

HOUSE BILL NO. 4194

February 10, 2021, Introduced by Rep. Hornberger 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 16279.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 16279. (1) A licensee or registrant shall comply with**
2 **both of the following unless 1 of the conditions described in**
3 **subsection (2) is met:**

4 **(a) He or she shall not perform an invasive bodily examination**
5 **on an anesthetized or unconscious patient.**

1 (b) He or she shall ensure that a student who is in a health
2 profession training program does not perform an invasive bodily
3 examination on an anesthetized or unconscious patient while
4 performing a duty assigned in the course of training by the
5 licensee or registrant.

6 (2) An individual described in subsection (1) may perform an
7 invasive bodily examination on an anesthetized or unconscious
8 patient if 1 of the following is met before the invasive bodily
9 examination is performed:

10 (a) The patient or the patient's authorized representative
11 provides written, informed consent to the invasive bodily
12 examination, and the invasive bodily examination is necessary for
13 preventative, diagnostic, or treatment purposes.

14 (b) The patient or the patient's authorized representative has
15 provided written, informed consent to a surgical procedure or
16 diagnostic examination to be performed on the patient, and the
17 performance of the invasive bodily examination is within the scope
18 of care ordered for the surgical procedure or diagnostic
19 examination.

20 (c) The patient is unconscious and incapable of providing
21 informed consent, and the invasive bodily examination is necessary
22 for diagnostic or treatment purposes.

23 (d) A court has ordered the performance of the invasive bodily
24 examination for the purposes of collecting evidence.