



# HOUSE BILL No. 5966

September 27, 2000, Introduced by Rep. Reeves 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 sections 17017 and 17517.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1        SEC. 17017. (1) BEGINNING UPON THE EXPIRATION OF 6 MONTHS  
2 AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS  
3 SECTION, A PHYSICIAN OR AN INDIVIDUAL TO WHOM THE PHYSICIAN HAS  
4 DELEGATED AUTHORITY TO PERFORM A SELECTED ACT, TASK, OR FUNCTION  
5 UNDER SECTION 16215 SHALL NOT ORDER DIAGNOSTIC TEST OR MEDICAL  
6 TREATMENT OR PRESCRIBE MEDICATION FOR A MINOR WITHOUT FIRST  
7 OBTAINING THE WRITTEN, INFORMED CONSENT OF THE MINOR'S PARENT,  
8 GUARDIAN, OR PERSON IN LOCO PARENTIS, PURSUANT TO THIS SECTION.  
9        (2) FOR PURPOSES OF SUBSECTION (1), WRITTEN, INFORMED  
10 CONSENT CONSISTS OF A SIGNED WRITING EXECUTED BY THE MINOR'S  
11 PARENT, GUARDIAN, OR PERSON IN LOCO PARENTIS THAT CONFIRMS THAT

1 THE PHYSICIAN OR THE INDIVIDUAL ACTING UNDER THE DELEGATORY  
2 AUTHORITY OF THE PHYSICIAN HAS EXPLAINED, AND THE MINOR'S PARENT,  
3 GUARDIAN, OR PERSON IN LOCO PARENTIS UNDERSTANDS, AT A MINIMUM,  
4 ALL OF THE FOLLOWING:

5 (A) THE NATURE AND PURPOSE OF THE PRESCRIBED MEDICATION,  
6 DIAGNOSTIC TEST, OR MEDICAL TREATMENT.

7 (B) THE EFFECTIVENESS AND LIMITATIONS OF THE PRESCRIBED MED-  
8 ICATION, DIAGNOSTIC TEST, OR MEDICAL TREATMENT.

9 (C) THE IMPLICATIONS OF TAKING THE PRESCRIBED MEDICATION,  
10 DIAGNOSTIC TEST, OR MEDICAL TREATMENT, INCLUDING, BUT NOT LIMITED  
11 TO, THE MEDICAL RISKS AND BENEFITS.

12 (D) FOR PRESCRIBED MEDICATIONS, THE DOSAGE FOR THE MINOR  
13 PATIENT AND POSSIBLE SIDE EFFECTS.

14 (E) THE MEANING OF DIAGNOSTIC TEST RESULTS AND THE PROCEDURE  
15 FOR PROVIDING NOTICE OF THE RESULTS TO THE PARENT, GUARDIAN, OR  
16 PERSON IN LOCO PARENTIS.

17 (3) WITHIN 6 MONTHS AFTER THE EFFECTIVE DATE OF THE AMENDA-  
18 TORY ACT THAT ADDED THIS SECTION, THE DEPARTMENT OF COMMUNITY  
19 HEALTH, IN CONSULTATION WITH THE MICHIGAN BOARD OF MEDICINE, THE  
20 MICHIGAN BOARD OF OSTEOPATHIC MEDICINE AND SURGERY, AND APPROPRI-  
21 ATE PROFESSIONAL ORGANIZATIONS, SHALL DEVELOP AND DISTRIBUTE A  
22 MODEL INFORMED CONSENT FORM FOR PURPOSES OF THIS SECTION THAT  
23 PRACTITIONERS MAY ADOPT. THE DEPARTMENT OF COMMUNITY HEALTH  
24 SHALL INCLUDE IN THE MODEL FORM AT LEAST ALL OF THE INFORMATION  
25 REQUIRED UNDER SUBSECTION (2). THE DEPARTMENT OF COMMUNITY  
26 HEALTH SHALL DISTRIBUTE THE MODEL FORM TO PHYSICIANS AND OTHER  
27 INDIVIDUALS SUBJECT TO THIS SECTION UPON REQUEST AND AT NO

1 CHARGE. THE DEPARTMENT OF COMMUNITY HEALTH SHALL REVIEW THE  
2 MODEL FORM AT LEAST ANNUALLY FOR 5 YEARS AFTER THE FIRST MODEL  
3 FORM IS DISTRIBUTED, AND SHALL REVISE THE MODEL FORM IF NECESSARY  
4 TO MAKE THE FORM REFLECT THE LATEST DEVELOPMENTS IN PRESCRIPTION  
5 MEDICATIONS, DIAGNOSTIC TESTING, AND MEDICAL TREATMENT.

6 (4) IF A PARENT, GUARDIAN, OR PERSON IN LOCO PARENTIS OF A  
7 MINOR SIGNS A COPY OF THE MODEL INFORMED CONSENT FORM DEVELOPED  
8 AND DISTRIBUTED UNDER SUBSECTION (3), THE PHYSICIAN OR INDIVIDUAL  
9 ACTING UNDER THE DELEGATORY AUTHORITY OF THE PHYSICIAN SHALL GIVE  
10 THE PARENT, GUARDIAN, OR PERSON IN LOCO PARENTIS A COPY OF THE  
11 SIGNED INFORMED CONSENT FORM AND SHALL INCLUDE THE ORIGINAL  
12 SIGNED INFORMED CONSENT FORM IN THE MINOR'S MEDICAL RECORD.

13 (5) A PHYSICIAN'S DUTY TO INFORM A PATIENT UNDER THIS SEC-  
14 TION DOES NOT REQUIRE DISCLOSURE OF INFORMATION BEYOND WHAT A  
15 REASONABLY WELL-QUALIFIED PHYSICIAN LICENSED UNDER THIS ARTICLE  
16 WOULD KNOW.

17 SEC. 17517. (1) BEGINNING UPON THE EXPIRATION OF 6 MONTHS  
18 AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS  
19 SECTION, A PHYSICIAN OR AN INDIVIDUAL TO WHOM THE PHYSICIAN HAS  
20 DELEGATED AUTHORITY TO PERFORM A SELECTED ACT, TASK, OR FUNCTION  
21 UNDER SECTION 16215 SHALL NOT ORDER DIAGNOSTIC TEST OR MEDICAL  
22 TREATMENT OR PRESCRIBE MEDICATION FOR A MINOR WITHOUT FIRST  
23 OBTAINING THE WRITTEN, INFORMED CONSENT OF THE MINOR'S PARENT,  
24 GUARDIAN, OR PERSON IN LOCO PARENTIS, PURSUANT TO THIS SECTION.

25 (2) FOR PURPOSES OF SUBSECTION (1), WRITTEN, INFORMED CON-  
26 SENT CONSISTS OF A SIGNED WRITING EXECUTED BY THE MINOR'S PARENT,  
27 GUARDIAN, OR PERSON IN LOCO PARENTIS THAT CONFIRMS THAT THE

1 PHYSICIAN OR THE INDIVIDUAL ACTING UNDER THE DELEGATORY AUTHORITY  
2 OF THE PHYSICIAN HAS EXPLAINED, AND THE MINOR'S PARENT, GUARDIAN,  
3 OR PERSON IN LOCO PARENTIS UNDERSTANDS, AT A MINIMUM, ALL OF THE  
4 FOLLOWING:

5 (A) THE NATURE AND PURPOSE OF THE PRESCRIBED MEDICATION,  
6 DIAGNOSTIC TEST, OR MEDICAL TREATMENT.

7 (B) THE EFFECTIVENESS AND LIMITATIONS OF THE PRESCRIBED MED-  
8 ICATION, DIAGNOSTIC TEST, OR MEDICAL TREATMENT.

9 (C) THE IMPLICATIONS OF TAKING THE PRESCRIBED MEDICATION,  
10 DIAGNOSTIC TEST, OR MEDICAL TREATMENT, INCLUDING, BUT NOT LIMITED  
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