

HOUSE BILL No. 5581

March 12, 1990, Introduced by Reps. Randall, Pridnia, Gnodtke and Dunaskiss and referred to the Committee on Public Health.

A bill to amend sections 5111, 5117, and 5301 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code,"

section 5111 as amended by Act No. 174 of the Public Acts of 1989 and sections 5117 and 5301 as added by Act No. 491 of the Public Acts of 1988, being sections 333.5111, 333.5117, and 333.5301 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 5111, 5117, and 5301 of Act No. 368 of
2 the Public Acts of 1978, section 5111 as amended by Act No. 174
3 of the Public Acts of 1989 and sections 5117 and 5301 as added by
4 Act No. 491 of the Public Acts of 1988, being sections 333.5111,
5 333.5117, and 333.5301 of the Michigan Compiled Laws, are amended
6 to read as follows:

1 Sec. 5111. (1) In carrying out its authority under this
2 article, the department may promulgate rules to:

3 (a) Designate and classify communicable, serious communica-
4 ble, chronic, other noncommunicable diseases, infections, and
5 disabilities.

6 (b) Establish requirements for reporting and other surveil-
7 lance methods for measuring the occurrence of diseases, infec-
8 tions, and disabilities and the potential for epidemics. Rules
9 promulgated under this subdivision may require a licensed health
10 professional or health facility to submit to the department or a
11 local health department, on a form provided by the department, a
12 report of the occurrence of a communicable disease, serious com-
13 municable disease or infection, or disability. The rules promul-
14 gated under this subdivision may require a report to be submitted
15 to the department not more than 24 hours after a licensed health
16 professional or health facility determines that an individual has
17 a serious communicable disease or infection.

18 (c) Investigate cases, epidemics, and unusual occurrences of
19 diseases, infections, and situations with a potential for causing
20 diseases.

21 (d) Establish procedures for control of diseases and infec-
22 tions, including, but not limited to, immunization and environ-
23 mental controls.

24 (e) Establish procedures for the prevention, detection, and
25 treatment of disabilities and rehabilitation of individuals suf-
26 fering from disabilities or disease, including nutritional
27 problems.

1 (f) Establish procedures for control of rabies and the
2 disposition of nonhuman agents carrying disease, including rabid
3 animals.

4 (g) Establish procedures for the reporting of known or sus-
5 pected cases of lead poisoning or undue lead body burden.

6 (h) Designate communicable diseases or serious communicable
7 diseases or infections for which local health departments are
8 required to furnish care including, but not limited to,
9 ~~tuberculosis and~~ venereal disease.

10 (i) Implement this part and parts 52 and 53 including, but
11 not limited to, rules for the discovery, care, and reporting of
12 an individual having or suspected of having a communicable dis-
13 ease or a serious communicable disease or infection, and to
14 establish approved tests under section ~~5125~~ 5123 and approved
15 prophylaxes under section ~~5127~~ 5125.

16 (2) The department shall promulgate rules to provide for the
17 confidentiality of reports, records, and data pertaining to test-
18 ing, care, treatment, reporting, and research associated with
19 communicable diseases and serious communicable diseases or
20 infections. The rules shall specify the communicable diseases
21 and serious communicable diseases or infections covered under the
22 rules and shall include, but are not limited to, hepatitis B,
23 venereal disease, and tuberculosis. The rules shall not apply to
24 the serious communicable diseases or infections of HIV infection,
25 acquired immunodeficiency syndrome, or acquired immunodeficiency
26 syndrome related complex. The department shall submit the rules
27 for public hearing under the administrative procedures act of

1 1969 ~~, Act No. 306 of the Public Acts of 1969, being sections~~
2 ~~24.201 to 24.328 of the Michigan Compiled Laws,~~ within 90 days
3 after the effective date of this subsection.

4 Sec. 5117. (1) A local health department that knows that an
5 individual who has a serious communicable disease or infection
6 including, but not limited to, ~~tuberculosis or~~ venereal dis-
7 ease, but not including HIV infection, acquired immunodeficiency
8 syndrome, ~~and~~ OR acquired immunodeficiency syndrome related
9 complex, regardless of the individual's domicile, is in the local
10 health department's jurisdiction and requires care, immediately
11 shall furnish the necessary care in accordance with requirements
12 established by the department pursuant to section 5111(h). The
13 local health department shall issue an order authorizing the
14 care.

15 (2) The local health department promptly shall report the
16 action taken under this section to the county department of
17 social services of the individual's probable place of domicile.

18 (3) This section does not restrict the authority of the
19 local health department in furnishing care to the individual,
20 pending determination by the local health department or, upon its
21 request, by the county department of social services of the prob-
22 able place of domicile of the individual.

23 (4) Financial liability for care rendered under this section
24 shall be determined in accordance with part 53.

25 Sec. 5301. ~~-(+)~~ The county in which an individual receiv-
26 ing care under section 5117 has a domicile is chargeable with the
27 expense of the care, and this state shall reimburse that county

1 for all or a portion of the expense in the amounts the
2 legislature appropriates for that purpose. ~~An individual who~~
3 ~~has tuberculosis and has not acquired a legal settlement in this~~
4 ~~state in accordance with the social welfare act, Act No. 280 of~~
5 ~~the Public Acts of 1939, being sections 400.1 to 400.121 of the~~
6 ~~Michigan Compiled Laws, or an individual who was honorably dis-~~
7 ~~charged from a branch of the military services of the United~~
8 ~~States and not otherwise hospitalized for the purpose of this~~
9 ~~part shall be considered to be domiciled in this state at large,~~
10 ~~and the expense of that individual's care, while the care contin-~~
11 ~~ues with the approval of the department, shall be paid by the~~
12 ~~state on certification of the department.~~ The reasonableness and
13 propriety of all claims and accounts under this subsection shall
14 be passed upon and determined by the department, subject to
15 appeal to the circuit court for the county of Ingham as to ques-
16 tions of law.

17 ~~(2) An individual committed to an inpatient facility for~~
18 ~~tuberculosis pursuant to a probate court order under section 5205~~
19 ~~and not otherwise hospitalized for the purpose of part 51 or 52~~
20 ~~shall be considered to be domiciled in this state at large, and~~
21 ~~the expense of that individual's care, while the care continues~~
22 ~~with the approval of the department, shall be paid by the state~~
23 ~~on certification of the department.~~ The reasonableness and pro-
24 priety of all claims and accounts under this subsection shall be
25 passed upon and determined by the department, subject to appeal
26 to the circuit court for the county of Ingham as to questions of
27 law.