



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

## BILL ANALYSIS



Telephone: (517) 373-5383

Fax: (517) 373-1986

House Bill 4170 (Substitute S-1 as reported)  
House Bills 4171 and 4173 (as reported without amendment)  
House Bill 4174 (Substitute H-1 as reported without amendment)  
Sponsor: Representative Jim Tedder (H.B. 4170)  
Representative Laura Cox (H.B. 4171)  
Representative Hank Vaupel (H.B. 4173)  
Representative Leslie Love (H.B. 4174)  
House Committee: Health Policy  
Senate Committee: Health Policy

**CONTENT**

House Bill 4170 (S-1) would add Part 56B (Physician Orders for Scope of Treatment) to the Public Health Code to do the following:

- Require the Michigan Department of Health and Human Services Director to form an advisory committee to make recommendations regarding the creation of a standardized physician orders for scope of treatment (POST) form, medical orders to be included on the form, and an information form.
- Require the Department, after considering the committee's recommendations, to develop a standardized POST form and an information form and to promulgate rules.
- Prescribe the information that would have to be on the POST form, including medical orders that directed specific types or levels of treatment in a setting outside of a hospital to which a patient could consent.
- Specify the contents of the information form, including an introductory statement about the intended use of the POST form.
- Provide that a POST form would be void if it did not contain certain information, or if the form were not reviewed, dated, and initialed by the attending health professional and the patient, or his or her representative, in certain circumstances.
- Specify the individuals who could consent to the medical orders on a POST form, and who could revoke a POST form.
- Permit a health professional who was treating a patient in an acute care setting to use a POST form as a communication tool.
- Require emergency medical services personnel to provide or withhold treatment to a patient according to the orders on a POST form, subject to certain limitations.
- Provide that an individual would not be subject criminal prosecution, civil liability, or professional disciplinary for providing medical treatment or emergency medical services consistent with a POST form.
- Prohibit a life insurer from taking certain actions because of the execution or implementation of a POST form; and prohibit a health insurer from taking certain actions.
- Require the Department, within three years after the bill's effective date, to form an ad hoc committee that would make recommendations about changes to the POST form, the information form, legislation, or rules.

House Bills 4171 would amend the Estates and Protected Individuals Code to include provisions for a POST form in language dealing with the responsibilities of a guardian appointed for an incapacitated person.

House Bill 4173 would amend the Adult Foster Care Facility Licensing Act to require an adult foster care facility to comply with medical orders provided on a validly executed POST form, or, if it could not do so because of a policy, religious belief, or moral conviction, to take all reasonable steps to refer or transfer the patient to another adult foster care facility

The bill also would include reference to an assessment plan that included a validly executed POST form in a provision specifying that a licensee providing foster care to a resident who is enrolled in a licensed hospice program and whose assessment plan includes a DNR order, is considered to be providing protection to the resident if, in the event the resident suffers cessation of both spontaneous respiration and circulation, the licensee contacts the hospice program.

House Bill 4174 (H-1) would amend the Michigan Do-Not-Resuscitate Procedure Act to provide that if a health professional had actual notice of a do-not-resuscitate order and were aware of the existence of a validly executed POST form that contained a medical order regarding the initiation of resuscitation if the individual suffered cessation of both spontaneous respiration and circulation, the health professional would have to comply with the most recent order or form.

MCL 333.20919 et al. (H.B. 4170)  
MCL 700.1106 et al. (H.B. 4171)  
MCL 400.706 et al. (H.B. 4173)  
MCL 333.1052 et al. (H.B. 4174)

Legislative Analyst: Stephen Jackson

### **FISCAL IMPACT**

House Bill 4170 (S-1) would have a minor negative fiscal impact on both State and local units of government. Under the bill, the State would face a one-time cost increase in order to create an ad hoc advisory committee and finance the required duties of the committee. The bill also would have a future minor negative cost implication because of the requirement to create of a follow-up ad hoc advisory committee in three years' time.

Under the bill, the Department of Health and Human Services would have to create procedures to guide the development of protocols for complying with POST forms to be implemented later by regional medical control authorities. The development of these protocols would create minor one-time administrative costs.

House Bills 4171, 4173, and 4174 (H-1) would have no fiscal impact on State or local government.

Date Completed: 10-11-17

Fiscal Analyst: Ellyn Ackerman  
Ryan Bergan  
Josh Sefton