

SENATE BILL NO. 1094

September 09, 2020, Introduced by Senator LUCIDO and referred to the Committee on Health Policy and Human Services.

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:**

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

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

22 (2) As used in this section:

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

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

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

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

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

8 **(i) The individual has since recovered from coronavirus.**

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

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