

SENATE BILL NO. 570

September 18, 2025, Introduced by Senator ANTHONY and referred to Committee on Appropriations.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 21311a (MCL 333.21311a), as added by 2017 PA
167, and by adding section 21311b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 21311a. (1) Beginning ~~on the effective date of the~~
2 ~~amendatory act that added this section,~~ **February 11, 2018**, an
3 exemption from licensure as a home for the aged under this article
4 ~~shall~~ **must** be given to an existing facility or a facility under

1 construction if the requirements of subsection (3) are met and 1 of
2 the following applies:

3 (a) The person that offers board is not related to the person
4 that provides room or supervised personal care, or both.

5 (b) The person that provides supervised personal care, whether
6 or not related to the person that provides room or board, or both,
7 has had a supervised personal care arrangement in effect for at
8 least 2 consecutive years before the date of the attestation
9 required under subsection (3) and residents at the facility have
10 the option to select any supervised personal care provider of their
11 choice.

12 (2) An exemption from licensure as a home for the aged under
13 this article ~~shall~~**must** be given to a facility or a facility under
14 construction if the requirements of subsection (3) are met and 1 of
15 the following applies:

16 (a) The person that provides room and the person that provides
17 supervised personal care are related and the facility is registered
18 as a continuing care community under the continuing care community
19 disclosure act, 2014 PA 448, MCL 554.901 to 554.993, and includes a
20 licensed nursing home as part of the continuing care community.

21 (b) The person that provides room and the person that provides
22 supervised personal care are not related and residents at the
23 facility have the option to select any supervised personal care
24 from a person of their choice.

25 (3) The department shall make a determination that a facility
26 is exempt from licensure as a home for the aged under this article
27 if the owner, operator, or governing body of the facility submits
28 an attestation to the department that certifies that all of the
29 requirements under subsection (1)(a) or (b) or (2)(a) or (b) are

1 met, is signed by the owner, operator, or governing body for the
2 facility, and includes an acknowledgment that the penalty for
3 submitting a false or inaccurate attestation is an administrative
4 fine of \$5,000.00. **Subject to section 21311b, the department shall**
5 **charge a fee of \$2,000.00 to review an attestation submitted under**
6 **this section.**

7 (4) An exemption granted under this section continues to exist
8 for a successor owner, operator, or governing body if the successor
9 files the attestation required under subsection (3). An exemption
10 under subsection (1)(a) or (b) ~~shall~~**must** not be granted under this
11 section after December 31, 2019, except to a successor owner,
12 operator, or governing body as provided in this subsection. An
13 exemption under subsection (2)(a) or (b) is not limited to an
14 existing facility or a facility under construction on or before ~~the~~
15 ~~effective date of the amendatory act that added this section~~
16 **February 11, 2018**, as long as the requirements of this section are
17 met.

18 (5) The department shall act on an application for exemption
19 requested under this section as soon as practicable but no later
20 than 60 days after receipt of the application for the exemption.

21 (6) A denial of an application for exemption, an issuance of a
22 fine, or a revocation of an exemption is, upon the applicant
23 providing further information, subject to a review by the
24 department or an appeal as provided in section 1205, or both.

25 (7) An exemption granted under this section may be revoked if
26 the department determines 1 of the following:

27 (a) That the false or inaccurate information provided in the
28 attestation was material to granting the exemption.

29 (b) The person receiving the exemption is found to be

1 negligent, which negligence results in serious physical injury,
2 death of a resident, or serious mental anguish, and there continues
3 to be a risk to the health and safety of the residents at that
4 facility.

5 (c) The person receiving the exemption does not cooperate in
6 the department's investigation to make a determination for
7 subsection (3).

8 (8) As used in this section:

9 (a) "Board" means food service provided at a facility.

10 (b) "Related" means any of the following personal
11 relationships by marriage, blood, or adoption: spouse, child,
12 parent, brother, sister, grandparent, grandchild, aunt, uncle,
13 stepparent, stepbrother, stepsister, or cousin. Related also means
14 an entity owns or is owned by a person that has a direct or
15 indirect ownership interest in another entity that provides a
16 component of operations or service under subsections (1) and (2).

17 (c) "Serious mental anguish" means damage suffered by a
18 resident that a physician, ~~physician~~**physician's** assistant, or
19 nurse practitioner determines caused or could have caused extreme
20 emotional distress that resulted in hospitalization, psychiatric
21 treatment, or death of a resident.

22 (d) "Serious physical injury" means damage suffered by a
23 resident that a physician, ~~physician~~**physician's** assistant, or
24 nurse practitioner determines caused or could have caused death of
25 a resident, caused the impairment of ~~his or her~~**the resident's**
26 bodily function, or caused the permanent disfigurement of a
27 resident.

28 **Sec. 21311b. (1) At the beginning of each state fiscal year,**
29 **the department may increase the fee collected under section 21311a**

1 by a percentage amount equal to not more than the average
2 percentage wage and salary increase granted for that fiscal year to
3 classified civil service employees employed by the department. If
4 the department increases the fee under this subsection, the
5 increase is effective for that fiscal year. The department shall
6 use the increased fee as the basis for calculating fee increases in
7 subsequent fiscal years.

8 (2) By August 1 of each year, the department shall provide to
9 the director of the department of technology, management, and
10 budget and the chairpersons of the appropriations committees of the
11 senate and house of representatives a complete schedule of the fees
12 to be collected under section 21311a for the following fiscal year.