



HOUSE BILL No. 5762

May 10, 2000, Introduced by Reps. Basham, DeHart, Wojno, Martinez, Jacobs, Bogardus, Hale, O'Neil, Callahan and Vaughn and referred to the Committee on Senior Health, Security and Retirement.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 20164 and 21711 (MCL 333.20164 and
333.21711), section 20164 as amended by 1990 PA 179.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 20164. (1) A license, certification, provisional
2 license, or limited license is valid for not more than 1 year
3 after the date of issuance, except as provided in section 20511
4 or part 209 or 210. A license for a facility licensed under part
5 215 ~~shall be~~ IS valid for 2 years, except that A provisional
6 and A limited ~~licenses~~ LICENSE may be valid for 1 year. A
7 LICENSE FOR A NURSING HOME IS VALID NOT MORE THAN 6 MONTHS AFTER
8 1 OR MORE OF THE FOLLOWING EVENTS:

1 (A) EXECUTION OF A NEW MEDICAID PROVIDER AGREEMENT. AS USED
2 IN THIS SUBDIVISION, "MEDICAID" MEANS THAT TERM AS DEFINED IN
3 SECTION 2701.

4 (B) TRANSFER OF OWNERSHIP OF THE NURSING HOME.

5 (C) ISSUANCE OF A CERTIFICATE OF NEED TO BEGIN THE OPERATION
6 OF A NEW NURSING HOME OR TO THE TRANSFEREE OF OWNERSHIP OF A
7 NURSING HOME.

8 (2) A license, certification, or certificate of need is not
9 transferable and shall state the persons, buildings, and proper-
10 ties to which it applies. Applications for licensure or certifi-
11 cation because of transfer of ownership or essential ownership
12 interest shall not be acted upon until satisfactory evidence is
13 provided of compliance with part 222.

14 (3) If ownership is not voluntarily transferred, the depart-
15 ment shall be notified immediately and the new owner shall apply
16 for a license and certification not later than 30 days after the
17 transfer.

18 Sec. 21711. (1) A nursing home shall be licensed under this
19 article. THE TERM OF LICENSURE IS 1 YEAR EXCEPT UNDER CIRCUM-
20 STANCES DESCRIBED IN SECTION 20164(1).

21 (2) "Nursing home", "nursing center", "convalescent center",
22 "extended care facility", or a similar term or abbreviation shall
23 not be used to describe or refer to a health facility or agency
24 unless the health facility or agency is licensed as a nursing
25 home by the department under this article.

26 (3) A person shall not purport to provide formal or informal
27 nursing care services of the kind normally provided in a nursing

1 home without obtaining a license as provided in this article.
2 This subsection does not apply to a hospital or a facility cre-
3 ated by ~~Act No. 152 of the Public Acts of 1885, as amended,~~
4 ~~being sections 36.1 to 36.12 of the Michigan Compiled Laws 1885~~
5 PA 152, MCL 36.1 TO 36.12.