

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 4057

A bill to amend 1978 PA 368, entitled "Public health code," by amending the title and sections 20161(MCL 333.20161), the title as amended by 1998 PA 332 and section 20161 as amended by 2000 PA 253, and by adding section 20173.

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

1

TITLE

2

An act to protect and promote the public health; to codify,

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revise, consolidate, classify, and add to the laws relating to

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public health; to provide for the prevention and control of dis-

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eases and disabilities; to provide for the classification, admin-

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istration, regulation, financing, and maintenance of personal,

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environmental, and other health services and activities; to

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create or continue, and prescribe the powers and duties of,

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1 departments, boards, commissions, councils, committees, task  
2 forces, and other agencies; to prescribe the powers and duties of  
3 governmental entities and officials; to regulate occupations,  
4 facilities, and agencies affecting the public health; to regulate  
5 health maintenance organizations and certain third party adminis-  
6 trators and insurers; to provide for the imposition of a regula-  
7 tory fee; to promote the efficient and economical delivery of  
8 health care services, to provide for the appropriate utilization  
9 of health care facilities and services, and to provide for the  
10 closure of hospitals or consolidation of hospitals or services;  
11 to provide for the collection and use of data and information; to  
12 provide for the transfer of property; to provide certain immunity  
13 from liability; to regulate and prohibit the sale and offering  
14 for sale of drug paraphernalia under certain circumstances; to  
15 provide for the implementation of federal law; to provide for  
16 penalties and remedies; to provide for sanctions for violations  
17 of this act and local ordinances; TO PROVIDE FOR AN APPROPRIATION  
18 AND SUPPLEMENTS; to repeal certain acts and parts of acts; to  
19 repeal certain parts of this act; and to repeal certain parts of  
20 this act on specific dates.

21       Sec. 20161. (1) ~~Fees~~ THE DEPARTMENT SHALL ASSESS FEES for  
22 health facility and agency licenses and certificates of need  
23 ~~shall be assessed~~ on an annual basis ~~by the department~~ as  
24 provided in this ~~act~~ ARTICLE. Except as otherwise provided in  
25 this article, fees shall be paid in accordance with the following  
26 fee schedule:

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- 1 (a) Freestanding surgical
- 2 outpatient facilities..... \$ 238.00 per facility.
- 3 (b) Hospitals..... \$ 8.28 per licensed bed.
- 4 (c) Nursing homes, county
- 5 medical care facilities, and hos-
- 6 pital long-term care units..... \$ 2.20 per licensed bed.
- 7 (d) Homes for the aged..... \$ 6.27 per licensed bed.
- 8 (e) Clinical laboratories... \$ 475.00 per laboratory.
- 9 (f) Hospice residences..... \$ 200.00 per license survey;
- 10 and \$20.00 per licensed bed.

11 (G) SUBJECT TO

12 SUBSECTION (13), QUALITY ASSUR-

13 ANCE ASSESSMENT FEE FOR NONGOV-

14 ERNMENTALLY OWNED NURSING

15 HOMES AND HOSPITAL LONG-TERM CARE

16 UNITS.....

AN AMOUNT RESULTING IN NOT  
MORE THAN A 7% INCREASE IN  
AGGREGATE MEDICAID NURSING HOME  
AND HOSPITAL LONG-TERM CARE  
UNIT PAYMENT RATES, NET OF  
ASSESSMENTS, ABOVE

21 THE RATES THAT WERE IN EFFECT ON APRIL 1, 2002

22 (2) If a hospital requests the department to conduct a cer-

23 tification survey for purposes of title XVIII or title XIX of the

24 social security act, the hospital shall pay a license fee sur-

25 charge of \$23.00 per bed. AS USED IN THIS SUBSECTION, "TITLE

26 XVIII" AND "TITLE XIX" MEAN THOSE TERMS AS DEFINED IN SECTION

27 20155.

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1           (3) The base fee for a certificate of need is \$750.00 for  
2 each application. For a project requiring a projected capital  
3 expenditure of more than \$150,000.00 but less than \$1,500,000.00,  
4 an additional fee of \$2,000.00 shall be added to the base fee.  
5 For a project requiring a projected capital expenditure of  
6 \$1,500,000.00 or more, an additional fee of \$3,500.00 shall be  
7 added to the base fee.

8           (4) If licensure is for more than 1 year, the fees described  
9 in subsection (1) ~~shall be~~ ARE multiplied by the number of  
10 years for which the license is issued, and the total amount of  
11 the fees shall be collected in the year in which the license is  
12 issued.

13           (5) Fees described in this section are payable to the  
14 department at the time an application for a license, permit, or  
15 certificate is submitted. If an application for a license,  
16 permit, or certificate is denied or if a license, permit, or cer-  
17 tificate is revoked before its expiration date, the DEPARTMENT  
18 SHALL NOT REFUND fees paid to the department. ~~shall not be~~  
19 ~~refunded.~~

20           (6) The fee for a provisional license or temporary permit  
21 ~~shall be~~ IS the same as for a license. A license may be issued  
22 at the expiration date of a temporary permit without an addi-  
23 tional fee for the balance of the period for which the fee was  
24 paid if the requirements for licensure are met.

25           (7) The department may charge a fee to recover the cost of  
26 purchase or production and distribution of proficiency evaluation

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1 samples that are supplied to clinical laboratories pursuant to  
2 section 20521(3).

3 (8) In addition to the fees imposed under subsection (1), A  
4 CLINICAL LABORATORY SHALL SUBMIT a fee of \$25.00 ~~shall be~~  
5 ~~submitted~~ to the department for each reissuance during the  
6 licensure period of ~~a~~ THE clinical ~~laboratory~~ LABORATORY'S  
7 license.

8 (9) Except for the licensure of clinical laboratories, not  
9 more than half the annual cost of licensure activities as deter-  
10 mined by the department shall be provided by license fees.

11 (10) The application fee for a waiver under section 21564  
12 ~~shall be~~ IS \$200.00 plus \$40.00 per hour for the professional  
13 services and travel expenses directly related to processing the  
14 application. The travel expenses shall be calculated in accord-  
15 ance with the state standardized travel regulations of the  
16 department of management and budget in effect at the time of the  
17 travel.

18 (11) An applicant for licensure or renewal of licensure  
19 under part 209 shall pay the applicable fees set forth in  
20 part 209.

21 (12) The fees collected under this section shall be depos-  
22 ited in the state treasury, to the credit of the general fund.

23 (13) THE QUALITY ASSURANCE ASSESSMENT FEE COLLECTED UNDER  
24 SUBSECTION (1)(G) AND ALL FEDERAL MATCHING FUNDS ATTRIBUTED TO  
25 THAT FEE SHALL BE USED ONLY FOR THE FOLLOWING PURPOSES AND UNDER  
26 THE FOLLOWING SPECIFIC CIRCUMSTANCES:

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1 (A) THE QUALITY ASSURANCE ASSESSMENT FEE AND ALL FEDERAL  
2 MATCHING FUNDS ATTRIBUTED TO THAT FEE SHALL BE USED TO MAINTAIN THE  
3 INCREASED PER DIEM MEDICAID REIMBURSEMENT RATE INCREASES AS PROVIDED FOR IN  
4 SUBSECTION (E). ONLY LICENSED NURSING HOMES AND HOS-  
5 PITAL LONG-TERM CARE UNITS THAT ARE ASSESSED THE QUALITY ASSUR-  
6 ANCE ASSESSMENT FEE AND PARTICIPATE IN THE MEDICAID PROGRAM ARE  
7 ELIGIBLE FOR INCREASED PER DIEM MEDICAID REIMBURSEMENT RATES  
8 UNDER THIS SUBDIVISION.

9 (B) THE QUALITY ASSURANCE ASSESSMENT FEE SHALL BE IMPL-  
10 MENTED ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED  
11 THIS SUBSECTION.

12 (C) THE QUALITY ASSURANCE ASSESSMENT FEE IS BASED ON THE  
13 NUMBER OF LICENSED NURSING HOME BEDS AND THE NUMBER OF LICENSED  
14 HOSPITAL LONG-TERM CARE UNIT BEDS IN EXISTENCE ON JULY 1 OF EACH  
15 YEAR, SHALL BE ASSESSED UPON IMPLEMENTATION PURSUANT TO  
16 SUBDIVISION (B) AND SUBSEQUENTLY ON OCTOBER 1 OF EACH FOLLOWING  
17 YEAR, AND IS PAYABLE ON A QUARTERLY BASIS, THE FIRST PAYMENT DUE  
18 90 DAYS AFTER THE DATE THE FEE IS ASSESSED.

19 (D) BEGINNING OCTOBER 1, 2007, THE DEPARTMENT SHALL NO  
20 LONGER ASSESS OR COLLECT THE QUALITY ASSURANCE ASSESSMENT FEE OR  
21 APPLY FOR FEDERAL MATCHING FUNDS.

22 (E) UPON IMPLEMENTATION PURSUANT TO SUBDIVISION (B), THE  
23 DEPARTMENT OF COMMUNITY HEALTH SHALL INCREASE THE PER DIEM NURS-  
24 ING HOME MEDICAID REIMBURSEMENT RATES FOR THE BALANCE OF THAT  
25 YEAR. FOR EACH SUBSEQUENT YEAR IN WHICH THE QUALITY ASSURANCE  
26 ASSESSMENT FEE IS ASSESSED AND COLLECTED, THE DEPARTMENT OF

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1 COMMUNITY HEALTH SHALL MAINTAIN THE MEDICAID NURSING HOME  
2 REIMBURSEMENT PAYMENT INCREASE FINANCED BY THE QUALITY ASSURANCE  
ASSESSMENT FEE.

3 (F) THE DEPARTMENT OF COMMUNITY HEALTH SHALL IMPLEMENT THIS  
4 SECTION IN A MANNER THAT COMPLIES WITH FEDERAL REQUIREMENTS NEC-  
5 ESSARY TO ASSURE THAT THE QUALITY ASSURANCE ASSESSMENT FEE QUALI-  
6 FIES FOR FEDERAL MATCHING FUNDS.

7 (G) IF A NURSING HOME OR A HOSPITAL LONG-TERM CARE UNIT  
8 FAILS TO PAY THE ASSESSMENT REQUIRED BY SUBSECTION (1)(G), THE  
9 DEPARTMENT OF COMMUNITY HEALTH MAY ASSESS THE NURSING HOME OR  
10 HOSPITAL LONG-TERM CARE UNIT A PENALTY OF 5% OF THE ASSESSMENT  
11 FOR EACH MONTH THAT THE ASSESSMENT AND PENALTY ARE NOT PAID UP TO  
12 A MAXIMUM OF 50% OF THE ASSESSMENT. THE DEPARTMENT OF COMMUNITY  
13 HEALTH MAY ALSO REFER FOR COLLECTION TO THE DEPARTMENT OF TREA-  
14 SURY PAST DUE AMOUNTS CONSISTENT WITH SECTION 13 OF 1941 PA 122,  
15 MCL 205.13.

16 (H) THE MEDICAID NURSING HOME QUALITY ASSURANCE ASSESSMENT  
17 FUND IS ESTABLISHED IN THE STATE TREASURY. THE DEPARTMENT OF  
18 COMMUNITY HEALTH SHALL DEPOSIT THE REVENUE RAISED THROUGH THE  
19 QUALITY ASSURANCE ASSESSMENT FEE WITH THE STATE TREASURER FOR  
20 DEPOSIT IN THE MEDICAID NURSING HOME QUALITY ASSURANCE ASSESSMENT  
21 FUND.

22 (I) NEITHER THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES  
23 NOR THE DEPARTMENT OF COMMUNITY HEALTH SHALL IMPLEMENT THIS SUB-  
24 SECTION IN A MANNER THAT CONFLICTS WITH 42 U.S.C. 1396b(w).

25 (J) THE QUALITY ASSURANCE ASSESSMENT FEE COLLECTED UNDER  
26 SUBSECTION (1)(G) SHALL BE PRORATED ON A QUARTERLY BASIS FOR ANY  
27 LICENSED BEDS ADDED TO OR SUBTRACTED FROM A NURSING HOME OR

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1 HOSPITAL LONG-TERM CARE UNIT SINCE THE IMMEDIATELY PRECEDING  
2 JULY 1. ANY ADJUSTMENTS IN PAYMENTS ARE DUE ON THE NEXT QUAR-  
3 TERLY INSTALLMENT DUE DATE.

4 (K) IN EACH FISCAL YEAR GOVERNED BY THIS SUBSECTION, MEDI-  
5 CAID REIMBURSEMENT RATES SHALL NOT BE REDUCED BELOW THE MEDICAID  
6 REIMBURSEMENT RATES IN EFFECT ON APRIL 1, 2002 AS A DIRECT RESULT  
7 OF THE QUALITY ASSURANCE ASSESSMENT FEE COLLECTED UNDER SUBSEC-  
8 TION (1)(G).

9 (l) THE AMOUNTS LISTED IN THIS SUBDIVISION ARE APPROPRIATED  
10 FOR THE DEPARTMENT OF COMMUNITY HEALTH, SUBJECT TO THE CONDITIONS  
11 SET FORTH IN THIS SUBSECTION, FOR THE FISCAL YEAR ENDING  
12 SEPTEMBER 30, 2003:

13 MEDICAL SERVICES

14	LONG-TERM CARE SERVICES.....	\$	<u>1,469,003,900</u>
15	GROSS APPROPRIATION.....	\$	1,469,003,900

16 APPROPRIATED FROM:

17 FEDERAL REVENUES:

18	TOTAL FEDERAL REVENUES.....		814,122,200
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19 SPECIAL REVENUE FUNDS:

20	MEDICAID QUALITY ASSURANCE ASSESSMENT.....		44,829,000
21	TOTAL LOCAL REVENUES.....		8,445,100
22	STATE GENERAL FUND/GENERAL PURPOSE.....	\$	601,607,600

23 (14) AS USED IN THIS SECTION, "MEDICAID" MEANS THAT TERM AS  
24 DEFINED IN SECTION 22207.

25 SEC. 20173. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION  
26 (2), A HEALTH FACILITY OR AGENCY THAT IS A NURSING HOME, COUNTY  
27 MEDICAL CARE FACILITY, OR HOME FOR THE AGED SHALL NOT EMPLOY,



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1 INDEPENDENTLY CONTRACT WITH, OR GRANT CLINICAL PRIVILEGES TO AN  
2 INDIVIDUAL WHO REGULARLY PROVIDES DIRECT SERVICES TO PATIENTS OR  
3 RESIDENTS IN THE HEALTH FACILITY OR AGENCY AFTER THE EFFECTIVE  
4 DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION IF THE INDI-  
5 VIDUAL HAS BEEN CONVICTED OF 1 OR MORE OF THE FOLLOWING:

6 (A) A FELONY OR AN ATTEMPT OR CONSPIRACY TO COMMIT A FELONY  
7 WITHIN THE 15 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION  
8 FOR EMPLOYMENT OR CLINICAL PRIVILEGES OR THE DATE OF THE EXECU-  
9 TION OF THE INDEPENDENT CONTRACT.

10 (B) A MISDEMEANOR INVOLVING ABUSE, NEGLIGENCE, ASSAULT, BAT-  
11 TERY, OR CRIMINAL SEXUAL CONDUCT OR INVOLVING FRAUD OR THEFT  
12 AGAINST A VULNERABLE ADULT AS THAT TERM IS DEFINED IN  
13 SECTION 145M OF THE MICHIGAN PENAL CODE, 1931 PA 328,  
14 MCL 750.145M, OR A STATE OR FEDERAL CRIME THAT IS SUBSTANTIALLY  
15 SIMILAR TO A MISDEMEANOR DESCRIBED IN THIS SUBDIVISION, WITHIN  
16 THE 10 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION FOR  
17 EMPLOYMENT OR CLINICAL PRIVILEGES OR THE DATE OF THE EXECUTION OF  
18 THE INDEPENDENT CONTRACT.

19 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION AND SUB-  
20 SECTION (5), A HEALTH FACILITY OR AGENCY THAT IS A NURSING HOME,  
21 COUNTY MEDICAL CARE FACILITY, OR HOME FOR THE AGED SHALL NOT  
22 EMPLOY, INDEPENDENTLY CONTRACT WITH, OR GRANT PRIVILEGES TO AN  
23 INDIVIDUAL WHO REGULARLY PROVIDES DIRECT SERVICES TO PATIENTS OR  
24 RESIDENTS IN THE HEALTH FACILITY OR AGENCY AFTER THE EFFECTIVE  
25 DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION UNTIL THE  
26 HEALTH FACILITY OR AGENCY COMPLIES WITH SUBSECTION (4) OR (5), OR  
27 BOTH. THIS SUBSECTION AND SUBSECTION (1) DO NOT APPLY TO AN

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1 INDIVIDUAL WHO IS EMPLOYED BY, UNDER INDEPENDENT CONTRACT TO, OR  
2 GRANTED CLINICAL PRIVILEGES IN A HEALTH FACILITY OR AGENCY BEFORE  
3 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS  
4 SECTION.

5 (3) AN INDIVIDUAL WHO APPLIES FOR EMPLOYMENT EITHER AS AN  
6 EMPLOYEE OR AS AN INDEPENDENT CONTRACTOR OR FOR CLINICAL PRIVI-  
7 LEGES WITH A HEALTH FACILITY OR AGENCY THAT IS A NURSING HOME,  
8 COUNTY MEDICAL CARE FACILITY, OR HOME FOR THE AGED AND HAS  
9 RECEIVED A GOOD FAITH OFFER OF EMPLOYMENT, AN INDEPENDENT CON-  
10 TRACT, OR CLINICAL PRIVILEGES FROM THE HEALTH FACILITY OR AGENCY  
11 SHALL GIVE WRITTEN CONSENT AT THE TIME OF APPLICATION FOR THE  
12 DEPARTMENT OF STATE POLICE TO CONDUCT A CRIMINAL HISTORY CHECK  
13 UNDER SUBSECTION (4) OR (5), OR BOTH, ALONG WITH IDENTIFICATION  
14 ACCEPTABLE TO THE DEPARTMENT OF STATE POLICE. IF THE DEPARTMENT  
15 OF STATE POLICE HAS CONDUCTED A CRIMINAL HISTORY CHECK ON THE  
16 APPLICANT WITHIN THE 24 MONTHS IMMEDIATELY PRECEDING THE DATE OF  
17 APPLICATION AND THE APPLICANT PROVIDES WRITTEN CONSENT FOR THE  
18 RELEASE OF INFORMATION FOR THE PURPOSES OF THIS SECTION, THE  
19 HEALTH FACILITY OR AGENCY MAY USE A COPY OF THE RESULTS OF THAT  
20 CRIMINAL HISTORY CHECK INSTEAD OF OBTAINING WRITTEN CONSENT AND  
21 REQUESTING A NEW CRIMINAL HISTORY CHECK UNDER THIS SUBSECTION,  
22 AND UNDER SUBSECTIONS (4) AND (5), OR BOTH. IF THE APPLICANT IS  
23 USING A PRIOR CRIMINAL HISTORY CHECK AS DESCRIBED IN THIS SUBSEC-  
24 TION, THE HEALTH FACILITY OR AGENCY SHALL ACCEPT THE COPY OF THE  
25 RESULTS OF THE CRIMINAL HISTORY CHECK ONLY FROM THE HEALTH FACIL-  
26 ITY OR AGENCY OR ADULT FOSTER CARE FACILITY THAT PREVIOUSLY  
27 EMPLOYED OR GRANTED CLINICAL PRIVILEGES TO THE APPLICANT OR FROM

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1 THE FIRM OR AGENCY THAT INDEPENDENTLY CONTRACTS WITH THE  
2 APPLICANT.

3 (4) UPON RECEIPT OF THE WRITTEN CONSENT AND IDENTIFICATION  
4 REQUIRED UNDER SUBSECTION (3), IF AN APPLICANT HAS RESIDED IN  
5 THIS STATE FOR 3 OR MORE YEARS PRECEDING THE GOOD FAITH OFFER OF  
6 EMPLOYMENT, AN INDEPENDENT CONTRACT, OR CLINICAL PRIVILEGES, A  
7 HEALTH FACILITY OR AGENCY THAT IS A NURSING HOME, COUNTY MEDICAL  
8 CARE FACILITY, OR HOME FOR THE AGED THAT HAS MADE A GOOD FAITH  
9 OFFER OF EMPLOYMENT OR AN INDEPENDENT CONTRACT OR CLINICAL PRIVI-  
10 LEGES TO THE APPLICANT SHALL MAKE A REQUEST TO THE DEPARTMENT OF  
11 STATE POLICE TO CONDUCT A CRIMINAL HISTORY CHECK ON THE  
12 APPLICANT. THE REQUEST SHALL BE MADE IN A MANNER PRESCRIBED BY  
13 THE DEPARTMENT OF STATE POLICE. THE HEALTH FACILITY OR AGENCY  
14 SHALL MAKE THE WRITTEN CONSENT AND IDENTIFICATION AVAILABLE TO  
15 THE DEPARTMENT OF STATE POLICE. IF THERE IS A CHARGE FOR CON-  
16 DUCTING THE CRIMINAL HISTORY CHECK, THE HEALTH FACILITY OR AGENCY  
17 REQUESTING THE CRIMINAL HISTORY CHECK SHALL PAY THE COST OF THE  
18 CHARGE. THE HEALTH FACILITY OR AGENCY SHALL NOT SEEK REIMBURSE-  
19 MENT FOR THE CHARGE FROM THE INDIVIDUAL WHO IS THE SUBJECT OF THE  
20 CRIMINAL HISTORY CHECK. THE DEPARTMENT OF STATE POLICE SHALL  
21 CONDUCT A CRIMINAL HISTORY CHECK ON THE APPLICANT NAMED IN THE  
22 REQUEST. THE DEPARTMENT OF STATE POLICE SHALL PROVIDE THE HEALTH  
23 FACILITY OR AGENCY WITH A WRITTEN REPORT OF THE CRIMINAL HISTORY  
24 CHECK CONDUCTED UNDER THIS SUBSECTION. THE REPORT SHALL CONTAIN  
25 ANY CRIMINAL HISTORY RECORD INFORMATION ON THE APPLICANT MAIN-  
26 TAINED BY THE DEPARTMENT OF STATE POLICE. AS A CONDITION OF  
27 EMPLOYMENT, AN APPLICANT SHALL SIGN A WRITTEN STATEMENT THAT HE

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1 OR SHE HAS BEEN A RESIDENT OF THIS STATE FOR 3 OR MORE YEARS  
2 PRECEDING THE GOOD FAITH OFFER OF EMPLOYMENT, INDEPENDENT CON-  
3 TRACT, OR CLINICAL PRIVILEGES.

4 (5) UPON RECEIPT OF THE WRITTEN CONSENT AND IDENTIFICATION  
5 REQUIRED UNDER SUBSECTION (3), IF AN APPLICANT HAS RESIDED IN  
6 THIS STATE FOR LESS THAN 3 YEARS PRECEDING THE GOOD FAITH OFFER  
7 OF EMPLOYMENT, AN INDEPENDENT CONTRACT, OR CLINICAL PRIVILEGES, A  
8 HEALTH FACILITY OR AGENCY THAT IS A NURSING HOME, COUNTY MEDICAL  
9 CARE FACILITY, OR HOME FOR THE AGED THAT HAS MADE A GOOD FAITH  
10 OFFER DESCRIBED IN THIS SUBSECTION TO THE APPLICANT SHALL COMPLY  
11 WITH SUBSECTION (4) AND SHALL MAKE A REQUEST TO THE DEPARTMENT OF  
12 STATE POLICE TO FORWARD THE APPLICANT'S FINGERPRINTS TO THE FED-  
13 ERAL BUREAU OF INVESTIGATION. THE DEPARTMENT OF STATE POLICE  
14 SHALL REQUEST THE FEDERAL BUREAU OF INVESTIGATION TO MAKE A  
15 DETERMINATION OF THE EXISTENCE OF ANY NATIONAL CRIMINAL HISTORY  
16 PERTAINING TO THE APPLICANT. AN APPLICANT DESCRIBED IN THIS SUB-  
17 SECTION SHALL PROVIDE THE DEPARTMENT OF STATE POLICE WITH 2 SETS  
18 OF FINGERPRINTS. THE DEPARTMENT OF STATE POLICE SHALL COMPLETE  
19 THE CRIMINAL HISTORY CHECK UNDER SUBSECTION (4) AND, EXCEPT AS  
20 OTHERWISE PROVIDED IN THIS SUBSECTION, PROVIDE THE RESULTS OF ITS  
21 DETERMINATION UNDER SUBSECTION (4) TO THE HEALTH FACILITY OR  
22 AGENCY AND THE RESULTS OF THE FEDERAL BUREAU OF INVESTIGATION  
23 DETERMINATION TO THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES  
24 WITHIN 30 DAYS AFTER THE REQUEST IS MADE. IF THE REQUESTING  
25 HEALTH FACILITY OR AGENCY IS NOT A STATE DEPARTMENT OR AGENCY AND  
26 IF A CRIME IS DISCLOSED ON THE FEDERAL BUREAU OF INVESTIGATION  
27 DETERMINATION, THE DEPARTMENT SHALL NOTIFY THE HEALTH FACILITY OR

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1 AGENCY IN WRITING OF THE TYPE OF CRIME DISCLOSED ON THE FEDERAL  
2 BUREAU OF INVESTIGATION DETERMINATION WITHOUT DISCLOSING THE  
3 DETAILS OF THE CRIME. ANY CHARGES FOR FINGERPRINTING OR A FED-  
4 ERAL BUREAU OF INVESTIGATION DETERMINATION UNDER THIS SUBSECTION  
5 SHALL BE PAID IN THE MANNER REQUIRED UNDER SUBSECTION (4).

6 (6) IF A HEALTH FACILITY OR AGENCY THAT IS A NURSING HOME,  
7 COUNTY MEDICAL CARE FACILITY, OR HOME FOR THE AGED DETERMINES IT  
8 NECESSARY TO EMPLOY OR GRANT CLINICAL PRIVILEGES TO AN APPLICANT  
9 BEFORE RECEIVING THE RESULTS OF THE APPLICANT'S CRIMINAL HISTORY  
10 CHECK UNDER SUBSECTION (4) OR (5), OR BOTH, THE HEALTH FACILITY  
11 OR AGENCY MAY CONDITIONALLY EMPLOY OR GRANT CONDITIONAL CLINICAL  
12 PRIVILEGES TO THE INDIVIDUAL IF ALL OF THE FOLLOWING APPLY:

13 (A) THE HEALTH FACILITY OR AGENCY REQUESTS THE CRIMINAL HIS-  
14 TORY CHECK UNDER SUBSECTION (4) OR (5), OR BOTH, UPON CONDITION-  
15 ALLY EMPLOYING OR CONDITIONALLY GRANTING CLINICAL PRIVILEGES TO  
16 THE INDIVIDUAL.

17 (B) THE INDIVIDUAL SIGNS A STATEMENT IN WRITING THAT INDI-  
18 CATES ALL OF THE FOLLOWING:

19 (i) THAT HE OR SHE HAS NOT BEEN CONVICTED OF 1 OR MORE OF  
20 THE CRIMES THAT ARE DESCRIBED IN SUBSECTION (1)(A) AND (B) WITHIN  
21 THE APPLICABLE TIME PERIOD PRESCRIBED BY SUBSECTION (1)(A) AND  
22 (B).

23 (ii) THE INDIVIDUAL AGREES THAT, IF THE INFORMATION IN THE  
24 CRIMINAL HISTORY CHECK CONDUCTED UNDER SUBSECTION (4) OR (5), OR  
25 BOTH, DOES NOT CONFIRM THE INDIVIDUAL'S STATEMENT UNDER SUBPARA-  
26 GRAPH (i), HIS OR HER EMPLOYMENT OR CLINICAL PRIVILEGES WILL BE  
27 TERMINATED BY THE HEALTH FACILITY OR AGENCY AS REQUIRED UNDER

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1 SUBSECTION (1) UNLESS AND UNTIL THE INDIVIDUAL CAN PROVE THAT THE  
2 INFORMATION IS INCORRECT. THE HEALTH FACILITY OR AGENCY SHALL  
3 PROVIDE A COPY OF THE RESULTS OF THE CRIMINAL HISTORY CHECK CON-  
4 DUCTED UNDER SUBSECTION (4) OR (5), OR BOTH, TO THE APPLICANT  
5 UPON REQUEST.

6 (iii) THAT HE OR SHE UNDERSTANDS THE CONDITIONS DESCRIBED IN  
7 SUBPARAGRAPHS (i) AND (ii) THAT RESULT IN THE TERMINATION OF HIS  
8 OR HER EMPLOYMENT OR CLINICAL PRIVILEGES AND THAT THOSE CONDI-  
9 TIONS ARE GOOD CAUSE FOR TERMINATION.

10 (7) ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED  
11 THIS SECTION, THE DEPARTMENT SHALL DEVELOP AND DISTRIBUTE A MODEL  
12 FORM FOR THE STATEMENT REQUIRED UNDER SUBSECTION (6)(B). THE  
13 DEPARTMENT SHALL MAKE THE MODEL FORM AVAILABLE TO HEALTH FACILI-  
14 TIES OR AGENCIES SUBJECT TO THIS SECTION UPON REQUEST AT NO  
15 CHARGE.

16 (8) IF AN INDIVIDUAL IS EMPLOYED AS A CONDITIONAL EMPLOYEE  
17 OR IS GRANTED CONDITIONAL CLINICAL PRIVILEGES UNDER SUBSECTION  
18 (6), AND THE REPORT DESCRIBED IN SUBSECTION (4) OR (5), OR BOTH,  
19 DOES NOT CONFIRM THE INDIVIDUAL'S STATEMENT UNDER SUBSECTION  
20 (6)(B)(i), THE HEALTH FACILITY OR AGENCY SHALL TERMINATE THE  
21 INDIVIDUAL'S EMPLOYMENT OR CLINICAL PRIVILEGES AS REQUIRED BY  
22 SUBSECTION (1).

23 (9) AN INDIVIDUAL WHO KNOWINGLY PROVIDES FALSE INFORMATION  
24 REGARDING CRIMINAL CONVICTIONS ON A STATEMENT DESCRIBED IN SUB-  
25 SECTION (6)(B)(i) IS GUILTY OF A MISDEMEANOR PUNISHABLE BY  
26 IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN  
27 \$500.00, OR BOTH.

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1 (10) A HEALTH FACILITY OR AGENCY THAT IS A NURSING HOME,  
2 COUNTY MEDICAL CARE FACILITY, OR HOME FOR THE AGED SHALL USE  
3 CRIMINAL HISTORY RECORD INFORMATION OBTAINED UNDER SUBSECTION  
4 (4), (5), OR (6) ONLY FOR THE PURPOSE OF EVALUATING AN  
5 APPLICANT'S QUALIFICATIONS FOR EMPLOYMENT, AN INDEPENDENT CON-  
6 TRACT, OR CLINICAL PRIVILEGES IN THE POSITION FOR WHICH HE OR SHE  
7 HAS APPLIED AND FOR THE PURPOSES OF SUBSECTIONS (6) AND (8). A  
8 HEALTH FACILITY OR AGENCY OR AN EMPLOYEE OF THE HEALTH FACILITY  
9 OR AGENCY SHALL NOT DISCLOSE CRIMINAL HISTORY RECORD INFORMATION  
10 OBTAINED UNDER SUBSECTION (4) OR (5) TO A PERSON WHO IS NOT  
11 DIRECTLY INVOLVED IN EVALUATING THE APPLICANT'S QUALIFICATIONS  
12 FOR EMPLOYMENT, AN INDEPENDENT CONTRACT, OR CLINICAL PRIVILEGES.  
13 UPON WRITTEN REQUEST FROM ANOTHER HEALTH FACILITY OR AGENCY OR  
14 ADULT FOSTER CARE FACILITY THAT IS CONSIDERING EMPLOYING, INDE-  
15 PENDENTLY CONTRACTING WITH, OR GRANTING CLINICAL PRIVILEGES TO AN  
16 INDIVIDUAL, A HEALTH FACILITY OR AGENCY THAT HAS OBTAINED CRIMI-  
17 NAL HISTORY RECORD INFORMATION UNDER THIS SECTION ON THAT INDI-  
18 VIDUAL SHALL SHARE THE INFORMATION WITH THE REQUESTING HEALTH  
19 FACILITY OR AGENCY OR ADULT FOSTER CARE FACILITY. EXCEPT FOR A  
20 KNOWING OR INTENTIONAL RELEASE OF FALSE INFORMATION, A HEALTH  
21 FACILITY OR AGENCY HAS NO LIABILITY IN CONNECTION WITH A CRIMINAL  
22 BACKGROUND CHECK CONDUCTED UNDER THIS SECTION OR THE RELEASE OF  
23 CRIMINAL HISTORY RECORD INFORMATION UNDER THIS SUBSECTION.

24 (11) AS A CONDITION OF CONTINUED EMPLOYMENT, EACH EMPLOYEE,  
25 INDEPENDENT CONTRACTOR, OR INDIVIDUAL GRANTED CLINICAL PRIVILEGES  
26 SHALL AGREE IN WRITING TO REPORT TO THE HEALTH FACILITY OR AGENCY

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1 IMMEDIATELY UPON BEING ARRESTED FOR OR CONVICTED OF 1 OR MORE OF  
2 THE CRIMINAL OFFENSES LISTED IN SUBSECTION (1)(A) AND (B).

3 (12) AS USED IN THIS SECTION:

4 (A) "ADULT FOSTER CARE FACILITY" MEANS AN ADULT FOSTER CARE  
5 FACILITY LICENSED UNDER THE ADULT FOSTER CARE FACILITY LICENSING  
6 ACT, 1979 PA 218, MCL 400.701 TO 400.737.

7 (B) "INDEPENDENT CONTRACT" MEANS A CONTRACT ENTERED INTO BY  
8 A HEALTH FACILITY OR AGENCY WITH AN INDIVIDUAL WHO PROVIDES THE  
9 CONTRACTED SERVICES INDEPENDENTLY OR A CONTRACT ENTERED INTO BY A  
10 HEALTH FACILITY OR AGENCY WITH AN ORGANIZATION OR AGENCY THAT  
11 EMPLOYS OR CONTRACTS WITH AN INDIVIDUAL AFTER COMPLYING WITH THE  
12 REQUIREMENTS OF THIS SECTION TO PROVIDE THE CONTRACTED SERVICES  
13 TO THE HEALTH FACILITY OR AGENCY ON BEHALF OF THE ORGANIZATION OR  
14 AGENCY.

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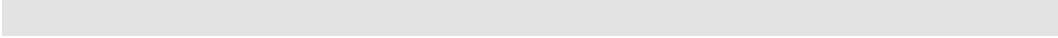

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