



**House
Legislative
Analysis
Section**

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MEDICAL SELF-DETERMINATION DOCUMENT

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House Bill 4174

Sponsor: Rep. Perry Bullard

Committee: Judiciary

Mich. State Law Library

Complete to 2-27-89

A SUMMARY OF HOUSE BILL 4174 AS INTRODUCED 2-14-89

The bill would create the Michigan Medical Self-Determination Act. A person 18 years of age or older who was of sound mind could execute a declaration authorizing some or all types of medical intervention, directing the withholding or withdrawal of some or all types of medical intervention, or authorizing some types and directing withholding or withdrawal of others. A declaration could designate a representative to ensure compliance with its terms. A declaration would have to be: executed voluntarily; in writing; dated; and signed by the person making it (or at the direction of the person and in his or her presence) plus two adult witnesses, at least one of whom would have to be someone other than a close relative of the person. A declaration executed prior to the bill's effective date would be valid if it met the bill's requirements.

A declaration would take effect if the attending physician had seen the declaration and determined that the person was terminally ill or permanently unconscious, and was unable to participate in medical treatment decisions. The determination of terminal illness or permanent unconsciousness would have to be confirmed by another physician. A person could revoke his or her declaration at any time and by any manner, but if the revocation was not in writing, someone witnessing the revocation would have to sign a written description of the circumstances of the revocation. A physician, health facility, or representative designated by the person making a declaration would be bound by a revocation upon receiving notice of it. A physician or health facility that was given a copy of a declaration would immediately make the declaration part of the person's medical record; a revocation also would be made part of the record.

Upon determining a person to be terminally ill, an attending physician who knew of a declaration would add that determination to the record, and attempt to communicate that determination to the person. If the determination was that the person was terminally ill and unable to participate in medical treatment decisions, the physician would add that information to the medical record and attempt to communicate to the patient that the declaration was about to take effect. A determination that a patient was permanently unconscious would be added to the patient's medical record.

An attending physician would have to either implement a declaration when it took effect, or take all reasonable steps to transfer the person to another physician or health facility willing to comply with the declaration. A person or health facility would not be subject to civil or criminal liability for providing or withholding treatment in accordance with a declaration and the bill.

The bill would prohibit a life insurer from doing any of the following because of the execution or implementation of a declaration: refuse coverage, raise premiums, offer different policy terms, consider a policy to have been

breached or modified, or invoke a suicide exemption. No one could require that a declaration be executed for any reason.

The bill could not be construed to impair any right to consent to or refuse medical intervention.