

Legislative Analysis



FOSTER PARENTS: REQUIRE MEDICAL STATEMENT OF HEALTH

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House Bill 5398 (Substitute H-1)

Sponsor: Rep. Kevin Green

Committee: Health Policy

First Analysis (11-9-05)

BRIEF SUMMARY: The bill would require, as part of the licensure process for foster homes, all members of a household to each submit a medical statement indicating that he or she had no medical condition that would affect the care of a foster child.

FISCAL IMPACT: The bill would have no fiscal impact on the state or on local units of government.

THE APPARENT PROBLEM:

Before children are placed in a foster home, an investigation to determine the suitability of the home is performed by a licensed child placing agency or approved governmental unit and a written evaluation completed. Under departmental rules (R 400.12310), the report must include a medical statement for each member of the household indicating that the person has no known condition that would affect the care given to a foster child. In many health care practices, physical examinations and primary care services are now provided by certified nurse practitioners and physician's assistants. Under the rules, however, the medical statement must be signed by a physician.

It has been suggested that the requirement for a medical statement be placed in statute and that certified nurse practitioners and licensed physician's assistants, in addition to physicians, be allowed to sign the medical statements.

THE CONTENT OF THE BILL:

The bill would amend Public Act 116 of 1973, which regulates child care organizations, to require, before certification as a foster family home or foster family group home, that the licensed child placing agency or approved governmental unit receive and review a medical statement for each member of the household indicating that the person does not have a known condition that would affect the care of a foster child. The medical statement would have to be signed and dated within the 12 months immediately preceding the date of the initial evaluation by a licensed physician, a licensed physician's assistant, or a certified nurse practitioner. This provision would not require any additional third party reimbursement or worker's compensation benefits for services rendered.

"Member of the household" would be defined the same as in the departmental rules and would mean any individual, other than a foster child, who resided in a foster family home or foster family group home on an ongoing or recurrent basis.

MCL 722.115

ARGUMENTS:

For:

The bill is part of a package of legislation to amend various laws that mandate physical examinations or that requires a person to provide a medical statement of health to allow nurse practitioners and physician's assistants to conduct the examinations and sign the medical statements. Conducting physical examinations are within the scope of practice of both professions. Since many people utilize the services of these qualified health care professionals, it makes sense to update state laws at this time. Furthermore, the bill would not add a new requirement to the foster care licensing process; departmental rules already require all members of a household to submit medical statements of health.

Against:

Some feel that the legislation is actually expanding the scope of practice of nurse practitioners beyond the scope currently provided by their licensing statute and into areas that require diagnostic services. Historically, making diagnoses has been considered the practice of medicine and therefore only within the purview of physicians.

POSITIONS:

The Department of Human Services supports the bill. (11-8-05)

A representative of the Michigan State Medical Society indicated opposition to the bill. (11-8-05)

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