

SENATE BILL No. 412

May 30, 2017, Introduced by Senators HERTEL, KNEZEK, CONYERS, YOUNG,
ANANICH, BIEDA and GREGORY and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 16221b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 16221B. (1) EXCEPT AS PROVIDED BY LAW, THIS STATE OR ANY
2 POLITICAL SUBDIVISION OF THIS STATE SHALL NOT DO ANY OF THE
3 FOLLOWING:

4 (A) REQUIRE A HEALTH CARE PROFESSIONAL TO PROVIDE A PATIENT
5 WITH ANY OF THE FOLLOWING:

6 (i) INFORMATION THAT IS NOT MEDICALLY ACCURATE INFORMATION AND
7 APPROPRIATE FOR THE PATIENT.

8 (ii) A MEDICAL SERVICE IN A MANNER THAT IS NOT EVIDENCE-BASED
9 AND APPROPRIATE FOR THE PATIENT.

10 (B) PROHIBIT A HEALTH CARE PROFESSIONAL FROM PROVIDING A

1 PATIENT WITH ANY OF THE FOLLOWING:

2 (i) MEDICALLY ACCURATE INFORMATION THAT IS APPROPRIATE FOR THE
3 PATIENT.

4 (ii) A MEDICAL SERVICE THAT IS EVIDENCE-BASED AND APPROPRIATE
5 FOR THE PATIENT.

6 (2) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ALTER
7 EXISTING PROFESSIONAL STANDARDS OF CARE OR ABROGATE THE DUTY OF A
8 HEALTH CARE PROFESSIONAL TO MEET AN APPLICABLE STANDARD OF CARE.

9 (3) AS USED IN THIS SECTION:

10 (A) "EVIDENCE-BASED" MEANS A TREATMENT APPROACH THAT HAS BEEN
11 PROVEN EFFECTIVE THROUGH APPROPRIATE EMPIRICAL ANALYSIS.

12 (B) "HEALTH CARE PROFESSIONAL" MEANS AN INDIVIDUAL WHO IS
13 LICENSED, CERTIFIED, OR REGISTERED UNDER THIS ARTICLE.

14 (C) "MEDICALLY ACCURATE INFORMATION" MEANS INFORMATION THAT
15 MEETS 1 OR MORE OF THE FOLLOWING STANDARDS:

16 (i) IS VERIFIED OR SUPPORTED BY THE WEIGHT OF MEDICAL RESEARCH
17 CONDUCTED IN COMPLIANCE WITH ACCEPTED SCIENTIFIC METHODS.

18 (ii) IS RECOGNIZED AS CORRECT AND OBJECTIVE BY LEADING MEDICAL
19 ORGANIZATIONS WITH RELEVANT EXPERTISE.

20 (iii) IS RECOMMENDED BY OR AFFIRMED IN THE MEDICAL PRACTICE
21 GUIDELINES OF A NATIONALLY RECOGNIZED ACCREDITING ORGANIZATION.

22 Enacting section 1. This amendatory act takes effect 90 days
23 after the date it is enacted into law.