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DELETE SUNSET FOR BREAST CANCER INFO

House Bill 4018 as enrolled
Second Analysis (6-16-89)

Sponsor: Rep. Maxine Berman
House Committee: Public Health
Senate Committee: Health Policy

THE APPARENT PROBLEM:

Public Act 195 of 1986 requires Michigan physicians to inform, both orally and in writing, their patients with breast cancer about all alternative treatments available, the procedures involved, and the risks, advantages, and disadvantages of each. Physicians who fail to provide this information may be investigated by the Department of Public Health and may be reprimanded or fined. The act has a "sunset" provision that will result in the repeal of the act on July 1, 1989. It has been suggested that this sunset provision be removed so that the act's requirements continue indefinitely.

THE CONTENT OF THE BILL:

The bill would amend the Public Health Code by removing the provisions that repeal Public Act 195 of 1986 on July 1, 1989, as well as removing the July 1, 1989, sunset for violations (and resulting sanctions) of the act.

MCL 333.16221 et al.

FISCAL IMPLICATIONS:

The House Fiscal Agency says that it will cost the Department of Public Health \$20,000 for the initial printing of 40,000 copies of the updated brochure, and there will be costs to the Department of Licensing and Regulation, which is responsible for mailing the brochure to physicians. (2-24-89)

ARGUMENTS:

For:

According to testimony given before the House Committee on Public Health, the implementation of Public Act 195 of 1986 — the breast cancer informed consent law — has been very successful. Physicians have not found the bill's requirements onerous and patients have been grateful for the information made available to them. Except for an initial flurry of complaints from physicians when the act first went into effect, the only problem has been that the Department of Public Health needs to revise the informational brochure to reflect changes in technology and to make it visually more accessible, a task which it currently is working on.

The act's requirements should remain in effect, for the information made available under the act not only assists breast cancer patients in making informed decisions regarding their treatment, it also may save lives by encouraging women to seek early detection and treatment as it becomes better known that that disfiguring radical mastectomy no longer is the only available treatment for breast cancer. Preliminary results of a Johns Hopkins survey of surgeons in Michigan and Indiana indicate that there is somewhat greater disclosure of information on newer technology options in Michigan than in Indiana (where there is no informed consent law), perhaps due to Michigan's informed consent law. The act's sunset date (as well as the sunset for violations of the act) ought to be repealed.