE**  
9 **PROGRAM OF PLANNED AND CONTINUING NURSING CARE AND MEDICAL**  
10 **TREATMENT UNDER THIS SUBSECTION, WHICH CARE AND TREATMENT INCLUDE**  
11 **DIRECT CLINICAL SERVICES TO PATIENTS.**

12 (2) ~~Nursing~~ **A NURSING HOME SHALL PROVIDE NURSING** care and  
13 ~~medical care shall consist~~ **TREATMENT THAT CONSIST** of services given  
14 to ~~individuals~~ **PATIENTS** who are subject to prolonged suffering from  
15 illness or injury or who are recovering from illness or injury. ~~The~~  
16 ~~services shall be~~ **A NURSING HOME SHALL PROVIDE THE CARE AND**  
17 **TREATMENT** within the ability of the **NURSING** home to provide and  
18 shall include the functions of ~~medical care such as~~ **TREATMENT**  
19 **INCLUDING THE** diagnosis and treatment of an illness; nursing care  
20 via assessment, planning, and implementation; evaluation of a  
21 patient's health care needs; and the carrying out of required  
22 treatment prescribed by a physician.