

# HOUSE BILL No. 5385

January 16, 1990, Introduced by Reps. Hickner, Gubow, Power, Kilpatrick, Kosteva, Ciaramitaro, DeBeaussaert, Gagliardi, Pitoniak, Perry Bullard, Jonker, Hunter, Barns, Watkins, Harrison, Jacobetti, Berman, Stupak, Knight and Emerson 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 21541 and 21542; and to repeal certain parts of the act on a specific date.

## 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 21541 and 21542 to  
4 read as follows:

5 SEC. 21541. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION  
6 (2), A HOSPITAL THAT EMPLOYS POSTGRADUATE TRAINEES TO PROVIDE  
7 DIRECT PATIENT CARE SHALL COMPLY WITH ALL OF THE FOLLOWING:

1 (A) THE HOSPITAL SHALL NOT SCHEDULE A POSTGRADUATE TRAINEE  
2 TO WORK MORE THAN AN AVERAGE OF 80 HOURS PER WEEK OVER A  
3 CONSECUTIVE 4-WEEK PERIOD.

4 (B) THE HOSPITAL SHALL NOT SCHEDULE A POSTGRADUATE TRAINEE  
5 TO WORK MORE THAN 28 CONSECUTIVE HOURS.

6 (C) A HOSPITAL SHALL SEPARATE SCHEDULED ON-DUTY ASSIGNMENTS  
7 FOR POSTGRADUATE TRAINEES BY NONWORKING PERIODS OF NOT LESS THAN  
8 8 HOURS AND SHALL SCHEDULE EACH POSTGRADUATE TRAINEE TO NOT LESS  
9 THAN 1 NONWORKING PERIOD OF NOT LESS THAN 24 CONSECUTIVE HOURS  
10 PER WEEK.

11 (2) SUBSECTION (1) DOES NOT APPLY TO POSTGRADUATE TRAINEES  
12 WHO WORK ON-CALL DUTY BETWEEN THE HOURS OF 6 P.M. AND 6 A.M. IF  
13 ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

14 (A) THE HOSPITAL CAN DOCUMENT TO THE SATISFACTION OF THE  
15 DEPARTMENT THAT DURING ON-CALL DUTY AS DESCRIBED IN THIS SUBSEC-  
16 TION, POSTGRADUATE TRAINEES ARE GENERALLY RESTING AND THAT CALLS  
17 FOR PATIENT CARE ARE INFREQUENT AND LIMITED TO PATIENTS FOR WHOM  
18 A POSTGRADUATE TRAINEE HAS CONTINUING RESPONSIBILITY.

19 (B) THE HOSPITAL DOES NOT SCHEDULE A POSTGRADUATE TRAINEE  
20 FOR ON-CALL DUTY AS DESCRIBED IN THIS SUBSECTION MORE FREQUENTLY  
21 THAN ONCE EVERY 3 DAYS.

22 (C) THE HOSPITAL SCHEDULES A NONWORKING PERIOD OF NOT LESS  
23 THAN 16 HOURS IMMEDIATELY FOLLOWING ON-CALL DUTY AS DESCRIBED IN  
24 THIS SUBSECTION.

25 (D) THE HOSPITAL DEVELOPS AND IMPLEMENTS WRITTEN POLICIES  
26 AND PROCEDURES TO IMMEDIATELY RELIEVE A POSTGRADUATE TRAINEE FROM  
27 A CONTINUING ASSIGNMENT IF THE POSTGRADUATE TRAINEE IS OBSERVED

1 TO BE FATIGUED AFTER ON-CALL DUTY AS DESCRIBED IN THIS  
2 SUBSECTION.

3 (3) SUBSECTION (1) APPLIES TO ALL OF THE FOLLOWING HOSPITAL  
4 SERVICES:

5 (A) ANESTHESIOLOGY.

6 (B) FAMILY PRACTICE.

7 (C) MEDICAL.

8 (D) SURGICAL.

9 (E) OBSTETRIC.

10 (F) PEDIATRIC.

11 (G) A SERVICE, OTHER THAN THOSE LISTED IN SUBDIVISIONS (A)  
12 TO (F) AND EMERGENCY SERVICES, WITH A HIGH VOLUME OF ACUTELY ILL  
13 PATIENTS.

14 (4) SUBSECTION (1) DOES NOT APPLY TO SERVICES, OTHER THAN  
15 THOSE LISTED IN SUBSECTION (3) AND EMERGENCY SERVICES, IN WHICH  
16 NIGHT CALLS ARE INFREQUENT AND THE RESIDENT PHYSICIANS GET ADE-  
17 QUATE PERIODS OF REST INCLUDING, BUT NOT LIMITED TO, PSYCHIATRIC  
18 SERVICES. A HOSPITAL MAY MODIFY THE REQUIREMENTS OF SUBSECTION  
19 (1) FOR A SERVICE DESCRIBED IN THIS SUBSECTION. A HOSPITAL THAT  
20 MODIFIES THE REQUIREMENTS OF SUBSECTION (1) FOR A SERVICE  
21 DESCRIBED IN THIS SUBSECTION SHALL DOCUMENT THE MODIFICATION IN  
22 WRITING.

23 (5) A HOSPITAL THAT HAS AN EMERGENCY ROOM OR DEPARTMENT THAT  
24 PROVIDES SERVICES TO MORE THAN 15,000 PATIENTS PER YEAR AND  
25 EMPLOYS POSTGRADUATE TRAINEES TO PROVIDE DIRECT PATIENT CARE  
26 SHALL NOT SCHEDULE A POSTGRADUATE TRAINEE TO WORK IN THE

1 EMERGENCY ROOM OR DEPARTMENT MORE THAN 12 CONSECUTIVE HOURS PER  
2 24-HOUR PERIOD.

3 (6) A HOSPITAL DESCRIBED IN SUBSECTION (1) SHALL DEVELOP AND  
4 IMPLEMENT A SPECIFIC, WRITTEN POLICY PERTAINING TO SCHEDULES AND  
5 LIMITS OF ASSIGNED RESPONSIBILITY OF POSTGRADUATE TRAINEES  
6 INCLUDING, BUT NOT LIMITED TO, ASSIGNMENT OF CARE FOR NEW  
7 PATIENTS.

8 (7) EACH HOSPITAL THAT ADMITS RESIDENT PHYSICIANS TO PRAC-  
9 TICE SHALL HAVE AVAILABLE AT ALL TIMES INTRAVENOUS SERVICES,  
10 PHLEBOTOMY SERVICES, AND MESSENGER AND TRANSPORTATION SERVICES  
11 SUFFICIENT TO MEET REASONABLE AND EXPECTED DEMANDS.

12 (8) THE DEPARTMENT MAY PROMULGATE RULES TO IMPLEMENT THIS  
13 SECTION.

14 SEC. 21542. (1) THE TASK FORCE ON HOSPITAL MANAGEMENT AND  
15 POSTGRADUATE TRAINEE EDUCATION IS CREATED IN THE DEPARTMENT. THE  
16 TASK FORCE SHALL CONSIST OF 15 MEMBERS APPOINTED BY THE GOVERNOR  
17 WITH THE ADVICE AND CONSENT OF THE SENATE AS FOLLOWS:

18 (A) EIGHT MEMBERS SHALL BE PHYSICIANS, 4 OF WHOM SHALL BE  
19 POSTGRADUATE TRAINEES.

20 (B) FOUR MEMBERS SHALL BE REPRESENTATIVE OF HOSPITALS.

21 (C) THREE MEMBERS SHALL BE REPRESENTATIVE OF THE INSURANCE  
22 INDUSTRY.

23 (2) THE MEMBERS OF THE TASK FORCE SHALL SERVE FOR A TERM OF  
24 3 YEARS. A VACANCY ON THE TASK FORCE SHALL BE FILLED IN THE SAME  
25 MANNER AS THE ORIGINAL APPOINTMENT FOR THE BALANCE OF THE UNEX-  
26 PIRE TERM.

1 (3) THE TASK FORCE SHALL DO ALL OF THE FOLLOWING:

2 (A) FILE AN ANNUAL REPORT ON THE OPERATION OF SECTION 21541  
3 WITH THE SENATE AND HOUSE COMMITTEES WITH JURISDICTION OVER MAT-  
4 TERS PERTAINING TO PUBLIC HEALTH.

5 (B) RECOMMEND TO THE DEPARTMENT CHANGES TO THE REQUIREMENTS  
6 OF SECTION 21541, IF CHANGES ARE CONSIDERED NECESSARY BY THE TASK  
7 FORCE.

8 (4) THE DEPARTMENT MAY MODIFY THE REQUIREMENTS OF  
9 SECTION 21541 BY PROMULGATING RULES THAT EFFECTUATE THE RECOMMEN-  
10 DATIONS OF THE TASK FORCE MADE UNDER SUBSECTION (3).

11 (5) THIS SECTION IS REPEALED EFFECTIVE UPON THE EXPIRATION  
12 OF 4 YEARS AFTER ITS EFFECTIVE DATE.