



HOUSE BILL No. 4882

September 28, 1999, Introduced by Reps. Vear, Rick Johnson, Allen, Rocca and Spade and referred to the Committee on Regulatory Reform.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 21741 and 21795 (MCL 333.21741 and 333.21795).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 21741. (1) The department of ~~public health~~ CONSUMER
2 AND INDUSTRY SERVICES, after seeking advice and consultation from
3 the department of ~~social services~~ COMMUNITY HEALTH, appropriate
4 consumer and professional organizations, and concerned agencies,
5 shall promulgate rules to implement and administer this part.

6 ~~(2) Initial rules proposed under this part shall be submit-~~
7 ~~ted to a public hearing not later than 6 months after this sec-~~
8 ~~tion is enacted into law.~~

9 (2) ~~(3)~~ In addition to the rules ~~prescribed in~~ REQUIRED
10 TO BE PROMULGATED UNDER section 20171, THE DEPARTMENT OF CONSUMER

1 AND INDUSTRY SERVICES SHALL PROMULGATE rules for nursing homes
2 ~~shall include the establishment of~~ THAT ESTABLISH standards
3 relating to ALL OF THE FOLLOWING:

4 (a) Complaint procedures.

5 (b) Discharges and transfers.

6 (c) Emergency procedures.

7 (d) Medical audit procedures.

8 (e) Patients' rights.

9 (f) Standards of patient care to be provided in nursing
10 homes.

11 (g) Training, educational, and competency requirements of
12 nursing home personnel other than licensed personnel. IF THE
13 RULES PROMULGATED UNDER THIS SUBDIVISION INCLUDE TRAINING
14 REQUIREMENTS FOR UNLICENSED NURSING HOME PERSONNEL WHO ARE NURSE
15 AIDES, THE DEPARTMENT SHALL REVISE THE RULES PROMULGATED UNDER
16 THIS SUBDIVISION GOVERNING THE APPROVAL OF NURSE AIDE TRAINING
17 AND COMPETENCY EVALUATION PROGRAMS TO REQUIRE 45 CLOCK HOURS OF
18 TRAINING IN ADDITION TO THE 75 HOURS OF TRAINING REQUIRED UNDER
19 42 C.F.R. 483.152.

20 (h) Utilization and quality control review procedures.

21 Sec. 21795. (1) ~~The~~ SUBJECT TO SUBSECTION (4), THE
22 department, in consultation and with the advice of the Michigan
23 board of nursing and appropriate consumer and professional organ-
24 izations, shall ~~develop by rule~~ PROMULGATE RULES TO DEVELOP
25 minimum criteria for the education and training ~~for~~ OF unli-
26 censed nursing personnel in ~~facilities designated in this part~~
27 NURSING HOMES.

1 (2) ~~This section shall not be construed to be~~ MEETING THE
2 EDUCATION AND TRAINING CRITERIA CONTAINED IN THE RULES PROMUL-
3 GATED UNDER SUBSECTION (1) IS NOT a prerequisite for employment
4 of unlicensed nursing personnel in a nursing home.

5 (3) During ~~the annual licensing inspection~~ EACH PERIODIC
6 VISIT CONDUCTED BY THE DEPARTMENT UNDER SECTION 20155, the
7 department shall, and during other inspections the department
8 may, conduct random competency examinations to determine whether
9 the requirements of ~~this section~~ THE RULES PROMULGATED UNDER
10 SUBSECTION (1) are being met. The department shall promulgate
11 rules to administer this subsection.

12 (4) THE DEPARTMENT SHALL REVISE THE RULES PROMULGATED UNDER
13 SUBSECTION (1) GOVERNING THE APPROVAL OR NURSE AIDE TRAINING AND
14 COMPETENCY EVALUATION PROGRAMS TO REQUIRE 45 CLOCK HOURS OF
15 TRAINING IN ADDITION TO THE 75 CLOCK HOURS OF TRAINING REQUIRED
16 UNDER 42 C.F.R. 483.152. THE DEPARTMENT SHALL SUBMIT THE RULES
17 REQUIRED UNDER THIS SUBSECTION FOR PUBLIC HEARING UNDER THE
18 ADMINISTRATIVE PROCEDURES ACT OF 1969 WITHIN 90 DAYS AFTER THE
19 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.