

SENATE BILL No. 584

October 10, 1989, Introduced by Senators KELLY, V. SMITH, GEAKE, GEO. HART, DI NELLO, FAXON, SEDERBURG and J. HART and referred to the Committee on Health Policy.

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) SUBJECT TO SUBSECTION (4), A TEACHING HOS-
6 PITAL THAT ADMITS RESIDENT PHYSICIANS TO PRACTICE SHALL NOT
7 SCHEDULE A RESIDENT PHYSICIAN WITH DIRECT PATIENT CARE
8 RESPONSIBILITIES IN AREAS OTHER THAN THE EMERGENCY DEPARTMENT TO

1 WORK MORE THAN AN AVERAGE OF 80 HOURS PER WEEK OVER A CONSECUTIVE
2 4-WEEK PERIOD. A HOSPITAL SHALL NOT SCHEDULE A RESIDENT PHYSI-
3 CIAN DESCRIBED IN THIS SUBSECTION TO WORK MORE THAN 1 CONSECUTIVE
4 24-HOUR PERIOD PER WEEK. IF A HOSPITAL DOES SCHEDULE A RESIDENT
5 PHYSICIAN TO WORK A CONSECUTIVE 24-HOUR PERIOD, THEN THE HOSPITAL
6 SHALL ALSO SCHEDULE THE RESIDENT PHYSICIAN IN THE SAME WEEK TO
7 NOT WORK FOR A CONSECUTIVE 24-HOUR PERIOD.

8 (2) A HOSPITAL DESCRIBED IN SUBSECTION (1) SHALL DEVELOP A
9 SPECIFIC, WRITTEN POLICY PERTAINING TO SCHEDULES AND LIMITS OF
10 RESPONSIBILITY OF RESIDENT PHYSICIANS DURING CONSECUTIVE 24-HOUR
11 WORK PERIODS INCLUDING, BUT NOT LIMITED TO, RESPONSIBILITY FOR
12 THE EVALUATION OF NEW PATIENTS.

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

15 (A) ANESTHESIOLOGY.

16 (B) FAMILY PRACTICE.

17 (C) MEDICAL.

18 (D) SURGICAL.

19 (E) OBSTETRIC.

20 (F) PEDIATRIC.

21 (G) A SERVICE, OTHER THAN THOSE LISTED IN SUBDIVISIONS (A)
22 TO (F) AND EMERGENCY SERVICES, WITH HIGH PATIENT TURNOVER OR
23 ACUTELY ILL PATIENTS, OR BOTH.

24 (4) SUBSECTION (1) DOES NOT APPLY TO SERVICES, OTHER THAN
25 THOSE LISTED IN SUBSECTION (3) AND EMERGENCY SERVICES, IN WHICH
26 THE RESIDENT PHYSICIANS GET ADEQUATE PERIODS OF REST INCLUDING,
27 BUT NOT LIMITED TO, PSYCHIATRIC SERVICES. A HOSPITAL THAT

1 MODIFIES THE REQUIREMENTS OF SUBSECTION (1) FOR A SERVICE
2 DESCRIBED IN THIS SUBSECTION SHALL DOCUMENT THE MODIFICATION IN
3 WRITING.

4 (5) A HOSPITAL THAT HAS AN EMERGENCY ROOM OR DEPARTMENT THAT
5 PROVIDES SERVICES TO MORE THAN 15,000 PATIENTS PER YEAR AND
6 ADMITS RESIDENT PHYSICIANS TO PRACTICE SHALL NOT SCHEDULE A RESI-
7 DENT PHYSICIAN TO WORK IN THE EMERGENCY ROOM OR DEPARTMENT MORE
8 THAN 1 CONSECUTIVE 12-HOUR PERIOD PER ROTATION.

9 (6) IF A RESIDENT PHYSICIAN HAS WORKED A CONSECUTIVE 24-HOUR
10 PERIOD AS DESCRIBED IN SUBSECTION (1) OR A CONSECUTIVE 12-HOUR
11 PERIOD AS DESCRIBED IN SUBSECTION (5), ANOTHER HOSPITAL SHALL NOT
12 SCHEDULE THE RESIDENT PHYSICIAN TO WORK A CONSECUTIVE PERIOD IN
13 VIOLATION OF SUBSECTION (1) OR (5).

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

18 (8) THE DEPARTMENT MAY PROMULGATE RULES TO IMPLEMENT THIS
19 SECTION.

20 SEC. 21542. (1) THE TASK FORCE ON HOSPITAL MANAGEMENT AND
21 PHYSICIAN RESIDENT EDUCATION IS CREATED IN THE DEPARTMENT. THE
22 TASK FORCE SHALL CONSIST OF 15 MEMBERS APPOINTED BY THE GOVERNOR
23 WITH THE ADVICE AND CONSENT OF THE SENATE AS FOLLOWS:

24 (A) EIGHT MEMBERS SHALL BE PHYSICIANS, 4 OF WHOM SHALL BE
25 RESIDENT PHYSICIANS.

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

1 (C) THREE MEMBERS SHALL BE REPRESENTATIVE OF THE INSURANCE
2 INDUSTRY.

3 (2) THE MEMBERS OF THE TASK FORCE SHALL SERVE FOR A TERM OF
4 3 YEARS. A VACANCY ON THE TASK FORCE SHALL BE FILLED IN THE SAME
5 MANNER AS THE ORIGINAL APPOINTMENT FOR THE BALANCE OF THE UNEX-
6 PIRED TERM.

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

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

11 (B) RECOMMEND TO THE DEPARTMENT CHANGES TO THE REQUIREMENTS
12 OF SECTION 21541, IF CHANGES ARE CONSIDERED NECESSARY BY THE TASK
13 FORCE.

14 (4) THE DEPARTMENT MAY MODIFY THE REQUIREMENTS OF
15 SECTION 21541 BY PROMULGATING RULES TO EFFECTUATE THE RECOMMENDA-
16 TIONS OF THE TASK FORCE MADE UNDER SUBSECTION (3).

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