

HOUSE BILL No. 4018

January 11, 1989, Introduced by Rep. Berman and referred to the Committee on Public Health.

A bill to amend sections 17013 and 17513 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code,"

as added by Act No. 195 of the Public Acts of 1986, being sections 333.17013 and 333.17513 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 17013 and 17513 of Act No. 368 of the
2 Public Acts of 1978, as added by Act No. 195 of the Public Acts
3 of 1978, being sections 333.17013 and 333.17513 of the Michigan
4 Compiled Laws, are amended to read as follows:

5 Sec. 17013. (1) Beginning ~~+20 days after the effective~~
6 ~~date of this section~~ NOVEMBER 6, 1986, a physician who is admin-
7 istering the primary treatment for breast cancer to a patient who
8 has been diagnosed as having breast cancer shall inform the
9 patient, orally and in writing, about alternative methods of

1 treatment of the cancer, including surgical, radiological, or
2 chemotherapeutic treatments, or any other generally accepted med-
3 ical treatment. The physician also shall inform the patient
4 about the advantages, disadvantages, and risks of each method of
5 treatment and about the procedures involved in each method of
6 treatment.

7 (2) If a patient receives a standardized written summary or
8 brochure, as described in this ~~section~~ SUBSECTION or subsection
9 (3), the physician shall be in full compliance with this section,
10 including both the written and oral requirements. The standard-
11 ized written summary:

12 (a) Shall be developed by the department of public health in
13 cooperation with the chronic disease advisory committee.

14 (b) Shall be drafted in nontechnical terms that the patient
15 can understand.

16 (c) Shall inform the patient about alternative methods of
17 treatment of breast cancer, including surgical, radiological, or
18 chemotherapeutic treatments, or any other generally accepted med-
19 ical treatment.

20 (d) Shall inform the patient about the advantages, disadvan-
21 tages, and risks of each method of treatment and about the proce-
22 dures involved in each method of treatment.

23 (e) The standardized written summary or ~~the~~ A brochure
24 described in subsection (3), or both, shall be made available to
25 physicians through the Michigan board of medicine and the
26 Michigan board of osteopathic medicine and surgery. The Michigan
27 board of medicine and the Michigan board of osteopathic medicine

1 and surgery shall notify in writing all physicians subject to
2 this section of the requirements of this section and the avail-
3 ability of the standardized written summary ~~within 100 days~~
4 ~~after the date this amendatory act is enacted into law~~ BY
5 OCTOBER 16, 1986.

6 (3) For purposes of subsection (2), a physician may use a
7 brochure which contains information substantially similar to that
8 contained in the standardized written summary developed by the
9 department of public health and which is approved by the depart-
10 ment of public health.

11 (4) The department of public health, after consultation with
12 appropriate professional organizations, shall develop the stan-
13 dardized written summary required by subsection (2) ~~within 90~~
14 ~~days after the date this amendatory act is enacted into law~~ BY
15 OCTOBER 6, 1986.

16 (5) A form, signed by the patient, indicating that the
17 patient has been given a copy of the brochure or the standardized
18 written summary shall be included in the patient's medical
19 record.

20 (6) A physician's duty to inform a patient under this sec-
21 tion does not require disclosure of information beyond what a
22 reasonably well-qualified physician licensed under this article
23 would know.

24 (7) A patient who signs a form pursuant to subsection (5)
25 ~~—~~ shall be barred from subsequently bringing a civil action
26 against the physician providing the summary or brochure described
27 in subsection (2) ~~—~~ AND (3) based on failure to obtain informed

1 consent, but only in regard to information pertaining to
2 alternative forms of treatment of breast cancer, and the advan-
3 tages, disadvantages, and risks of each method.

4 ~~-(8) This section shall be repealed on July 1, 1989.~~

5 Sec. 17513. (1) Beginning ~~+20 days after the effective~~
6 ~~date of this section~~ NOVEMBER 6, 1986, a physician who is admin-
7 istering the primary treatment for breast cancer to a patient who
8 has been diagnosed as having breast cancer shall inform the
9 patient, orally and in writing, about alternative methods of
10 treatment of the cancer, including surgical, radiological, or
11 chemotherapeutic treatments, or any other generally accepted med-
12 ical treatment. The physician also shall inform the patient
13 about the advantages, disadvantages, and risks of each method of
14 treatment and about the procedures involved in each method of
15 treatment.

16 (2) If a patient receives a standardized written summary or
17 brochure, as described in section 17013(2) or (3), the physician
18 shall be in full compliance with this section, including both the
19 written and oral requirements.

20 (3) A physician's duty to inform a patient under this sec-
21 tion does not require disclosure of information beyond what a
22 reasonably well-qualified physician licensed under this article
23 would know.

24 ~~-(4) This section shall be repealed on July 1, 1989.~~