

OLDER MICHIGANIANS ACT (EXCERPT)
Act 180 of 1981

400.586i State, local, or regional long-term care ombudsman and trained volunteers; access to long-term care facility; applicability of visitation restriction; "access" defined.

Sec. 6i.

(1) The state long-term care ombudsman, the local or regional long-term care ombudsmen, and their trained volunteers must be granted access to any long-term care facility for the purpose of carrying out section 6h.

(2) If a restriction is placed on the ability to visit a resident of a long-term care facility, that visitation restriction does not apply to a representative of the long-term care ombudsman program. A representative of the long-term care ombudsman program must be allowed access to the long-term care facility to carry out the duties required under this act.

(3) At the request of the long-term care ombudsman or a representative of the long-term care ombudsman program, the long-term care facility must make a good-faith effort to facilitate a virtual, outdoor, window, or telephonic communication visit within 24 hours after receiving the request.

(4) If necessary to protect the health of residents or staff at a long-term care facility, an individual entering a long-term care facility to carry out his or her duties under this act must take proper precautions, including, but not limited to, obtaining appropriate screening and use of personal protective equipment.

(5) As used in this section, "access" means the right to do all of the following:

(a) Enter a long-term care facility, and identify himself or herself, at any time during that long-term care facility's regular business hours or regular visiting hours, and at any other time when access may be required by the circumstances to be investigated.

(b) Seek consent from a resident to communicate privately and without restriction with that resident.

(c) Communicate privately and without restrictions with a resident who consents to communication.

(d) Observe all resident areas of the facility except the living area of a resident who protests the observation.

(e) Obtain the name and contact information of the resident's representative, if any, when needed to perform the functions and duties set forth in section 6h.

(f) Review and, upon request, receive copies of all licensing and certification records maintained by the state that are not confidential or that can be released without specific approval from the Centers for Medicare and Medicaid Services with respect to long-term care facilities.

History: Add. 1987, Act 35, Imd. Eff. May 27, 1987 ;-- Am. 2021, Act 159, Eff. Mar. 30, 2022

Compiler's Notes: For transfer of commission on services to the aging and powers and duties of the office of services to the aging from the department of community health to the aging and adult services agency created within the department of health and human services, and abolishment of the office of services to the aging, see E.R.O. No. 2015-1, compiled at MCL 400.227. For transfer of commission on services to the aging and powers and duties of the office of services to the aging from the aging and adult services agency to the department of health and human services, and abolishment of the aging and adult services agency, see E.R.O. No. 2021-2, compiled at MCL 400.562.

Popular Name: Act 180