



**House
Legislative
Analysis
Section**

Washington Square Building, Suite 1025
Lansing, Michigan 48909
Phone 517/373-6466

HOSPITALS AND CIVIL RIGHTS

House Bill 4403 as introduced
First Analysis (3-21-89)

RECEIVED

Sponsor: Rep. Michael J. Bennane
Committee: Public Health

MAY 23 1989

Mich. State Law Library

THE APPARENT PROBLEM:

Public Act 332 of 1988 revised the state's certificate of need (CON) program (as well as other elements in the state health planning system), repealing the old Part 221 of the Public Health Code and replacing it with a new Part 222. Section 22131 of the former CON section of the health code listed a number of criteria which the Department of Public Health and the health systems agencies were required to apply when conducting reviews for certificates of need. Although the new CON act kept many features of the repealed law, the criterion in the repealed section of the code which prohibited discrimination against certain people by health facilities applying for a CON was not included in the new act.

Reportedly some podiatrists are having problems obtaining hospital privileges at some hospitals because the hospitals are requiring education and training beyond that required by the podiatrists' licensure requirements. Legislation has been proposed which would place this old CON criterion in the hospital licensing section of the Public Health Code, which would prevent this kind of discrimination in the selection and appointment of hospital physician staff.

THE CONTENT OF THE BILL:

The bill would amend the part of the Public Health Code that governs the licensing of hospitals to prohibit hospitals from discriminating against certain people in the operation of the hospital (including employment, patient admission and care, room assignment, and training programs) and in the selection and appointment of physicians to the hospital's staff or training programs.

More specifically, the bill would not allow hospitals to discriminate:

- (a) in their operation, against individuals on the basis of race, religion, color, national origin, age, or sex; and
- (b) in the selection and appointment of their physician staff or training programs, against individual physicians on the basis of licensure or registration or professional education as doctors of medicine, osteopathic medicine and surgery, or podiatry.

MCL 333.21513

FISCAL IMPLICATIONS:

Fiscal information is not available. (3-21-89)

ARGUMENTS:

For:

When the old certificate of need (CON) part of the Public Health Code was repealed last session and replaced with a new CON law, some language prohibiting hospitals from discriminating against certain people was apparently inadvertently omitted from the new CON law. Reportedly, some podiatrists are having problems obtaining hospital

privileges at some hospitals because the hospitals are requiring education and training beyond that required for the licensure of podiatrists. Reinstating the repealed language and placing it in the hospital licensure section of the health code would assure that properly licensed physicians could not be denied hospital privileges solely on the grounds of their licensure or professional education, as well as reinstating standard civil rights language prohibiting discrimination against individuals based on race, religion, color, national origin, age, or sex.

POSITIONS:

The Department of Public Health does not yet have a position on the bill. (3-21-89)

The Michigan Hospital Association supports the bill. (3-21-89)

Michigan Podiatric Medical Association supports the bill. (3-21-89)

The Michigan State Medical Society has no position on the bill. (3-20-89)

H.B. 4403 (3-21-89)