

HOUSE BILL No. 4768

May 3, 1989, Introduced by Reps. Stallworth, Stabenow, DeMars, Wallace, Dunaskiss, Gire, Varga, Bennane, Kilpatrick, Clack, Rocca, Murphy, Porreca, Barns, Jonker, Hart, Webb, Profit, Harrison, Hoffman and Leland and referred to the Committee on Public Health.

A bill to amend Act No. 368 of the Public Acts of 1978, entitled as amended
"Public health code,"
as amended, being sections 333.1101 to 333.25211 of the Michigan Compiled Laws, by adding sections 17017, 17517, and 20185.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 368 of the Public Acts of 1978, as
2 amended, being sections 333.1101 to 333.25211 of the Michigan
3 Compiled Laws, is amended by adding sections 17017, 17517, and
4 20185 to read as follows:

5 SEC. 17017. (1) BEGINNING 120 DAYS AFTER THE EFFECTIVE DATE
6 OF THIS SECTION, EACH PHYSICIAN WHO IS IN PRIVATE PRACTICE AND
7 WHO PROVIDES OBSTETRICAL HEALTH SERVICES IN THE COURSE OF HIS OR
8 HER PRIVATE PRACTICE SHALL DISTRIBUTE TO EACH PATIENT WHO
9 RECEIVES OBSTETRICAL SERVICES FROM THE PHYSICIAN AND IS PREGNANT

1 FOR THE FIRST TIME A COPY OF THE PAMPHLET PROVIDED BY THE
2 DEPARTMENT UNDER SECTION 20185. A PHYSICIAN DESCRIBED IN THIS
3 SUBSECTION MAY PROVIDE A COPY OF THE PAMPHLET TO A PATIENT WHO IS
4 PREGNANT FOR OTHER THAN THE FIRST TIME.

5 (2) THE PAMPHLET REQUIRED UNDER SUBSECTION (1) SHALL BE MADE
6 AVAILABLE TO PHYSICIANS THROUGH BOTH THE DEPARTMENT OF PUBLIC
7 HEALTH AND THE MICHIGAN BOARD OF MEDICINE. THE MICHIGAN BOARD OF
8 MEDICINE SHALL NOTIFY IN WRITING ALL PHYSICIANS SUBJECT TO THIS
9 SECTION OF THE REQUIREMENTS OF THIS SECTION AND THE AVAILABILITY
10 OF THE PAMPHLET WITHIN 100 DAYS AFTER THE EFFECTIVE DATE OF THIS
11 SECTION. UPON REQUEST, THE MICHIGAN BOARD OF MEDICINE SHALL PRO-
12 VIDE COPIES OF THE PAMPHLET, FREE OF CHARGE, TO A PHYSICIAN WHO
13 IS SUBJECT TO THIS SECTION.

14 (3) IF A PATIENT IS GIVEN A COPY OF THE PAMPHLET REQUIRED
15 UNDER SUBSECTION (1), A FORM, SIGNED BY THE PATIENT, INDICATING
16 THAT THE PATIENT HAS BEEN GIVEN A COPY OF THE PAMPHLET, SHALL BE
17 INCLUDED IN THE PATIENT'S MEDICAL RECORD.

18 (4) A PATIENT WHO SIGNS A FORM PURSUANT TO SUBSECTION (3) IS
19 BARRED FROM SUBSEQUENTLY BRINGING A CIVIL ACTION AGAINST THE PHY-
20 SICIAN PROVIDING THE PAMPHLET REQUIRED UNDER SUBSECTION (1) BASED
21 ON FAILURE TO PROVIDE THE INFORMATION CONTAINED IN THE PAMPHLET.

22 SEC. 17517. (1) BEGINNING 120 DAYS AFTER THE EFFECTIVE DATE
23 OF THIS SECTION, EACH PHYSICIAN WHO IS IN PRIVATE PRACTICE AND
24 WHO PROVIDES OBSTETRICAL HEALTH SERVICES IN THE COURSE OF HIS OR
25 HER PRIVATE PRACTICE SHALL DISTRIBUTE TO EACH PATIENT WHO
26 RECEIVES OBSTETRICAL SERVICES FROM THE PHYSICIAN AND IS PREGNANT
27 FOR THE FIRST TIME A COPY OF THE PAMPHLET PROVIDED BY THE

1 DEPARTMENT UNDER SECTION 20185. A PHYSICIAN DESCRIBED IN THIS
2 SUBSECTION MAY PROVIDE A COPY OF THE PAMPHLET TO A PATIENT WHO IS
3 PREGNANT FOR OTHER THAN THE FIRST TIME.

4 (2) THE PAMPHLET REQUIRED UNDER SUBSECTION (1) SHALL BE MADE
5 AVAILABLE TO PHYSICIANS THROUGH BOTH THE DEPARTMENT OF PUBLIC
6 HEALTH AND THE MICHIGAN BOARD OF OSTEOPATHIC MEDICINE AND
7 SURGERY. THE MICHIGAN BOARD OF OSTEOPATHIC MEDICINE AND SURGERY
8 SHALL NOTIFY IN WRITING ALL PHYSICIANS SUBJECT TO THIS SECTION OF
9 THE REQUIREMENTS OF THIS SECTION AND THE AVAILABILITY OF THE PAM-
10 PHLET WITHIN 100 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION.
11 UPON REQUEST, THE MICHIGAN BOARD OF OSTEOPATHIC MEDICINE AND SUR-
12 GERY SHALL PROVIDE COPIES OF THE PAMPHLET, FREE OF CHARGE, TO A
13 PHYSICIAN WHO IS SUBJECT TO THIS SECTION.

14 (3) IF A PATIENT IS GIVEN A COPY OF THE PAMPHLET REQUIRED
15 UNDER SUBSECTION (1), A FORM, SIGNED BY THE PATIENT, INDICATING
16 THAT THE PATIENT HAS BEEN GIVEN A COPY OF THE PAMPHLET, SHALL BE
17 INCLUDED IN THE PATIENT'S MEDICAL RECORD.

18 (4) A PATIENT WHO SIGNS A FORM PURSUANT TO SUBSECTION (3) IS
19 BARRED FROM SUBSEQUENTLY BRINGING A CIVIL ACTION AGAINST THE PHY-
20 SICIAN PROVIDING THE PAMPHLET REQUIRED UNDER SUBSECTION (1) BASED
21 ON FAILURE TO PROVIDE THE INFORMATION CONTAINED IN THE PAMPHLET.

22 SEC. 20185. (1) BEGINNING 120 DAYS AFTER THE EFFECTIVE DATE
23 OF THIS SECTION, A HOSPITAL, CLINIC, INSTITUTION, TEACHING INSTI-
24 TUTION, OR OTHER HEALTH FACILITY OR AGENCY THAT PROVIDES OBSTET-
25 RICAL HEALTH SERVICES SHALL PROVIDE TO EACH PATIENT WHO RECEIVES
26 OBSTETRICAL HEALTH SERVICES FROM THE HOSPITAL, CLINIC,
27 INSTITUTION, TEACHING INSTITUTION, OR OTHER HEALTH FACILITY OR

1 AGENCY AND IS PREGNANT FOR THE FIRST TIME A PAMPHLET THAT
2 CONTAINS INFORMATION REGARDING PARENTING. A HOSPITAL, CLINIC,
3 INSTITUTION, TEACHING INSTITUTION, OR OTHER HEALTH FACILITY OR
4 AGENCY MAY PROVIDE A COPY OF THE PAMPHLET TO A PATIENT WHO IS
5 PREGNANT FOR OTHER THAN THE FIRST TIME. THIS SUBSECTION DOES NOT
6 APPLY IF A PATIENT HAS RECEIVED A COPY OF THE PAMPHLET FROM HER
7 PHYSICIAN.

8 (2) IF A PATIENT IS GIVEN A COPY OF THE PAMPHLET REQUIRED
9 UNDER SUBSECTION (1), A FORM, SIGNED BY THE PATIENT, INDICATING
10 THAT THE PATIENT HAS BEEN GIVEN A COPY OF THE PAMPHLET, SHALL BE
11 INCLUDED IN THE PATIENT'S MEDICAL RECORD.

12 (3) A PATIENT WHO SIGNS A FORM PURSUANT TO SUBSECTION (3) IS
13 BARRED FROM SUBSEQUENTLY BRINGING A CIVIL ACTION AGAINST THE HOS-
14 PITAL, CLINIC, INSTITUTION, TEACHING INSTITUTION, OR OTHER HEALTH
15 FACILITY OR AGENCY PROVIDING THE PAMPHLET REQUIRED UNDER SUBSEC-
16 TION (1) BASED ON FAILURE TO PROVIDE THE INFORMATION CONTAINED IN
17 THE PAMPHLET.

18 (4) THE PAMPHLET REQUIRED BY SUBSECTION (1) SHALL BE PRO-
19 VIDED BY THE DEPARTMENT. THE DEPARTMENT SHALL DEVELOP THE PAM-
20 PHLET IN CONSULTATION WITH APPROPRIATE PROFESSIONAL ORGANIZATIONS
21 AND HAVE THE PAMPHLET READY FOR DISTRIBUTION WITHIN 90 DAYS AFTER
22 THE EFFECTIVE DATE OF THIS SECTION. THE PAMPHLET SHALL BE WRIT-
23 TEN IN ENGLISH AND IN CLEAR, NONTECHNICAL TERMS. COPIES OF THE
24 PAMPHLET SHALL ALSO BE PRINTED IN SPANISH. THE PAMPHLET SHALL BE
25 DISTRIBUTED TO THE HEALTH FACILITIES DESCRIBED IN SUBSECTION
26 (1).

1 (5) IN ADDITION TO THE PAMPHLETS PROVIDED UNDER
2 SUBSECTION (2), THE DEPARTMENT SHALL PROVIDE COPIES OF THE
3 PAMPHLET TO THE MICHIGAN BOARD OF MEDICINE AND THE MICHIGAN BOARD
4 OF OSTEOPATHIC MEDICINE AND SURGERY. THE DEPARTMENT SHALL PRO-
5 VIDE COPIES OF THE PAMPHLET TO OTHER PERSONS UPON WRITTEN
6 REQUEST, AT COST, AND SHALL ALSO PROVIDE COPIES OF THE PAMPHLET
7 FREE OF CHARGE, UPON REQUEST, TO PHYSICIANS DESCRIBED IN SECTIONS
8 17017 AND 17517.