

**SUBSTITUTE FOR
SENATE BILL NO. 819**

A bill to create the biased and unjust care reporting act; and to provide for the powers and duties of certain state governmental officers and entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "biased and unjust care
2 reporting act".

3 Sec. 3. As used in this act:

4 (a) "De-identified data" means health information that does
5 not identify an individual and there is no reasonable basis to
6 believe the health information can be used to identify an
7 individual.

8 (b) "Department" means the department of civil rights.

9 (c) "Health facility or agency" means that term as defined in



1 section 20106 of the public health code, 1978 PA 368, MCL
2 333.20106.

3 (d) "Health professional" means an individual who is licensed
4 or otherwise authorized to engage in a health profession under
5 article 15 of the public health code, 1978 PA 368, MCL 333.16101 to
6 333.18838.

7 (e) "Obstetric racism" means that a health facility or agency,
8 health professional, or other person that provides care to a
9 patient during the perinatal period is influenced by the patient's
10 race in making treatment or diagnostic decisions, and that decision
11 places the patient's health and well-being at risk.

12 (f) "Obstetric violence" means physical, sexual, emotional, or
13 verbal abuse; bullying; coercion; humiliation; or assault,
14 perpetrated by a health care professional on an individual who is
15 laboring and birthing a child.

16 (g) "Validated tool" means a written or oral survey instrument
17 that can demonstrate empirical evidence for reliability and
18 validity.

19 Sec. 5. (1) The department shall use a validated tool to
20 receive reports, in a form and manner prescribed by the department,
21 from individuals who are pregnant or in the postpartum period and
22 who receive gynecological or perinatal care that does not meet 1 or
23 more of the following:

24 (a) Is provided in a manner that is culturally congruent,
25 unbiased, and just.

26 (b) Maintains dignity, privacy, and confidentiality.

27 (c) Prevents harm or mistreatment.

28 (d) Meets requirements for informed consent.

29 (2) The department shall use the validated tool described



1 under subsection (1) and other methods to identify incidences of
2 obstetric violence and obstetric racism.

3 (3) The department shall provide a report that contains de-
4 identified data on the incidence and prevalence of obstetric
5 violence and obstetric racism to the governor, the standing
6 committees in the senate and house of representatives with
7 jurisdiction over issues pertaining to public health, the director
8 of the department of health and human services, and the director of
9 the department of licensing and regulatory affairs. The report must
10 not contain identifying information of a health facility or agency,
11 health professional, or other person that provides care to a
12 patient during the perinatal period.

13 Enacting section 1. This act does not take effect unless
14 Senate Bill No. ____ or House Bill No. 5636 of the 102nd Legislature
15 is enacted into law.

