

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.21717 Care of certain individuals in nursing home; approval of area and program; definitions.

Sec. 21717.

(1) An individual shall not be admitted or retained for care in a nursing home if any of the following apply:

(a) The individual requires special medical or surgical treatment, or treatment for acute mental illness, developmental disability, communicable tuberculosis, or a communicable disease, unless the home is able to provide an area and a program for the care. The department shall approve both the area and the program.

(b) The individual has tested positive for coronavirus, is currently receiving treatment at a hospital, and has less than 72 hours remaining in the individual's overall isolation period as described in guidelines established by the federal Centers for Disease Control and Prevention. However, if the hospital determines that it has reached surge capacity, this subdivision does not apply.

(c) Except as otherwise provided in subsection (2), beginning November 15, 2020, the individual has tested positive for coronavirus unless any of the following apply:

(i) The individual has since recovered from coronavirus.

(ii) The nursing home is a care and recovery center.

(iii) The nursing home demonstrates to the department of health and human services that it meets the requirements described in section 5145(1)(e) to accept an individual who has tested positive for coronavirus within the approved designated area of the nursing home.

(2) If, by November 15, 2020, the department of health and human services has not implemented the process for the creation of care and recovery centers within nursing homes as described in section 5145(1)(d), a nursing home may admit or retain for care an individual who has tested positive for coronavirus until the date that the process is implemented by the department of health and human services and for up to 30 days thereafter.

(3) As used in this section:

(a) "Care and recovery center" means a care and recovery center described in section 5145.

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

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 2014, Act 66, Imd. Eff. Mar. 28, 2014 ;-- Am. 2020, Act 231, Imd. Eff. Oct. 22, 2020

Popular Name: Act 368