

HOUSE BILL No. 4513

March 11, 1991, Introduced by Reps. Bobier, McNutt, Munsell, Weeks, Hillegonds, Bryant, Van Singel, Bandstra, Strand, Power, Fitzgerald, Sikkema, Dolan, Johnson, Griffin, Wozniak, Randall, Middleton and Bouchard and referred to the Committee on Public Health.

A bill to amend Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," as amended, being sections 333.1101 to 333.25211 of the Michigan Compiled Laws, by adding section 16275.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 368 of the Public Acts of 1978, as
2 amended, being sections 333.1101 to 333.25211 of the Michigan
3 Compiled Laws, is amended by adding section 16275 to read as
4 follows:

5 SEC. 16275. (1) IF A PHYSICIAN OR OTHER HEALTH PROFESSIONAL
6 IS PROVIDING PRENATAL OR PREGNANCY RELATED HEALTH CARE OR OTHER
7 MEDICAL CARE TO A PREGNANT WOMAN AND IF THE WOMAN HAS OBSTETRICAL
8 COMPLICATIONS THAT ARE A MEDICAL INDICATION THAT THE WOMAN IS
9 ENGAGING IN SUBSTANCE ABUSE OR THE PHYSICIAN OR OTHER HEALTH

1 PROFESSIONAL OTHERWISE HAS REASONABLE CAUSE TO BELIEVE THAT THE
2 WOMAN IS ENGAGING IN SUBSTANCE ABUSE, THE PHYSICIAN OR OTHER
3 HEALTH PROFESSIONAL SHALL IMMEDIATELY REPORT TO THE DEPARTMENT,
4 ON A FORM PROVIDED BY THE DEPARTMENT, ALL OF THE FOLLOWING
5 INFORMATION:

6 (A) THE NAME, ADDRESS, AND SIGNATURE OF THE PHYSICIAN OR
7 OTHER HEALTH PROFESSIONAL SUBMITTING THE REPORT.

8 (B) THE NAME AND, IF AVAILABLE, ADDRESS AND TELEPHONE NUMBER
9 OF THE PATIENT.

10 (C) THE REASON FOR THE REPORT AND ANY OTHER MEDICAL INFORMA-
11 TION CONSIDERED NECESSARY BY THE PHYSICIAN OR OTHER HEALTH PRO-
12 FESSIONAL OR BY THE DEPARTMENT AS INDICATED ON THE FORM.

13 (2) AS SOON AS POSSIBLE AFTER RECEIVING A REPORT UNDER
14 SUBSECTION (1), THE DEPARTMENT SHALL ATTEMPT TO CONTACT THE
15 PATIENT AND TO PROVIDE OR REFER THE PATIENT TO 1 OR MORE OF THE
16 FOLLOWING SERVICES:

17 (A) DAY SUBSTANCE ABUSE TREATMENT.

18 (B) SUBSTANCE ABUSE TREATMENT FOR THE INFANT.

19 (C) SUBSTANCE ABUSE COUNSELING AND PREVENTION SERVICES.

20 (D) APPROPRIATE PRENATAL CARE.

21 (E) APPROPRIATE CHILD CARE OR MEDICAL SERVICES, OR BOTH.

22 (F) ANY OTHER SERVICES CONSIDERED BY THE DEPARTMENT TO PRO-
23 MOTE THE HEALTH OF THE PATIENT AND HER FETUS OR INFANT AND TO
24 REDUCE OR ELIMINATE SUBSTANCE ABUSE BY THE PATIENT.

25 (3) A PHYSICIAN WHO IN GOOD FAITH COMPLIES WITH THIS SECTION
26 IS NOT IN VIOLATION OF SECTION 2157 OF THE REVISED JUDICATURE ACT
27 OF 1961, ACT NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SECTION

1 600.2157 OF THE MICHIGAN COMPILED LAWS. A PHYSICIAN OR OTHER
2 HEALTH PROFESSIONAL WHO IN GOOD FAITH COMPLIES WITH THIS SECTION
3 IS NOT SUBJECT TO CIVIL OR CRIMINAL LIABILITY OR ADMINISTRATIVE
4 SANCTIONS ARISING DIRECTLY FROM THE COMPLIANCE.

5 (4) AS USED IN THIS SECTION, "SUBSTANCE ABUSE" MEANS THAT
6 TERM AS DEFINED IN SECTION 6107.