

# SENATE BILL NO. 1218

November 10, 2022, Introduced by Senator CHANG and referred to the Committee on Health Policy and Human Services.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding sections 20205 and 20205a.

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

1           **Sec. 20205. (1) By December 31, 2023, a health facility or**  
2 **agency that provides emergency care shall develop and update**  
3 **annually a policy that guides decision-making in the health**  
4 **facility or agency for medical care allocation during a public**

1 health emergency in cases where demand for critical medical  
2 resources exceeds availability. The policy must be entitled  
3 "Guidelines for Decision-Making During Public Health Emergencies".

4 (2) The policy required under subsection (1) must enable  
5 clinical decision-making based on the best available objective  
6 medical evidence, including an individualized assessment of how  
7 each patient or resident will respond to treatment, and must do all  
8 of the following:

9 (a) Prohibit medical decision-making based on social stigma or  
10 perceptions regarding quality of life and relative worth based on  
11 stereotypes of age, color, criminal history, disability, disability  
12 status, ethnicity, familial status, gender identity, height,  
13 homelessness, immigration status, incarceration status, marital  
14 status, mental illness, national origin, poverty, race, religion,  
15 sex, sexual orientation, socioeconomic status, substance use  
16 disorder, use of government resources, veteran status, or weight.

17 (b) Prohibit medical decision-making based on any of the  
18 following:

19 (i) A patient or resident's assumed remaining life years or  
20 quality-adjusted life years.

21 (ii) Whether additional treatment resources are required  
22 because of a patient's or resident's disability.

23 (c) Provide for coordinating and sharing information with the  
24 department of health and human services regarding resource  
25 availability and transfer availability.

26 (d) Ensure that patients and residents are treated with  
27 respect, care, and compassion.

28 (e) Ensure reasonable accommodations and modifications to  
29 existing policies, procedures, and practices that may block

1 equitable access to treatment.

2 (3) The health facility or agency described in subsection (1)  
3 shall make the policy required under this section available upon  
4 request and, whenever the policy is in effect, shall post all of  
5 the following on the health facility's or agency's website that is  
6 accessible to the public:

7 (a) The policy.

8 (b) Whom to contact within the health facility or agency  
9 regarding questions about or concerns with the policy.

10 (c) The dates the policy is in effect.

11 (d) Any other announcement and correspondence related to the  
12 public health emergency that the health facility or agency  
13 considers necessary or appropriate.

14 (4) The department, in consultation with the department of  
15 health and human services, may promulgate rules to implement this  
16 section. The department shall review the policy required under this  
17 section every 5 years, monitor a health facility or agency's  
18 compliance with the policy, and issue a report to the department of  
19 civil rights on the department's findings.

20 (5) As used in this section, "public health emergency"  
21 includes, but is not limited to, any of the following:

22 (a) A state of disaster or state of emergency declared under  
23 the emergency management act, 1976 PA 390, MCL 30.401 to 30.421.

24 (b) The time period for which an emergency order issued under  
25 section 2253 is in effect.

26 (c) A global pandemic declared by the World Health  
27 Organization.

28 Sec. 20205a. The department of health and human services shall  
29 develop implicit bias training for health facilities or agencies

1 and offer that training to health facilities or agencies. The  
2 implicit bias training must address patients or residents with  
3 disabilities.