

House Bill 4513
Sponsor: Rep. Bill Bobier
Committee: Public Health

Complete to 4-23-91

A SUMMARY OF HOUSE BILL 4513 AS INTRODUCED 3-11-91

The bill would add a new section to the Public Health Code to require health care providers who suspected that a pregnant woman under their care was abusing alcohol or other drugs to report the woman to the Department of Public Health. The department then would have to try to contact the woman in question and provide or refer her to any services it considered necessary.

Reporting requirements. More specifically, the bill would require "health professionals" (including physicians) who provided medical care (including prenatal or pregnancy-related health care) to pregnant women to ("immediately") report the woman to the Department of Public Health if the health professional had "reasonable cause" to believe that the pregnant woman was "engaging in substance abuse." ("Reasonable cause" would include obstetrical complications that were a medical indication that the woman was engaging in substance abuse. "Substance abuse" would mean that term as already defined in the code, namely, "the taking of alcohol or other drugs at dosages that place an individual's social, economic, psychological, and physical welfare in potential hazard or to the extent that an individual loses the power of self-control as a result of the use of alcohol or drugs, or while habitually under the influence of alcohol or drugs, endangers public health, morals, safety or welfare, or a combination thereof.")

The health professional would have to include in his or her report to the department (1) his or her name, address, and signature; (2) the name and (if possible) address and telephone number of the patient; and (3) the reason for the report and any other medical information considered necessary by the health professional or by the department.

Departmental duties. Upon receiving such a report, the department would be required to try to contact the patient and provide or refer her to one or more of the following services:

- (1) day substance abuse treatment;
- (2) substance abuse treatment for the infant;
- (3) substance abuse counseling and prevention services;
- (4) appropriate prenatal care;
- (5) appropriate child care or medical services, or both; and
- (6) any other services the department considered would (a) "promote" the health of the patient and her fetus or infant and (b) would reduce or eliminate substance abuse by the patient.

Confidentiality exemption and legal immunity. Physicians complying with the bill's reporting requirements would not be violating physician-patient confidentiality, and health professionals could not be sued for complying in good faith.

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