

**SUBSTITUTE FOR
SENATE BILL NO. 1094**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 21717 (MCL 333.21717), as amended by 2014 PA
66, and by adding section 5145.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 5145. (1) The department, in consultation with the**
2 **department of licensing and regulatory affairs, shall do all of the**
3 **following:**

4 **(a) By October 15, 2020, conduct an evaluation of the**
5 **operation, efficacy, clinical outcomes, and performance of each**
6 **COVID-19 regional hub that was implemented and operating during**
7 **this state's response to coronavirus in nursing homes and provide a**
8 **detailed report on its evaluation to the house and senate standing**



1 committees on health policy.

2 (b) By October 15, 2020, develop and submit a plan to the
 3 house and senate standing committees on health policy that is based
 4 on relevant guidance issued by the federal Centers for Disease
 5 Control and Prevention and incorporates recommendations from the
 6 Michigan nursing homes COVID-19 preparedness task force. The plan
 7 shall describe a process by which the department is able to
 8 implement dedicated facilities available for use for only
 9 coronavirus-positive patients in each of the 8 health care regions
 10 of this state to provide care to individuals who test positive for
 11 coronavirus and are ineligible for admission at a hospital, nursing
 12 home, or adult foster care facility. The plan shall also describe
 13 how health care systems and hospitals with excess surge capacity
 14 can be utilized for the placement of individuals who test positive
 15 for coronavirus and are ineligible for admission at a hospital,
 16 nursing home, or adult foster care facility, prior to the
 17 individuals being transferred to a dedicated facility described in
 18 this subdivision. If the plan uses the regional hub design
 19 described in subdivision (a), the plan must incorporate any
 20 enhancement that the department considers appropriate to prevent
 21 the spread of coronavirus in nursing homes based on the evaluation
 22 conducted by the department under this section.

23 (2) As used in this section:

24 (a) "Coronavirus" means severe acute respiratory syndrome
 25 coronavirus 2 (SARS-CoV-2).

26 (b) "Health care region" means a health care region as
 27 described by the department.

28 Sec. 21717. (1) An individual shall not be admitted or
 29 retained for care in a nursing home ~~who~~ if any of the following



1 apply:

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

7 (b) The individual has tested positive for coronavirus, is
8 currently receiving treatment at a hospital, and has less than 72
9 hours remaining in the individual's overall isolation period as
10 described in guidelines established by the federal Centers for
11 Disease Control and Prevention.

12 (c) Beginning November 1, 2020, the individual has tested
13 positive for coronavirus unless either of the following applies:

14 (i) The individual has since recovered from coronavirus.

15 (ii) The nursing home demonstrates to the department that it is
16 able to provide a designated area within its facility for
17 individuals who test positive for coronavirus and has a program for
18 retaining and providing the appropriate level of care necessary for
19 individuals who test positive for coronavirus. The program must be
20 consistent with adequate supply, testing, staffing, and operational
21 capacity of the nursing home at the time of an individual's
22 diagnosis. The nursing home shall not admit or retain an individual
23 in its care under this subparagraph unless the department approves
24 the nursing home's designated area and program described in this
25 subparagraph.

26 (2) As used in this section, "coronavirus" means severe acute
27 respiratory syndrome coronavirus 2 (SARS-CoV-2).

