

SENATE BILL No. 998

September 22, 1988, Introduced by Senators BARCIA, CHERRY, DINGELL, MILLER and KELLY and referred to the Committee on Health Policy.

A bill to amend section 20155 of Act No. 368 of the Public Acts of 1978, entitled as amended
"Public health code,"
as amended by Act No. 474 of the Public Acts of 1982, being section 333.20155 of the Michigan Compiled Laws; and to add sections 21335 and 21735.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 20155 of Act No. 368 of the Public Acts
2 of 1978, as amended by Act No. 474 of the Public Acts of 1982,
3 being section 333.20155 of the Michigan Compiled Laws, is amended
4 and sections 21335 and 21735 are added to read as follows:

5 Sec. 20155. (1) Except as provided for clinical laborato-
6 ries in section 20511, the department shall make annual and other
7 visits to health facilities and agencies covered by this article,
8 other than a licensee under part 215, for the purposes of survey,

1 evaluation, and consultation. Except for facilities described in
2 section 20106(1)(f) and (h), the department shall determine
3 whether the visits shall be announced or unannounced, except that
4 a complaint investigation shall not be announced and there shall
5 be at least 1 unannounced visit other than a complaint investiga-
6 tion annually to the facilities described in section 20106(1)(c)
7 and (d). The department shall make biennial visits to hospitals
8 for survey, and for evaluation for the purpose of licensure.
9 However, this requirement shall not be construed to prohibit the
10 department from conducting investigations or inspections pursuant
11 to section 20156, or from conducting surveys of hospitals for the
12 purpose of complaint investigation or federal certification, nor
13 to preclude the state fire marshal from conducting annual surveys
14 of hospitals.

15 (2) Investigations or inspections, other than inspections of
16 financial records, of facilities described in section 20106(1)(f)
17 and (h) shall be conducted without prior notice to the facility.
18 An employee of a state agency charged with inspecting the facil-
19 ity or an employee of a local health department who directly or
20 indirectly gives prior notice regarding an inspection, other than
21 an inspection of the financial records, to the facility or to an
22 employee ~~thereof~~ OF THE FACILITY, is guilty of a misdemeanor.
23 Consultation visits, not for the purpose of annual or follow-up
24 inspection or survey, may be announced.

25 (3) The department shall maintain a record indicating
26 whether visits are announced or unannounced. Information

1 gathered at all visits, announced or unannounced, shall be taken
2 into account in licensure decisions.

3 (4) The department shall require periodic reports and shall
4 have access to books, records, and other documents maintained by
5 a health facility or agency to the extent necessary to carry out
6 the purpose of this article and the rules promulgated under this
7 article. The department shall respect the confidentiality of a
8 patient's clinical record and shall not divulge or disclose the
9 contents of the records in a manner which identifies an individ-
10 ual except under court order. The department has the right to
11 copy health facility or agency records as required to document
12 findings.

13 (5) The department may delegate survey, evaluation, or con-
14 sultation functions to another state agency or to a local health
15 department qualified to perform them. The delegation shall be by
16 cost reimbursement contract between the department and the state
17 agency or local health department. Survey, evaluation, or con-
18 sultation functions shall not be delegated to nongovernmental
19 agencies, except as provided in this section. The department may
20 accept voluntary inspections of an accrediting body with exper-
21 tise in clinical laboratory accreditation to perform inspections
22 and surveys under part 205 provided that the accrediting body
23 utilizes forms acceptable to the department, applies the same
24 licensing standards as applied to other clinical laboratories and
25 provides the same information and data usually filed by the
26 department's own employees when engaged in similar inspections or

1 surveys. This voluntary inspection shall be agreed upon by both
2 the licensee and the department.

3 (6) EACH ANNUAL VISIT TO A HOME FOR THE AGED LICENSED UNDER
4 PART 213 SHALL INCLUDE, BUT IS NOT LIMITED TO, AN INSPECTION OF
5 THE AIR-CONDITIONING UNIT OR CENTRAL AIR-CONDITIONING SYSTEM
6 REQUIRED UNDER SECTION 21335. EACH ANNUAL VISIT TO A NURSING
7 HOME LICENSED UNDER PART 217 SHALL INCLUDE, BUT IS NOT LIMITED
8 TO, AN INSPECTION OF THE AIR-CONDITIONING UNIT OR CENTRAL
9 AIR-CONDITIONING SYSTEM REQUIRED UNDER SECTION 21735.

10 (7) ~~(6)~~ If, upon investigation, the department or a state
11 agency determines that a person licensed to practice a profession
12 in this state has violated the applicable licensure statute or
13 the rules promulgated under that statute, the department, state
14 agency, or local health department shall forward the evidence it
15 has to the appropriate licensing agency.

16 SEC. 21335. (1) DURING A PERIOD OF EXTREME HEAT, A HOME FOR
17 THE AGED SHALL MAKE AVAILABLE FOR USE BY PATIENTS AND RESIDENTS
18 AT LEAST 1 ROOM COOLED BY AN AIR-CONDITIONING UNIT OR A CENTRAL
19 AIR-CONDITIONING SYSTEM. THE ROOM SHALL BE OF ADEQUATE SIZE TO
20 ALLOW INTERMITTENT USE BY PATIENTS AND RESIDENTS DURING THE
21 PERIOD OF EXTREME HEAT.

22 (2) AS USED IN THIS SECTION, "EXTREME HEAT" MEANS A TEMPERA-
23 TURE INSIDE THE HOME FOR THE AGED HIGHER THAN 90 DEGREES
24 FAHRENHEIT MEASURED AT A LEVEL 3 FEET ABOVE THE FLOOR.

25 SEC. 21735. (1) DURING A PERIOD OF EXTREME HEAT, A NURSING
26 HOME SHALL MAKE AVAILABLE FOR USE BY PATIENTS AND RESIDENTS AT
27 LEAST 1 ROOM COOLED BY AN AIR-CONDITIONING UNIT OR A CENTRAL

1 AIR-CONDITIONING SYSTEM. THE ROOM SHALL BE OF ADEQUATE SIZE TO
2 ALLOW INTERMITTENT USE BY PATIENTS AND RESIDENTS DURING THE
3 PERIOD OF EXTREME HEAT.

4 (2) AS USED IN THIS SECTION, "EXTREME HEAT" MEANS A TEMPERA-
5 TURE INSIDE THE NURSING HOME HIGHER THAN 90 DEGREES FAHRENHEIT
6 MEASURED AT A LEVEL 3 FEET ABOVE THE FLOOR.