

**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 November 1, 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 November 1, 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. The department shall consider and address within  
19 the plan any relevant operational or procedural challenges  
20 identified by the Michigan nursing homes COVID-19 preparedness task  
21 force, including, but not limited to, the transfer of nursing home  
22 residents, testing and laboratory priority for nursing home  
23 residents and staff, and quality of life considerations. If the  
24 plan uses the regional hub design described in subdivision (a), the  
25 plan must incorporate any enhancement that the department considers  
26 appropriate to prevent the spread of coronavirus in nursing homes  
27 based on the evaluation conducted by the department under this  
28 section.

29 (c) By November 1, 2020, and each month thereafter, provide a

1 report to the house and senate standing committees on health policy  
2 that includes, but is not limited to, all of the following  
3 information for each nursing home:

4 (i) The new number of COVID-19 positive cases among nursing  
5 home residents and staff for the reporting period.

6 (ii) The new number of COVID-19 positive cases among nursing  
7 home residents and staff that are symptomatic versus asymptomatic  
8 for the reporting period.

9 (iii) The new number of COVID-19 deaths among nursing home  
10 residents and staff for the reporting period.

11 (iv) The new number of COVID-19 recoveries among nursing home  
12 residents and staff for the reporting period.

13 (v) The new number of COVID-19 tests conducted on nursing home  
14 residents and staff for the reporting period.

15 (vi) The new number of nursing home residents who were  
16 transferred out of the facility and into a hospital, care and  
17 recovery center, or other facility for the reporting period.

18 (vii) The cumulative number of COVID-19 positive cases among  
19 nursing home residents and staff, to date.

20 (viii) The cumulative number of COVID-19 deaths among nursing  
21 home residents and staff that are symptomatic versus asymptomatic,  
22 to date.

23 (ix) The cumulative number of COVID-19 deaths among nursing  
24 home residents and staff, to date.

25 (x) The cumulative number of COVID-19 recoveries among nursing  
26 home residents and staff, to date.

27 (xi) The cumulative number of COVID-19 tests conducted on  
28 nursing home residents and staff, to date.

1           (xii) The cumulative number of nursing home residents who were  
2 transferred to a hospital, COVID-19 regional hub, care and recovery  
3 center, or other facility, to date.

4           (xiii) An inventory of current stock of medical supplies and  
5 personal protective equipment.

6           (xiv) Current version of any visitation policy issued by the  
7 department affecting nursing homes.

8           (2) The plan required under subsection (1) (b) shall also  
9 provide for both of the following regarding an individual who tests  
10 positive for coronavirus and needs to be transferred to a dedicated  
11 facility or other location described in subsection (1) (b):

12           (a) That a physician shall provide, in writing and in a time  
13 frame and manner determined by the department, that the individual  
14 is medically stable for the transfer.

15           (b) Twenty-four hour notice to the individual, the  
16 individual's family members, or the individual's legal  
17 representative regarding the transfer.

18           (3) As used in this section:

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

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

23           Sec. 21717. (1) An individual shall not be admitted or  
24 retained for care in a nursing home ~~who~~ **if any of the following**  
25 **apply:**

26           (a) **The individual** requires special medical or surgical  
27 treatment, or treatment for acute mental illness, developmental  
28 disability, communicable tuberculosis, or a communicable disease,  
29 unless the home is able to provide an area and a program for the

1 care. The department shall approve both the area and the program.

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

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

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

10 (ii) The nursing home elects to establish and subsequently  
11 demonstrates to the department that it is able to provide a  
12 designated area within its facility for individuals who test  
13 positive for coronavirus and has a program for retaining and  
14 providing the appropriate level of care necessary for individuals  
15 who test positive for coronavirus. To be considered for approval by  
16 the department, the nursing home's designated area must meet proper  
17 infection control safeguards and the program must be consistent  
18 with adequate supply, testing, dedicated staffing, and operational  
19 capacity of the nursing home at the time of an individual's  
20 diagnosis. The nursing home shall not admit or retain an individual  
21 in its care under this subparagraph unless the department approves  
22 the nursing home's designated area and program described in this  
23 subparagraph. A nursing home with a designated area approved by the  
24 department must continuously evaluate and ensure the nursing home's  
25 ability to meet each standard established by the department at the  
26 time of the initial approval.

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