

SENATE BILL No. 284

April 23, 1991, Introduced by Senators KELLY, KOIVISTO, BERRYMAN, HART, DI NELLO, ARTHURHULTZ, O'BRIEN, CONROY, MILLER, VAUGHN, FAXON, CHERRY, HOLMES, DINGELL, GEAKE, DILLINGHAM, GAST, CARL and HONIGMAN and referred to the Committee on Health Policy.

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 sections 21541 and 21542; and to repeal certain parts of the act on a specific date.

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 sections 21541 and 21542 to
4 read as follows:

5 SEC. 21541. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUB-
6 SECTION AND SUBSECTION (5), A HOSPITAL THAT ADMITS RESIDENT
7 PHYSICIANS TO PRACTICE SHALL NOT SCHEDULE A RESIDENT PHYSICIAN
8 WITH DIRECT PATIENT CARE RESPONSIBILITIES TO WORK MORE THAN AN

1 AVERAGE OF 80 HOURS PER WEEK OVER A PERIOD OF 4 CONSECUTIVE
2 WEEKS. IF A HOSPITAL DOES NOT SCHEDULE A RESIDENT PHYSICIAN TO
3 WORK THE MAXIMUM NUMBER OF HOURS ALLOWED UNDER THIS SUBSECTION IN
4 A PERIOD OF 4 CONSECUTIVE WEEKS, ANOTHER HOSPITAL MAY SCHEDULE
5 THE RESIDENT PHYSICIAN TO WORK THE REMAINING NUMBER OF HOURS UP
6 TO THE MAXIMUM ALLOWED UNDER THIS SUBSECTION. THIS SUBSECTION
7 DOES NOT APPLY IF A RESIDENT PHYSICIAN IS PROVIDING DIRECT
8 PATIENT CARE IN THE EMERGENCY DEPARTMENT OF A HOSPITAL.

9 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6), IN A
10 PERIOD OF 48 CONSECUTIVE HOURS, A HOSPITAL MAY SCHEDULE A RESI-
11 DENT PHYSICIAN DESCRIBED IN SUBSECTION (1) TO WORK UP TO 24 CON-
12 SECUTIVE HOURS. IF A HOSPITAL SCHEDULES A RESIDENT PHYSICIAN TO
13 WORK A PERIOD OF LESS THAN 24 CONSECUTIVE HOURS UNDER THIS SUB-
14 SECTION, THEN THE HOSPITAL MAY SCHEDULE THE RESIDENT PHYSICIAN TO
15 WORK IN THE IMMEDIATELY SUBSEQUENT PERIOD OF 48 CONSECUTIVE HOURS
16 FOR A NUMBER OF HOURS, WHETHER CONSECUTIVE OR NOT, EQUAL TO NOT
17 MORE THAN 24 MINUS THE NUMBER OF CONSECUTIVE HOURS THE RESIDENT
18 PHYSICIAN WORKED IN THE PRECEDING PERIOD OF 48 CONSECUTIVE
19 HOURS.

20 (3) A HOSPITAL DESCRIBED IN SUBSECTION (1) SHALL DEVELOP A
21 SPECIFIC, WRITTEN POLICY PERTAINING TO SCHEDULES AND LIMITS OF
22 RESPONSIBILITY OF RESIDENT PHYSICIANS DURING WORK PERIODS OF 24
23 CONSECUTIVE HOURS INCLUDING, BUT NOT LIMITED TO, RESPONSIBILITY
24 FOR THE EVALUATION OF NEW PATIENTS.

25 (4) SUBJECT TO SUBSECTION (5), SUBSECTION (1) APPLIES TO ALL
26 HOSPITAL SERVICES INCLUDING, BUT NOT LIMITED TO, ALL OF THE
27 FOLLOWING HOSPITAL SERVICES:

1 (A) ANESTHESIOLOGY.

2 (B) FAMILY PRACTICE.

3 (C) MEDICAL.

4 (D) SURGICAL.

5 (E) OBSTETRIC.

6 (F) PEDIATRIC.

7 (G) A SERVICE, OTHER THAN THOSE LISTED IN SUBDIVISIONS (A)
8 TO (F) AND EMERGENCY SERVICES, WITH HIGH PATIENT TURNOVER OR
9 ACUTELY ILL PATIENTS, OR BOTH.

10 (5) SUBSECTION (1) DOES NOT APPLY TO HOSPITAL SERVICES,
11 OTHER THAN THOSE LISTED IN SUBSECTION (4), IN WHICH THE RESIDENT
12 PHYSICIANS HAVE ADEQUATE PERIODS OF REST INCLUDING, BUT NOT
13 LIMITED TO, PSYCHIATRIC SERVICES. A HOSPITAL THAT IMPLEMENTS A
14 RESIDENT PHYSICIAN'S HOURS POLICY THAT DIFFERS FROM THE REQUIRE-
15 MENTS OF SUBSECTIONS (1) AND (2) FOR A SERVICE DESCRIBED IN THIS
16 SUBSECTION SHALL DOCUMENT ITS POLICY IN WRITING.

17 (6) A HOSPITAL THAT HAS AN EMERGENCY ROOM OR EMERGENCY
18 DEPARTMENT THAT PROVIDES SERVICES TO MORE THAN 15,000 PATIENTS
19 PER YEAR AND ADMITS RESIDENT PHYSICIANS TO PRACTICE SHALL NOT
20 SCHEDULE A RESIDENT PHYSICIAN TO WORK IN THE EMERGENCY ROOM OR
21 EMERGENCY DEPARTMENT MORE THAN 1 PERIOD OF 12 CONSECUTIVE HOURS
22 PER ROTATION.

23 (7) IF A RESIDENT PHYSICIAN HAS WORKED A PERIOD OF CONSECU-
24 TIVE HOURS AS DESCRIBED IN SUBSECTION (2) OR A PERIOD OF 12 CON-
25 SECUTIVE HOURS AS DESCRIBED IN SUBSECTION (6), ANOTHER HOSPITAL
26 SHALL NOT SCHEDULE THE RESIDENT PHYSICIAN TO WORK IN VIOLATION OF
27 SUBSECTION (2) OR (6).

1 (8) EACH HOSPITAL THAT ADMITS RESIDENT PHYSICIANS TO
2 PRACTICE SHALL HAVE AVAILABLE AT ALL TIMES INTRAVENOUS SERVICES,
3 PHLEBOTOMY SERVICES, AND MESSENGER AND TRANSPORTATION SERVICES
4 SUFFICIENT TO MEET REASONABLE AND EXPECTED DEMANDS.

5 (9) THE DEPARTMENT MAY PROMULGATE RULES TO IMPLEMENT THIS
6 SECTION. THE RULES SHALL INCLUDE, BUT ARE NOT LIMITED TO, DEFINI-
7 TIONS OF THE FOLLOWING WORDS AND PHRASES:

8 (A) "ACUTELY ILL PATIENTS".

9 (B) "ADEQUATE PERIODS OF REST".

10 (C) "HIGH PATIENT TURNOVER".

11 (D) "ROTATION".

12 SEC. 21542. (1) THE TASK FORCE ON HOSPITAL MANAGEMENT AND
13 PHYSICIAN RESIDENT EDUCATION IS CREATED IN THE DEPARTMENT. THE
14 TASK FORCE SHALL CONSIST OF 15 MEMBERS. THE GOVERNOR SHALL
15 APPOINT THE TASK FORCE MEMBERS WITH THE ADVICE AND CONSENT OF THE
16 SENATE, AS FOLLOWS:

17 (A) SIX MEMBERS SHALL BE PHYSICIANS, 4 OF WHOM SHALL BE RES-
18 IDENT PHYSICIANS AT THE TIME OF THEIR APPOINTMENT. ONE OF THE
19 MEMBERS APPOINTED UNDER THIS SUBDIVISION SHALL BE AN OSTEOPATHIC
20 PHYSICIAN.

21 (B) FOUR MEMBERS SHALL BE REPRESENTATIVES OF HOSPITALS.

22 (C) THREE MEMBERS SHALL BE REPRESENTATIVES OF THE INSURANCE
23 INDUSTRY.

24 (D) TWO MEMBERS SHALL BE REPRESENTATIVES OF THE ACCREDIT-
25 ATION COUNCIL FOR GRADUATE MEDICAL EDUCATION OR ITS SUCCESSOR
26 ORGANIZATION.

1 (2) THE MEMBERS OF THE TASK FORCE SHALL SERVE FOR A TERM OF
2 2 YEARS. THE GOVERNOR SHALL FILL A VACANCY ON THE TASK FORCE IN
3 THE SAME MANNER AS THE ORIGINAL APPOINTMENT FOR THE BALANCE OF
4 THE UNEXPIRED TERM.

5 (3) THE TASK FORCE SHALL DO ALL OF THE FOLLOWING:

6 (A) FILE AN ANNUAL REPORT ON THE OPERATION OF SECTION 21541
7 WITH THE SENATE AND HOUSE COMMITTEES WITH JURISDICTION OVER MAT-
8 TERS PERTAINING TO PUBLIC HEALTH.

9 (B) RECOMMEND TO THE DEPARTMENT AND TO THE LEGISLATURE
10 CHANGES TO THE REQUIREMENTS OF SECTION 21541, IF CHANGES ARE CON-
11 SIDERED NECESSARY BY THE TASK FORCE. IN MAKING ITS RECOMMENDA-
12 TIONS UNDER THIS SUBDIVISION, THE TASK FORCE SHALL CONSIDER THE
13 GUIDELINES ISSUED BY THE ACCREDITATION COUNCIL FOR GRADUATE MEDI-
14 CAL EDUCATION, IF AVAILABLE.

15 (4) THIS SECTION IS REPEALED EFFECTIVE UPON THE EXPIRATION
16 OF 2 YEARS AFTER ITS EFFECTIVE DATE.