

HOUSE BILL No. 5788

May 21, 1990, Introduced by Reps. Crandall, Dunaskiss, Power, Bender, London, Stacey, Willis Bullard, Allen, Bandstra, Emmons, Munsell, Bankes, Fitzgerald, Ouwinga, Dolan, Stabenow, Camp, Gire, Pitoniak, DeLange, Hickner, Strand and Miller 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 17015 and 17515.

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 17015 and 17515 to
4 read as follows:

5 SEC. 17015. (1) IF A PHYSICIAN IS PROVIDING PRENATAL OR
6 PREGNANCY RELATED HEALTH CARE OR OTHER MEDICAL CARE TO A PREGNANT
7 WOMAN AND IF THE WOMAN HAS OBSTETRICAL COMPLICATIONS THAT ARE A
8 MEDICAL INDICATION THAT THE WOMAN IS ENGAGING IN SUBSTANCE ABUSE
9 OR THE PHYSICIAN OTHERWISE HAS REASONABLE CAUSE TO BELIEVE THAT

1 THE WOMAN IS ENGAGING IN SUBSTANCE ABUSE, THE PHYSICIAN SHALL
2 IMMEDIATELY REPORT TO THE DEPARTMENT, ON A FORM PROVIDED BY THE
3 DEPARTMENT, ALL OF THE FOLLOWING INFORMATION:

4 (A) THE NAME, ADDRESS, AND SIGNATURE OF THE PHYSICIAN SUB-
5 MITTING THE REPORT.

6 (B) THE NAME AND, IF AVAILABLE, ADDRESS AND TELEPHONE NUMBER
7 OF THE PATIENT.

8 (C) THE REASON FOR THE REPORT AND ANY OTHER MEDICAL INFORMA-
9 TION CONSIDERED NECESSARY BY EITHER THE PHYSICIAN OR BY THE
10 DEPARTMENT AS INDICATED ON THE FORM.

11 (2) AS SOON AS POSSIBLE AFTER RECEIVING A REPORT UNDER
12 SUBSECTION (1), THE DEPARTMENT SHALL ATTEMPT TO CONTACT THE
13 PATIENT AND TO PROVIDE OR REFER THE PATIENT TO 1 OR MORE OF THE
14 FOLLOWING SERVICES:

15 (A) DAY SUBSTANCE ABUSE TREATMENT.

16 (B) SUBSTANCE ABUSE TREATMENT FOR THE INFANT.

17 (C) SUBSTANCE ABUSE COUNSELING AND PREVENTION SERVICES.

18 (D) APPROPRIATE PRENATAL CARE.

19 (E) APPROPRIATE CHILD CARE OR MEDICAL SERVICES, OR BOTH.

20 (F) ANY OTHER SERVICES CONSIDERED BY THE DEPARTMENT TO PRO-
21 MOTE THE HEALTH OF THE PATIENT AND HER FETUS OR INFANT AND TO
22 REDUCE OR ELIMINATE SUBSTANCE ABUSE BY THE PATIENT.

23 (3) THE DEPARTMENT SHALL NOT MAINTAIN A ROSTER OF NAMES
24 OBTAINED UNDER THIS SECTION, BUT SHALL MAINTAIN INDIVIDUAL CASE
25 FILES THAT ARE ENCODED TO PROTECT THE IDENTITY OF EACH INDIVIDUAL
26 PATIENT.

1 (4) A PHYSICIAN WHO IN GOOD FAITH COMPLIES WITH THIS SECTION
2 IS NOT IN VIOLATION OF SECTION 2157 OF THE REVISED JUDICATURE ACT
3 OF 1961, ACT NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SECTION
4 600.2157 OF THE MICHIGAN COMPILED LAWS, AND IS NOT SUBJECT TO
5 CIVIL OR CRIMINAL LIABILITY OR ADMINISTRATIVE SANCTIONS ARISING
6 DIRECTLY FROM THE COMPLIANCE.

7 (5) AS USED IN THIS SECTION AND SECTION 17515, "SUBSTANCE
8 ABUSE" MEANS THAT TERM AS DEFINED IN SECTION 6107.

9 SEC. 17515. IF A PHYSICIAN IS PROVIDING PRENATAL OR PREG-
10 NANCY RELATED HEALTH CARE OR OTHER MEDICAL CARE TO A PREGNANT
11 WOMAN AND IF THE WOMAN HAS OBSTETRICAL COMPLICATIONS THAT ARE A
12 MEDICAL INDICATION THAT THE WOMAN IS ENGAGING IN SUBSTANCE ABUSE
13 OR THE PHYSICIAN OTHERWISE HAS REASONABLE CAUSE TO BELIEVE THAT
14 THE WOMAN IS ENGAGING IN SUBSTANCE ABUSE, THE PHYSICIAN SHALL
15 COMPLY WITH SECTION 17015.