

CHAPTER 1. AUTHORITY

LICENSURE AND CERTIFICATION OF NURSING HOMES AND OTHER LONG TERM CARE FACILITIES BY AUTHORITY OF:

FEDERAL LAW:

Social Security Act

[SEC. 1819](#). [42 U.S.C. 1395i-3] -- Requirements For, And Assuring Quality Of Care In, Skilled Nursing Facilities

[SEC. 1864 Agreement](#) Use Of State Agencies To Determine Compliance By Providers Of Services With Conditions Of Participation

[SEC. 1919](#). [42 U.S.C. 1396r] -- Requirements For Nursing Facilities

Code of Federal Regulations (CFR);

Title 42--Public Health; Chapter IV, Part 483--Requirements For States And Long Term Care Facilities

[Part 483--Requirements For States And Long Term Care Facilities](#)

[Part 488--Survey, Certification, And Enforcement Procedures](#)

[Part 489--Provider Agreements And Supplier Approval](#)

[State Operations Manual](#)

[Chapter 5 – Complaint Procedures](#)

[Chapter 7 - Survey And Enforcement Process For Skilled Nursing Facilities And Nursing Facilities](#)

[Appendix P](#)

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MICHIGAN LAW:

Public Health Code, [Public Act 368 of 1978](#)

[Part 201 General Provisions \(333.20101...333.20211\)](#)

[Part 217 Nursing Homes \(333.21701...333.21799e\)](#)

Michigan Administrative Code

[R 325.20101 - R 325.22004](#) (Nursing Homes And Nursing Care Facilities)

Public Health Code; Public Act 368 of 1978
Part 201: GENERAL PROVISIONS
333.20101-333.20211

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333.20101	Meanings of words and phrases; principles of construction.
333.20102	Definitions; A.
333.20104	Definitions; C to F.
333.20106	Definitions; H.
333.20108	Definitions; I to N.
333.20109	Definitions; N to S.
333.20115	Rules defining or differentiating health facility or agency; republication of certain rules; waiver or modification; "abortion" defined.
333.20121	Health facilities and agencies advisory commission; creation; appointment and qualification of members; director as ex officio member without vote.
333.20122	Advisory commission; terms of members; vacancy; removal.
333.20123	Advisory commission; meetings; chairperson and vice-chairperson; vacancy; quorum; expenses.
333.20124	Advisory commission; duties generally.
333.20126	Task forces; appointment; purpose; duties; membership; staff support.
333.20127	Task force 4; purpose; appointment and qualifications of members; chairperson and vice-chairperson; quorum; procedures; duties.
333.20131	Comprehensive system of licensure and certification; establishment; purpose; certification of health facility or agency; coordination, cooperation, and agreements; public disclosure.
333.20132	Regulation of medical or surgical treatment prohibited; control of communicable diseases; protection of individuals receiving care and services; standards for inpatient food service establishment; compliance.
333.20141	Health facility or agency; license required; eligibility to participate in federal or state health program; personnel; services; and equipment; evidence of compliance; providing data and statistics.
333.20142	Application for licensure and certification; form; certifying accuracy of information; disclosures, reports; and notices; violation; penalty; false statement as felony.
333.20143	Compliance as condition to issuance of license, certificate, or certificate of need.
333.20144	Licensing on basis of approved building program.

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333.20145	Construction permit; certificate of need as condition of issuance; rules; information required for project not requiring certificate of need; review and approval of architectural plans and narrative; rules; waiver; fee; "capital expenditure" defined.
333.20151	Cooperation; professional advice and consultation.
333.20152	Certification by licensee; developing facilities and programs of care; rating individuals for purposes of reimbursement.
333.20155	Visits to health facilities and agencies, clinical laboratories, nursing homes, hospices, and hospitals; purposes; waiver; confidentiality of accreditation information; limitation and effect; consultation engineering survey; summary of substantial noncompliance or deficiencies and hospital response; investigations or inspections; prior notice; misdemeanor; consultation visits; record; periodic reports; access to documents; confidentiality; disclosure; delegation of functions; voluntary inspections; forwarding evidence of violation to licensing agency; reports; clarification of terms; clinical process guidelines; clinical advisory committee; definitions.
333.20156	Entering premises of applicant or licensee; enforcement of rules; certificate of approval from state fire marshal division; applicability of subsections (2) and (3).
333.20161	Fees and assessments for health facility and agency licenses and certificates of need; medicaid reimbursement rates; use of quality assurance assessment; "medicaid" defined.
333.20162	License; receipt of completed application; issuance of license within certain period of time; nonrenewable temporary permit; provisional license; procedure for closing facility; order to licensee upon finding of noncompliance; notice, hearing, and status requirements; report; "completed application" defined.
333.20164	Duration of license or certification; license, certification, or certificate of need nontransferable; transfer of ownership or ownership interest; notice; application for license and certification.
333.20165	Denying, limiting, suspending, or revoking license or certification; notice of intent; imposition of administrative fine.
333.20166	Notice of intent to deny, limit, suspend, or revoke license or certification; service; contents; hearing; record; transcript; determination; powers of department; judicial order to appear and give testimony; contempt; failure to show need for health facility or agency.
333.20168	Emergency order limiting, suspending, or revoking license; limiting reimbursements or payments; hearing; contents of order; order not suspended by hearing.
333.20169	HIV infected test subject; compliance with reporting requirements; definitions.
333.20170	Medical records access; compliance.

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333.20171	Rules implementing article; rules promulgated under § 333.21563.
333.20172	Policies and procedures; publication and distribution.
333.20173	Nursing home, county medical care facility, or home for the aged; criminal history check of employment applicants; definitions.
333.20173a	Health facility or agency that is nursing home, county medical care facility, hospice, hospital that provides swing bed services, home for the aged, or home health agency; employees or applicants for employment; prohibitions; criminal history check; condition of continued employment; establishment of automated fingerprint identification system database; report to legislature; web-based system; definitions.
333.20173b	Individual disqualified or denied employment pursuant to MCL 330.1134a; appeal; report to legislature; "business day" defined.
333.20175	Maintaining record for each patient; wrongfully altering or destroying records; noncompliance; fine; licensing and certification records as public records; confidentiality; disclosure; report or notice of disciplinary action; information provided in report; nature and use of certain records, data, and knowledge.
333.20176	Notice of violation; investigation of complaints; notice of proposed action; public record; appeal; reinvestigation.
333.20176a	Health facility or agency; prohibited conduct; violation; fine.
333.20177	Action to restrain, enjoin, or prevent establishment, maintenance, or operation of health facility or agency.
333.20178	Nursing home, home for the aged, or county medical care facility; description of services to patients or residents with Alzheimer's disease; contents; "represents to the public" defined.
333.20179	Artificial insemination services on anonymous basis; use of frozen sperm; testing sperm donor for presence of HIV or antibody to HIV; violation; liability; definitions.
333.20180	Health facility or agency; person making or assisting in originating, investigating, or preparing report or complaint; immunity and protection from civil or criminal liability; disclosure of identity; notice; "hospital" defined.
333.20181	Abortion; admitting patient not required; refusal to perform, participate in, or allow; immunity.
333.20182	Abortion; objection; participation in medical procedures not required; immunity.
333.20183	Abortion; refusal to give advice; refusal to participate in; immunity.
333.20184	Rights of individuals, staff members, and employees previously participating in, or expressing willingness to participate in, termination of pregnancy.
333.20188	Repealed. 2004, Act 119, Eff. Nov. 27, 2005.

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333.20191	Emergency patient; test for presence of infectious agent; positive test results; duties of health facility; notice; request for testing; confidentiality; rules; disclosure as misdemeanor; liability; definitions.
333.20192	Do-not-resuscitate order; execution not required.
333.20193	Compliance.
333.20194	Pamphlets; display; distribution; model standardized complaint form; availability.
333.20197	Human cloning in facility owned or operated by health facility or agency.
333.20198	Health facility, agency inpatient facility, or residential facility; prohibited conduct; violation as misdemeanor; penalty; nonapplicability of subsections (1) and (2).
333.20199	Violations; penalties.
333.20201	Policy describing rights and responsibilities of patients or residents; adoption; posting and distribution; contents; additional requirements; discharging, harassing, retaliating, or discriminating against patient exercising protected right; exercise of rights by patient's representative; informing patient or resident of policy; designation of person to exercise rights and responsibilities; additional patients' rights; definitions.
333.20202	Responsibilities of patient or resident.
333.20203	Guidelines; immunity; other remedies at law neither expanded nor diminished.
333.20211	Summary of activities; availability of list and current inspection reports.

**Public Health Code; Public Act 368 of 1978
Part 217: NURSING HOMES
333.21701-333.21799**

Section	Description
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333.21707	Prescribing course of medical treatment; limitations on authority.
333.21711	License required; prohibited terms or abbreviations; license for formal or informal nursing care services; exception.
333.21712	Name of nursing home; change in name; prohibited terms; rehabilitation services.
333.21713	Owner, operator, and governing body of nursing home; responsibilities and duties generally.
333.21715	Programs of planned and continuing nursing and medical care required; nurses and physicians in charge; expiration of subsection (1)(a); nature and scope of services.
333.21716	Nursing home; influenza vaccination.
333.21717	Individuals excluded from nursing home; exception; approval of area and program.
333.21718	Conditions of skilled nursing facility certification and participation in title 19 program; exception; exemption.
333.21719	Immediate access to acute care facilities.
333.21720	Nursing home administrator required.
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333.21720b	Agreement with county community mental health program.
333.21721	Bond required.
333.21723	Individual responsible for receiving complaints and conducting investigations; posting information in nursing home; communication procedure; information posted on internet website; nursing home receiving medicaid reimbursement.
333.21731	Licensee considered consumer of tangible personal property.
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333.21735	Requirement of emergency generator system in nursing home.

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333.21701-333.21799**

333.21741	Rules.
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333.21755	Grounds for refusal to issue license.
333.21757	Provisional license.
333.21761	Certification of nondiscrimination; violation of rights; giving preference to members of religious or fraternal institution or organization.
333.21763	Access to nursing home patients; purposes; requirements; termination of visit; confidentiality; complaint; determination; prohibited entry.
333.21764	Approval or disapproval of nonprofit corporation rendering assistance without charge; appeal; decision.
333.21765	Policies and procedures; copy of rights enumerated in § 333.20201; reading or explaining rights; staff observance of rights, policies, and procedures.
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333.21766	Written contract.
333.21767	Guardian, trustee, conservator, patient's representative, or protective payee for patient; receipt for money or property of patient; statement of funds.
333.21771	Abusing, mistreating, or neglecting patient; reports; investigation; retaliation prohibited.
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333.21773	Involuntary transfer or discharge of patient; notice; form; request for hearing; copy of notice; commencement of notice period; nonpayment; redemption; explanation and discussion; counseling services; prohibition; notice of nonparticipation in state plan for medicaid funding.
333.21774	Involuntary transfer or discharge; request for hearing; informal hearing; decision; burden of proof; procedures; time for leaving facility.
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333.21781	Posting of license and other information.
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333.21787	Michigan public health institute; consultation and contracts.
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333.21792	Commission, bonus, fee, or gratuity; violation; penalty.
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333.21796	Insuring proper licensing of licensed personnel.
333.21799a	Nursing home; violation; complaint; investigation; disclosure; determination; listing violation and provisions violated; copies of documents; public inspection; report of violation; penalty; request for hearing; notice of hearing; "priority complaint" defined.
333.21799b	Noncompliance; notice of finding; correction notices; hearing; verification of compliance; investigation; action; definitions; annual report; presumption.
333.21799c	Violations; penalties; computation of civil penalties; paying or reimbursing patient; rules for quality of care allowance formula.
333.21799d	Collection of civil penalty; noncompliance; order.
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Michigan Administrative Code
NURSING HOME AND NURSING CARE FACILITIES
[R 325.20101-R 325.22004](#)

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