

SENATE BILL No. 285

March 29, 2017, Introduced by Senators HOPGOOD and GREGORY and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 21720a (MCL 333.21720a).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 21720a. (1) ~~A~~**THE DEPARTMENT SHALL NOT LICENSE A** nursing
2 home ~~shall not be licensed~~ under this part unless ~~that~~**THE** nursing
3 home has on its staff at least 1 registered nurse with specialized
4 training or relevant experience in the area of gerontology ~~,~~who
5 ~~shall serve~~**SERVES** as the director of nursing and who ~~shall be~~**IS**
6 responsible for planning and directing nursing care. The nursing
7 home shall have at least 1 licensed nurse on duty at all times and
8 shall employ additional registered and licensed practical nurses
9 **AND CERTIFIED NURSE AIDES** in accordance with ~~subsection (2)~~. This

1 ~~subsection shall not take effect until January 1, 1980.~~**THIS**
2 **SECTION.**

3 (2) A nursing home shall employ nursing **CARE** personnel **AND**
4 **CERTIFIED NURSE AIDES** sufficient to provide continuous 24-hour
5 nursing care and services sufficient to meet the needs of each
6 patient in the nursing home. Nursing **CARE** personnel **AND CERTIFIED**
7 **NURSE AIDES WHO ARE** employed in the nursing home ~~shall be~~**ARE** under
8 the supervision of the director of nursing **DESCRIBED IN SUBSECTION**
9 **(1)**.

10 (3) A licensee shall maintain a nursing home staff sufficient
11 to provide not less than 2.25 hours of nursing care by employed
12 nursing care personnel per patient per day. The ratio of patients
13 to nursing care personnel during a morning shift ~~shall~~**MUST** not
14 exceed 8 patients to 1 nursing care personnel; the ratio of
15 patients to nursing care personnel during an afternoon shift ~~shall~~
16 **MUST** not exceed 12 patients to 1 nursing care personnel; and the
17 ratio of patients to nursing care personnel during a nighttime
18 shift ~~shall~~**MUST** not exceed 15 patients to 1 nursing care
19 personnel, and there ~~shall~~**MUST** be sufficient nursing care
20 personnel available on duty to ~~assure~~**ENSURE** coverage for patients
21 at all times during the shift. ~~An employee~~**NURSING CARE PERSONNEL**
22 **WHO ARE** designated as a ~~member~~**MEMBERS** of the nursing staff shall
23 not ~~be engaged in providing~~**PROVIDE** basic services, ~~such as~~
24 **INCLUDING, BUT NOT LIMITED TO,** food preparation, housekeeping,
25 laundry, or maintenance services, except in an ~~instance of~~**A**
26 natural disaster or other emergency reported to and concurred in by
27 the department. In a nursing home having 30 or more beds, the

1 director of nursing ~~shall~~ DESCRIBED IN SUBSECTION (1) MUST not be
2 included in counting the minimum ratios of nursing CARE personnel
3 required by this subsection.

4 (4) A LICENSEE SHALL MAINTAIN A NURSING HOME STAFF SUFFICIENT
5 TO PROVIDE NOT FEWER THAN 2.25 HOURS OF NURSING CARE BY EMPLOYED
6 CERTIFIED NURSE AIDES PER PATIENT PER DAY. THE RATIO OF PATIENTS TO
7 CERTIFIED NURSE AIDES DURING A MORNING SHIFT MUST NOT EXCEED 6
8 PATIENTS TO 1 CERTIFIED NURSE AIDE; THE RATIO OF PATIENTS TO
9 CERTIFIED NURSE AIDES DURING AN AFTERNOON SHIFT MUST NOT EXCEED 8
10 PATIENTS TO 1 CERTIFIED NURSE AIDE; AND THE RATIO OF PATIENTS TO
11 CERTIFIED NURSE AIDES DURING A NIGHTTIME SHIFT MUST NOT EXCEED 12
12 PATIENTS TO 1 CERTIFIED NURSE AIDE, AND THERE MUST BE SUFFICIENT
13 CERTIFIED NURSE AIDES AVAILABLE ON DUTY TO ENSURE COVERAGE FOR
14 PATIENTS AT ALL TIMES DURING THE SHIFT. A CERTIFIED NURSE AIDE WHO
15 IS DESIGNATED AS A MEMBER OF THE NURSING STAFF SHALL NOT PROVIDE
16 BASIC SERVICES, INCLUDING, BUT NOT LIMITED TO, FOOD PREPARATION,
17 HOUSEKEEPING, LAUNDRY, OR MAINTENANCE SERVICES, EXCEPT IN A NATURAL
18 DISASTER OR OTHER EMERGENCY REPORTED TO AND CONCURRED IN BY THE
19 DEPARTMENT. IN A NURSING HOME HAVING 30 OR MORE BEDS, THE DIRECTOR
20 OF NURSING DESCRIBED IN SUBSECTION (1) MUST NOT BE INCLUDED IN
21 COUNTING THE MINIMUM RATIOS OF CERTIFIED NURSE AIDES REQUIRED BY
22 THIS SUBSECTION.

23 (5) ~~(3)~~—In administering this section, the department shall
24 ~~take into consideration~~ CONSIDER a natural disaster or other
25 emergency.

26 (6) AS USED IN THIS SECTION, "CERTIFIED NURSE AIDE" MEANS AN
27 INDIVIDUAL WHO PROVIDES NURSING OR NURSING RELATED SERVICES TO

1 RESIDENTS OF A NURSING HOME AND WHO IS NOT A HEALTH PROFESSIONAL
2 LICENSED UNDER ARTICLE 15, A REGISTERED DIETICIAN, OR SOMEONE WHO
3 VOLUNTEERS TO PROVIDE THOSE SERVICES WITHOUT PAY.

4 Enacting section 1. This amendatory act takes effect 90 days
5 after the date it is enacted into law.