

**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 health and human  
9 services.



(c) "Health facility or agency" means that term as defined in section 20106 of the public health code, 1978 PA 368, MCL 333.20106.

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

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

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

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

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

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

(b) Maintains dignity, privacy, and confidentiality.

(c) Prevents harm or mistreatment.

(d) Meets requirements for informed consent.



1 (2) The department shall use the validated tool described  
2 under subsection (1) and other methods to identify incidences of  
3 obstetric violence and obstetric racism.

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

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

