

HOUSE BILL NO. 6137

September 01, 2020, Introduced by Reps. Love, Cynthia Neeley, Bolden, Cynthia Johnson, Kuppa, Coleman, Vaupel, Pohutsky, Stone, Hoitenga, Brixie, Hood, Sabo, Hertel, Sowerby, Tate, Clemente, Haadsma, Gay-Dagnogo, Yancey, Rabhi, Brenda Carter, Tyrone Carter, Peterson, Crawford, Witwer, Koleszar, Chirkun, Lasinski and Garrett and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 21717 (MCL 333.21717), as amended by 2014 PA
66, and by adding sections 21317 and 21717a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 21317. (1) If a home for the aged is designated by the**
2 **department of health and human services as a home for the aged to**



1 provide room, board, and supervised personal care to residents of
2 the home for the aged who test positive for coronavirus, the home
3 for the aged shall dedicate a facility as a care and recovery
4 emergency facility to provide room, board, and supervised personal
5 care for those residents of the home for the aged who test positive
6 for coronavirus. The CARE facility must be a stand-alone structure,
7 be isolated and separate from any other structure where residents
8 of the home for the aged who have not tested positive for
9 coronavirus reside, and have staff that work exclusively in the
10 CARE facility.

11 (2) A CARE facility shall exist and operate temporarily during
12 a public health state of emergency declared by the governor if any
13 of the following occur:

14 (a) A resident of the home for the aged is released from a
15 hospital after receiving treatment for coronavirus and it is
16 determined that the resident of the home for the aged cannot be
17 safely isolated or provided room, board, and supervised personal
18 care in the home for the aged.

19 (b) A resident of the home for the aged tests positive for
20 coronavirus.

21 (c) An individual is released from a hospital after receiving
22 treatment for coronavirus and it is determined that the individual
23 requires room, board, and supervised personal care in the home for
24 the aged.

25 (3) Notwithstanding any other provision of law, a home for the
26 aged shall not receive any funding or other financial incentives
27 from state funds dedicated for CARE facilities unless the home for
28 the aged meets the requirements described in subsection (1).

29 (4) Subject to subsection (5), if a resident of a home for the



1 aged tests positive for coronavirus, the home for the aged shall do
2 1 of the following:

3 (a) If a hospital has adequate bed capacity, move the resident
4 to the hospital for care and treatment.

5 (b) If a hospital does not have adequate bed capacity, move
6 the resident to a CARE facility for care and treatment.

7 (c) If neither a hospital nor a CARE facility has adequate bed
8 capacity, allow the resident to remain at the home for the aged for
9 care and treatment in a designated unit. The designated unit shall
10 have a separate entrance and exit and have its own nursing
11 stations, supply rooms for linen storage, medications, restrooms,
12 and shower facilities for the residents of the home for the aged,
13 unless it is not reasonably possible.

14 (5) A resident of a home for the aged must not be moved under
15 subsection (4) unless a physician signs a statement that the
16 resident is medically stable for transfer.

17 (6) A resident of a home for the aged who is moved under
18 subsection (4) is entitled to notice and an opportunity for hearing
19 in the same manner as provided in sections 21773 and 21774.

20 (7) As used in this section:

21 (a) "Care and recovery emergency facility" or "CARE facility"
22 means the dedicated facility described in subsection (1).

23 (b) "Coronavirus" means severe acute respiratory syndrome
24 coronavirus 2 (SARS-CoV-2).

25 (c) "Designated unit" means an area within a home for the aged
26 that is designated to provide care and treatment to a resident of
27 the home for the aged who has tested positive for coronavirus or is
28 suspected to have coronavirus and that is separate from residents
29 of the home for the aged who are not positive for coronavirus or



1 are not suspected to have coronavirus.

2 Sec. 21717. ~~An~~ **Subject to section 21717a, an** individual shall
3 not be admitted or retained for care in a nursing home who requires
4 special medical or surgical treatment, or treatment for acute
5 mental illness, developmental disability, communicable
6 tuberculosis, or a communicable disease, unless the home is able to
7 provide an area and a program for the care. The department shall
8 approve both the area and the program.

9 **Sec. 21717a. (1) If a nursing home is designated by the**
10 **department of health and human services as a nursing home to**
11 **provide nursing care and medical treatment to residents who test**
12 **positive for coronavirus, the nursing home shall dedicate a**
13 **facility as a care and recovery emergency facility to provide**
14 **nursing care and medical treatment for those residents who test**
15 **positive for coronavirus. The CARE facility must be a stand-alone**
16 **structure, be isolated and separate from any other structure where**
17 **residents who have not tested positive for coronavirus reside, have**
18 **at least a three-star rating based on the Five-Star Quality Rating**
19 **System established by the federal Centers for Medicare and Medicaid**
20 **Services, and have staff that work exclusively in the CARE**
21 **facility.**

22 **(2) A CARE facility shall exist and operate temporarily during**
23 **a public health state of emergency declared by the governor if any**
24 **of the following occur:**

25 **(a) A resident is released from a hospital after receiving**
26 **treatment for coronavirus and it is determined that the resident**
27 **cannot be safely isolated or provided nursing care and medical**
28 **treatment in the nursing home.**

29 **(b) A resident tests positive for coronavirus.**



1 (c) An individual is released from a hospital after receiving
2 treatment for coronavirus and it is determined that the individual
3 requires nursing care and medical treatment in a nursing home.

4 (3) Notwithstanding any other provision of law, a nursing home
5 shall not receive any funding or other financial incentives from
6 state funds dedicated for CARE facilities unless the nursing home
7 meets the requirements described in subsection (1).

8 (4) Subject to subsection (5), if a resident tests positive
9 for coronavirus, the nursing home shall do 1 of the following:

10 (a) If a hospital has adequate bed capacity, move the resident
11 to the hospital for care and treatment.

12 (b) If a hospital does not have adequate bed capacity, move
13 the resident to a CARE facility for care and treatment.

14 (c) If neither a hospital nor a CARE facility has adequate bed
15 capacity, allow the resident to remain at the nursing home for care
16 and treatment in a designated unit. The designated unit shall have
17 a separate entrance and exit and have its own nursing stations,
18 supply rooms for linen storage, medications, restrooms, and shower
19 facilities for the residents, unless it is not reasonably possible.

20 (5) A resident must not be moved under subsection (4) unless a
21 physician signs a statement that the resident is medically stable
22 for transfer.

23 (6) A resident who is moved under subsection (4) is entitled
24 to notice and an opportunity for hearing as provided in sections
25 21773 and 21774.

26 (7) As used in this section:

27 (a) "Care and recovery emergency facility" or "CARE facility"
28 means the dedicated facility described in subsection (1).

29 (b) "Coronavirus" means severe acute respiratory syndrome



1 coronavirus 2 (SARS-CoV-2).

2 (c) "Designated unit" means an area within a nursing home that
3 is designated to provide care and treatment to a resident who has
4 tested positive for coronavirus or is suspected to have coronavirus
5 and that is separate from residents who are not positive for
6 coronavirus or are not suspected to have coronavirus.

