

SENATE BILL NO. 820

April 10, 2024, Introduced by Senators CAVANAGH, GEISS, SANTANA, ANTHONY, CHANG, WOJNO, SHINK, MOSS, BAYER and CAMILLERI and referred to the Committee on Housing and Human Services.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20201 and 21513 (MCL 333.20201 and 333.21513), section 20201 as amended by 2016 PA 499 and section 21513 as amended by 2022 PA 265, and by adding section 21537.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 20201. (1) A health facility or agency that provides
2 services directly to patients or residents and is licensed under
3 this article shall adopt a policy describing the rights and

1 responsibilities of patients or residents admitted to the health
 2 facility or agency. Except for a licensed health maintenance
 3 organization that is subject to chapter 35 of the insurance code of
 4 1956, 1956 PA 218, MCL 500.3501 to 500.3573, the health facility or
 5 agency shall post the policy at a public place in the health
 6 facility or agency and shall provide the policy to each member of
 7 the health facility or agency staff. ~~Patients~~ **A health facility or**
 8 **agency shall treat patients** or residents ~~shall be treated in~~
 9 accordance with the policy.

10 (2) The policy describing the rights and responsibilities of
 11 patients or residents required under subsection (1) ~~shall~~ **must**
 12 include, as a minimum, all of the following:

13 (a) A patient or resident shall not be denied appropriate care
 14 on the basis of race, religion, color, national origin, sex, age,
 15 disability, marital status, sexual preference, or source of
 16 payment.

17 (b) An individual who is or has been a patient or resident is
 18 entitled to inspect, or receive for a reasonable fee, a copy of ~~his~~
 19 ~~or her~~ **the patient's or resident's** medical record ~~upon~~ **on** request
 20 in accordance with the medical records access act, 2004 PA 47, MCL
 21 333.26261 to 333.26271. Except as otherwise permitted or required
 22 under the health insurance portability and accountability act of
 23 1996, Public Law 104-191, or regulations promulgated under that
 24 act, 45 CFR parts 160 and 164, a third party ~~shall~~ **must** not be
 25 given a copy of the patient's or resident's medical record without
 26 prior authorization of the patient or resident.

27 (c) A patient or resident is entitled to confidential
 28 treatment of personal and medical records, and may refuse their
 29 release to a person outside the health facility or agency except as

1 required because of a transfer to another health care facility, as
2 required by law or third party payment contract, or as permitted or
3 required under the health insurance portability and accountability
4 act of 1996, Public Law 104-191, or regulations promulgated under
5 that act, 45 CFR parts 160 and 164.

6 (d) A patient or resident is entitled to privacy, to the
7 extent feasible, in treatment and in caring for personal needs with
8 consideration, respect, and full recognition of ~~his or her~~ **the**
9 **patient's or resident's** dignity and individuality.

10 (e) A patient or resident is entitled to receive adequate and
11 appropriate care, and to receive, from the appropriate individual
12 within the health facility or agency, information about ~~his or her~~
13 **the patient's or resident's** medical condition, proposed course of
14 treatment, and prospects for recovery, in terms that the patient or
15 resident can understand, unless medically contraindicated as
16 documented in the medical record by the attending physician, a
17 physician's assistant with whom the physician has a practice
18 agreement, or an advanced practice registered nurse.

19 (f) A patient or resident is entitled to refuse treatment to
20 the extent provided by law and to be informed of the consequences
21 of that refusal. ~~If~~ **Subject to this subdivision, if** a refusal of
22 treatment prevents a health facility or agency or its staff from
23 providing appropriate care according to ethical and professional
24 standards, the relationship with the patient or resident may be
25 terminated upon reasonable notice. **If the patient or resident is**
26 **pregnant and in labor at the health facility or agency, the health**
27 **facility or agency shall stabilize the patient or resident before**
28 **terminating the relationship with the patient or resident under**
29 **this subdivision.**

1 (g) A patient or resident is entitled to exercise ~~his or her~~
2 rights as a patient or resident and as a citizen, and to this end
3 may present grievances or recommend changes in policies and
4 services on behalf of ~~himself or herself~~ **the patient or resident** or
5 others to the health facility or agency staff, to governmental
6 officials, or to another person of ~~his or her~~ **the patient's or**
7 **resident's** choice within or outside the health facility or agency,
8 free from restraint, interference, coercion, discrimination, or
9 reprisal. A patient or resident is entitled to information about
10 the health facility's or agency's policies and procedures for
11 initiation, review, and resolution of patient or resident
12 complaints.

13 (h) A patient or resident is entitled to information
14 concerning an experimental procedure proposed as a part of ~~his or~~
15 ~~her~~ **the patient's or resident's** care and has the right to refuse to
16 participate in the experimental procedure without jeopardizing ~~his~~
17 ~~or her~~ **the patient's or resident's** continuing care.

18 (i) A patient or resident is entitled to receive and examine
19 an explanation of ~~his or her~~ **the patient's or resident's** bill
20 regardless of the source of payment and to receive, upon request,
21 information relating to financial assistance available through the
22 health facility or agency.

23 (j) A patient or resident is entitled to know who is
24 responsible for and who is providing ~~his or her~~ **the patient's or**
25 **resident's** direct care, to receive information concerning ~~his or~~
26 ~~her~~ **the patient's or resident's** continuing health needs and
27 alternatives for meeting those needs, and to be involved in ~~his or~~
28 ~~her~~ **the patient's or resident's** discharge planning, if appropriate.

29 (k) A patient or resident is entitled to associate and have

1 private communications and consultations with ~~his or her~~ **the**
2 **patient's or resident's** physician or a physician's assistant with
3 whom the physician has a practice agreement, with ~~his or her~~ **the**
4 **patient's or resident's** advanced practice registered nurse, with
5 ~~his or her~~ **the patient's or resident's** attorney, or with any other
6 individual of ~~his or her~~ **the patient's or resident's** choice and to
7 send and receive personal mail unopened on the same day it is
8 received at the health facility or agency, unless medically
9 contraindicated as documented in the medical record by the
10 attending physician, a physician's assistant with whom the
11 physician has a practice agreement, or an advanced practice
12 registered nurse. A patient's or resident's civil and religious
13 liberties, including the right to independent personal decisions
14 and the right to knowledge of available choices, ~~shall~~ **must** not be
15 infringed and the health facility or agency shall encourage and
16 assist in the fullest possible exercise of these rights. A patient
17 or resident may meet with, and participate in, the activities of
18 social, religious, and community groups at ~~his or her~~ **the patient's**
19 **or resident's** discretion, unless medically contraindicated as
20 documented in the medical record by the attending physician, a
21 physician's assistant with whom the physician has a practice
22 agreement, or an advanced practice registered nurse.

23 (l) A patient or resident is entitled to be free from mental
24 and physical abuse and from physical and chemical restraints,
25 except those restraints authorized in writing by the attending
26 physician, by a physician's assistant with whom the physician has a
27 practice agreement, or by an advanced practice registered nurse,
28 for a specified and limited time or as are necessitated by an
29 emergency to protect the patient or resident from injury to self or

1 others, in which case the restraint may only be applied by a
 2 qualified professional who shall set forth in writing the
 3 circumstances requiring the use of restraints and who shall
 4 promptly report the action to the attending physician, physician's
 5 assistant, or advanced practice registered nurse who authorized the
 6 restraint. In case of a chemical restraint, the physician, or the
 7 advanced practice registered nurse who authorized the restraint,
 8 shall be consulted within 24 hours after the commencement of the
 9 chemical restraint.

10 (m) A patient or resident is entitled to be free from
 11 performing services for the health facility or agency that are not
 12 included for therapeutic purposes in the plan of care.

13 (n) A patient or resident is entitled to information about the
 14 health facility or agency rules and regulations affecting patient
 15 or resident care and conduct.

16 (o) A patient or resident is entitled to adequate and
 17 appropriate pain and symptom management as a basic and essential
 18 element of ~~his or her~~ **the patient's or resident's** medical
 19 treatment.

20 (3) The following additional requirements for the policy
 21 described in subsection (2) apply to licensees under parts 213 and
 22 217:

23 (a) The policy ~~shall~~ **must** be provided to each nursing home
 24 patient or home for the aged resident upon admission, and the staff
 25 of the facility ~~shall~~ **must** be trained and involved in the
 26 implementation of the policy.

27 (b) Each nursing home patient may associate and communicate
 28 privately with persons of ~~his or her~~ **the patient's** choice.
 29 Reasonable, regular visiting hours, which ~~shall be~~ **are** not less

1 than 8 hours per day, and which ~~shall~~ take into consideration the
2 special circumstances of each visitor, ~~shall~~ **must** be established
3 for patients to receive visitors. A patient may be visited by the
4 patient's attorney or by representatives of the departments named
5 in section 20156, during other than established visiting hours.
6 Reasonable privacy ~~shall~~ **must** be afforded for visitation of a
7 patient who shares a room with another patient. Each patient ~~shall~~
8 **must** have reasonable access to a telephone. A married nursing home
9 patient or home for the aged resident is entitled to meet privately
10 with ~~his or her~~ **the patient's or resident's** spouse in a room that
11 ensures privacy. If both spouses are residents in the same
12 facility, they are entitled to share a room unless medically
13 contraindicated and documented in the medical record by the
14 attending physician, a physician's assistant with whom the
15 physician has a practice agreement, or an advanced practice
16 registered nurse.

17 (c) A nursing home patient or home for the aged resident is
18 entitled to retain and use personal clothing and possessions as
19 space permits, unless to do so would infringe upon the rights of
20 other patients or residents, or unless medically contraindicated as
21 documented in the medical record by the attending physician, a
22 physician's assistant with whom the physician has a practice
23 agreement, or an advanced practice registered nurse. Each nursing
24 home patient or home for the aged resident ~~shall~~ **must** be provided
25 with reasonable space. At the request of a patient, a nursing home
26 shall provide for the safekeeping of personal effects, money, and
27 other property of a patient in accordance with section 21767,
28 except that a nursing home is not required to provide for the
29 safekeeping of a property that would impose an unreasonable burden

1 on the nursing home.

2 (d) A nursing home patient or home for the aged resident is
3 entitled to the opportunity to participate in the planning of ~~his~~
4 ~~or her~~ **the patient's or resident's** medical treatment. The attending
5 physician, a physician's assistant with whom the physician has a
6 practice agreement, or an advanced practice registered nurse, shall
7 fully inform the nursing home patient of the patient's medical
8 condition unless medically contraindicated as documented in the
9 medical record by a physician, a physician's assistant with whom
10 the physician has a practice agreement, or an advanced practice
11 registered nurse. ~~Each~~ **A** nursing home patient ~~shall~~ **must** be
12 afforded the opportunity to discharge ~~himself or herself~~ **the**
13 **patient** from the nursing home.

14 (e) A home for the aged resident may be transferred or
15 discharged only for medical reasons, for ~~his or her~~ **the resident's**
16 welfare or that of other residents, or for nonpayment of ~~his or her~~
17 **the resident's** stay, except as provided by title XVIII or title
18 XIX. A nursing home patient may be transferred or discharged only
19 as provided in sections 21773 to 21777. A nursing home patient or
20 home for the aged resident is entitled to be given reasonable
21 advance notice to ensure orderly transfer or discharge. Those
22 actions ~~shall~~ **must** be documented in the **patient's or resident's**
23 medical record.

24 (f) A nursing home patient or home for the aged resident is
25 entitled to be fully informed before or at the time of admission
26 and during stay of services available in the facility, and of the
27 related charges including any charges for services not covered
28 under title XVIII, or not covered by the facility's basic per diem
29 rate. The statement of services provided by the facility ~~shall~~ **must**

1 be in writing and ~~shall~~ include those required to be offered on an
2 as-needed basis.

3 (g) A nursing home patient or home for the aged resident is
4 entitled to manage ~~his or her~~ **the patient's or resident's** own
5 financial affairs, or to have at least a quarterly accounting of
6 personal financial transactions undertaken in ~~his or her~~ **the**
7 **patient's or resident's** behalf by the facility during a period of
8 time the patient or resident has delegated those responsibilities
9 to the facility. In addition, a patient or resident is entitled to
10 receive each month from the facility an itemized statement setting
11 forth the services paid for by or on behalf of the patient **or**
12 **resident** and the services rendered by the facility. The admission
13 of a patient to a nursing home does not confer on the nursing home
14 or its owner, administrator, employees, or representatives the
15 authority to manage, use, or dispose of a patient's property.

16 (h) A nursing home patient or a person authorized by the
17 patient in writing may inspect and copy the patient's personal and
18 medical records. The records ~~shall~~ **must** be made available for
19 inspection and copying by the nursing home within a reasonable
20 time, not exceeding 1 week, after the receipt of a written request.

21 (i) If a nursing home patient desires treatment by a licensed
22 member of the healing arts, the treatment ~~shall~~ **must** be made
23 available unless it is medically contraindicated, and the medical
24 contraindication is justified in the patient's medical record by
25 the attending physician, a physician's assistant with whom the
26 physician has a practice agreement, or an advanced practice
27 registered nurse.

28 (j) A nursing home patient has the right to have ~~his or her~~
29 **the patient's** parents, if a minor, or ~~his or her~~ **the patient's or**

1 **resident's** spouse, next of kin, or patient's representative, if an
2 adult, stay at the facility 24 hours a day if the patient is
3 considered terminally ill by the physician responsible for the
4 patient's care, a physician's assistant with whom the physician has
5 a practice agreement, or an advanced practice registered nurse.

6 (k) Each nursing home patient ~~shall~~**must** be provided with
7 meals that meet the recommended dietary allowances for that
8 patient's age and sex and that may be modified according to special
9 dietary needs or ability to chew.

10 (l) Each nursing home patient has the right to receive
11 representatives of approved organizations as provided in section
12 21763.

13 (4) A nursing home, its owner, administrator, employee, or
14 representative shall not discharge, harass, or retaliate or
15 discriminate against a patient because the patient has exercised a
16 right protected under this section.

17 (5) In the case of a nursing home patient, the rights
18 enumerated in subsection (2) (c), (g), and (k) and subsection
19 (3) (d), (g), and (h) may be exercised by the patient's
20 representative.

21 (6) A nursing home patient or home for the aged resident is
22 entitled to be fully informed, as evidenced by the patient's or
23 resident's written acknowledgment, before or at the time of
24 admission and during stay, of the policy required by this section.
25 The policy ~~shall~~**must** provide that if a patient or resident is
26 adjudicated incompetent and not restored to legal capacity, the
27 rights and responsibilities set forth in this section ~~shall~~**must** be
28 exercised by a person designated by the patient or resident. The
29 health facility or agency shall provide proper forms for the

1 patient or resident to provide for the designation of this person
2 at the time of admission.

3 (7) This section does not prohibit a health facility or agency
4 from establishing and recognizing additional patients' rights.

5 (8) As used in this section:

6 (a) "Advanced practice registered nurse" means that term as
7 defined in section 17201.

8 (b) "Patient's representative" means that term as defined in
9 section 21703.

10 (c) "Practice agreement" means an agreement described in
11 section 17047, 17547, or 18047.

12 (d) "Title XVIII" means title XVIII of the social security
13 act, 42 USC 1395 to 1395III.

14 (e) "Title XIX" means title XIX of the social security act, 42
15 USC 1396 to ~~1396w-5~~.1396w-8.

16 Sec. 21513. The owner, operator, and governing body of a
17 hospital licensed under this article:

18 (a) Are responsible for all phases of the operation of the
19 hospital, selection of the medical staff, and quality of care
20 rendered in the hospital.

21 (b) Shall cooperate with the department in the enforcement of
22 this part, and require that the physicians, dentists, and other
23 personnel working in the hospital who are required to be licensed
24 or registered are in fact currently licensed or registered.

25 (c) Shall ensure that physicians and dentists admitted to
26 practice in the hospital are granted hospital privileges consistent
27 with their individual training, experience, and other
28 qualifications.

29 (d) Shall ensure that physicians and dentists admitted to

1 practice in the hospital are organized into a medical staff to
2 enable an effective review of the professional practices in the
3 hospital for the purpose of reducing morbidity and mortality and
4 improving the care provided in the hospital for patients. The
5 review must include the quality and necessity of the care provided
6 and the preventability of complications and deaths occurring in the
7 hospital.

8 (e) Shall not discriminate because of race, religion, color,
9 national origin, age, or sex in the operation of the hospital
10 including employment, patient admission and care, room assignment,
11 and professional or nonprofessional selection and training
12 programs, and shall not discriminate in the selection and
13 appointment of individuals to the physician staff of the hospital
14 or its training programs on the basis of licensure or registration
15 or professional education as doctors of medicine, osteopathic
16 medicine and surgery, or podiatry. **As used in this subdivision,**
17 **"sex" includes, but is not limited to, pregnancy or lactating**
18 **status.**

19 (f) Shall ensure that the hospital adheres to medical control
20 authority protocols according to section 20918.

21 (g) Shall ensure that the hospital develops and maintains a
22 plan for biohazard detection and handling.

23 (h) Shall notify the department of health and human services
24 if the owner, operator, or governing body of the hospital applies
25 for designation as a rural emergency hospital.

26 **Sec. 21537. (1) Beginning January 1, 2026, a hospital shall**
27 **demonstrate to the department, in a form and manner required by the**
28 **department, that the hospital has a policy that complies with all**
29 **of the following:**

1 (a) Allows a patient who is giving birth to have, at a
2 minimum, the following present with the patient while the patient
3 is admitted to the hospital and during the patient's stay in the
4 hospital:

5 (i) If the patient has a partner or a spouse, both of the
6 following:

7 (A) The partner or spouse.

8 (B) A doula.

9 (ii) If the patient does not have a partner or spouse or the
10 patient's partner or spouse is not available, both of the
11 following:

12 (A) A doula.

13 (B) A companion of the patient.

14 (b) Provides the hospital's policy on receiving informed
15 consent from the patient.

16 (c) Provides the hospital's process for receiving a pregnant
17 patient's information from a health professional who initiates the
18 transfer of the patient's care to the hospital. If the health
19 professional initiating the transfer is a midwife, the process must
20 require the hospital to accept the standard form described in
21 section 17107, if the form is provided to the hospital for the
22 patient, or accept any information that the midwife is required to
23 provide to the hospital pursuant to rules promulgated under section
24 17117. If the health professional initiating the transfer is a
25 certified nurse midwife, the process must require the hospital to
26 accept any information that the certified nurse midwife provides.

27 (2) The department may promulgate rules to implement this
28 section.

29 (3) As used in this section:

1 (a) "Certified nurse midwife" means an individual who is
2 licensed as a registered professional nurse under part 172 who has
3 been granted a specialty certification in the health profession
4 specialty field of nurse midwifery by the Michigan board of nursing
5 under section 17210.

6 (b) "Doula" means an individual who provides nonclinical
7 physical, emotional, and informational support to an individual who
8 is pregnant before, during, and after the individual's pregnancy.

9 (c) "Health professional" means an individual who is licensed,
10 registered, or otherwise authorized to engage in a health
11 profession under article 15.

12 (d) "Midwife" means that term as defined in section 17101.