

SENATE BILL No. 433

July 11, 1991, Introduced by Senators EHLERS, CISKY, GAST, EMMONS, DE GROW, DUNASKISS, N. SMITH, MC MANUS, WARTNER, PRIDNIA and CARL 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 17090, 17091, 17092, 17093, 17094, 17095, 17096, 17097, and 17098.

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 17090, 17091, 17092,
4 17093, 17094, 17095, 17096, 17097, and 17098 to read as follows:

5 SEC. 17090. THE BOARD, IN COOPERATION WITH THE INSURANCE
6 BUREAU AND THE MICHIGAN BOARD OF OSTEOPATHIC MEDICINE AND
7 SURGERY, SHALL ESTABLISH A MEDICAL LIABILITY DEMONSTRATION
8 PROJECT PURSUANT TO SECTIONS 17091 TO 17095.

1 SEC. 17091. THE MEDICAL SPECIALTY ADVISORY COMMITTEE ON
2 ANESTHEIOLOGY IS CREATED IN THE DEPARTMENT. THE COMMITTEE CON-
3 SISTS OF 6 MEMBERS APPOINTED AS FOLLOWS:

4 (A) THE BOARD SHALL APPOINT 1 PHYSICIAN WHO PRACTICES IN A
5 TERTIARY HOSPITAL, 1 PHYSICIAN WHO PRACTICES IN A MEDIUM SIZED
6 HOSPITAL, AND 1 PHYSICIAN WHO PRACTICES PRIMARILY IN A RURAL
7 AREA.

8 (B) THE GOVERNOR, IN CONSULTATION WITH APPROPRIATE HEALTH
9 PROFESSIONAL ORGANIZATIONS, SHALL APPOINT 1 PHYSICIAN WHO SPE-
10 CIALIZES IN ANESTHESIOLOGY.

11 (C) THE MAJORITY LEADER OF THE SENATE SHALL APPOINT 1 PUBLIC
12 MEMBER WHO REPRESENTS HEALTH INSURERS OR HEALTH BENEFITS
13 PROVIDERS.

14 (D) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL
15 APPOINT 1 PUBLIC MEMBER WHO REPRESENTS THE INTERESTS OF CONSUMERS
16 OF HEALTH CARE.

17 SEC. 17092. THE MEDICAL SPECIALTY ADVISORY COMMITTEE ON
18 OBSTETRICS AND GYNECOLOGY IS CREATED IN THE DEPARTMENT. THE COM-
19 MITTEE CONSISTS OF 9 MEMBERS APPOINTED AS FOLLOWS:

20 (A) THE BOARD SHALL APPOINT 1 PHYSICIAN WHO PRACTICES IN A
21 TERTIARY HOSPITAL, 1 PHYSICIAN WHO PRACTICES PRIMARILY IN A RURAL
22 AREA, AND 1 PHYSICIAN WHO SPECIALIZES IN FAMILY PRACTICE.

23 (B) THE MICHIGAN BOARD OF OSTEOPATHIC MEDICINE AND SURGERY
24 SHALL APPOINT 1 OSTEOPATHIC PHYSICIAN WHO PRACTICES IN A MEDIUM
25 SIZED HOSPITAL AND 1 OSTEOPATHIC PHYSICIAN WHO PRACTICES PRIMAR-
26 ILY IN A RURAL AREA.

1 (C) THE GOVERNOR SHALL APPOINT 1 PHYSICIAN WHO SPECIALIZES
2 IN OBSTETRICS AND GYNECOLOGY AND 1 PUBLIC MEMBER WHO REPRESENTS
3 ALLIED HEALTH PROFESSIONALS.

4 (D) THE MAJORITY LEADER OF THE SENATE SHALL APPOINT 1 PUBLIC
5 MEMBER WHO REPRESENTS THE INTERESTS OF HEALTH INSURERS AND HEALTH
6 BENEFITS PROVIDERS.

7 SEC. 17093. THE MEDICAL SPECIALTY ADVISORY COMMITTEE ON
8 EMERGENCY MEDICINE IS CREATED IN THE DEPARTMENT. THE COMMITTEE
9 CONSISTS OF 9 MEMBERS APPOINTED AS FOLLOWS:

10 (A) THE BOARD SHALL APPOINT 1 PHYSICIAN WHO PRACTICES IN A
11 TERTIARY HOSPITAL, 1 PHYSICIAN WHO PRACTICES PRIMARILY IN A RURAL
12 AREA, AND 1 PHYSICIAN WHO SPECIALIZES IN FAMILY PRACTICE.

13 (B) THE MICHIGAN BOARD OF OSTEOPATHIC MEDICINE AND SURGERY
14 SHALL APPOINT 1 OSTEOPATHIC PHYSICIAN.

15 (C) THE GOVERNOR SHALL APPOINT 2 PHYSICIANS, AT LEAST 1 OF
16 WHOM SPECIALIZES IN EMERGENCY MEDICINE, AND 1 PUBLIC MEMBER WHO
17 REPRESENTS THE INTERESTS OF ALLIED HEALTH PROFESSIONALS.

18 (D) THE MAJORITY LEADER OF THE SENATE SHALL APPOINT 1 PUBLIC
19 MEMBER WHO REPRESENTS THE INTERESTS OF HEALTH INSURERS AND HEALTH
20 BENEFITS PROVIDERS.

21 (E) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL
22 APPOINT 1 PUBLIC MEMBER WHO REPRESENTS THE INTERESTS OF CONSUMERS
23 OF HEALTH CARE.

24 SEC. 17094. THE ADVISORY COMMITTEES CREATED IN SECTIONS
25 17091 TO 17093 ARE SUBJECT TO SECTIONS 16131 TO 16141 IN THE SAME
26 MANNER AS THE BOARD.

1 SEC. 17095. (1) EACH ADVISORY COMMITTEE CREATED IN SECTIONS
2 17091 TO 17093 SHALL DEVELOP PRACTICE PARAMETERS AND RISK
3 MANAGEMENT PROTOCOLS FOR THE MEDICAL SPECIALTY RELATING TO THAT
4 ADVISORY COMMITTEE.

5 (2) IN DEVELOPING PRACTICE PARAMETERS UNDER SUBSECTION (1),
6 EACH ADVISORY COMMITTEE SHALL DEFINE APPROPRIATE CLINICAL INDICA-
7 TIONS AND METHODS OF TREATMENT FOR THE MEDICAL SPECIALTY RELATING
8 TO THAT ADVISORY COMMITTEE.

9 (3) IN DEVELOPING RISK MANAGEMENT PROTOCOLS UNDER
10 SUBSECTION (1), EACH ADVISORY COMMITTEE SHALL ESTABLISH STANDARDS
11 OF PRACTICE DESIGNED TO AVOID MALPRACTICE CLAIMS AND TO INCREASE
12 THE DEFENSIBILITY OF MALPRACTICE CLAIMS THAT ARE BROUGHT AGAINST
13 MEMBERS OF THAT SPECIALTY.

14 (4) EACH ADVISORY COMMITTEE SHALL MAKE THE PRACTICE PARAME-
15 TERS AND RISK MANAGEMENT PROTOCOLS DEVELOPED UNDER SUBSECTION (1)
16 CONSISTENT WITH APPROPRIATE STANDARDS OF CARE AND LEVELS OF
17 QUALITY.

18 (5) EACH ADVISORY COMMITTEE SHALL SUBMIT THE PRACTICE PARAM-
19 ETERS AND RISK MANAGEMENT PROTOCOLS DEVELOPED UNDER
20 SUBSECTION (1) TO THE BOARD AND TO THE MICHIGAN BOARD OF OSTEO-
21 PATHIC MEDICINE AND SURGERY, RESPECTIVELY. THE BOARD AND THE
22 MICHIGAN BOARD OF OSTEOPATHIC MEDICINE AND SURGERY EACH SHALL
23 REVIEW THE PRACTICE PARAMETERS AND RISK MANAGEMENT PROTOCOLS SUB-
24 MITTED UNDER THIS SUBSECTION AND, IF APPROVED, SHALL PROMULGATE
25 THEM AS RULES.

26 SEC. 17096. (1) BY MARCH 1, 1992 EACH ADVISORY COMMITTEE
27 CREATED UNDER SECTIONS 17091 TO 17093 SHALL SUBMIT A WRITTEN

1 REPORT TO THE STANDING COMMITTEES IN THE SENATE AND THE HOUSE OF
2 REPRESENTATIVES WITH JURISDICTION OVER MATTERS PERTAINING TO
3 PUBLIC HEALTH AND TO THE STANDING COMMITTEES IN THE SENATE AND
4 THE HOUSE OF REPRESENTATIVES WITH JURISDICTION OVER JUDICIARY
5 MATTERS A REPORT CONTAINING THE PRACTICE PARAMETERS AND RISK MAN-
6 AGEMENT PROTOCOLS SUBMITTED AND APPROVED UNDER SECTION 17095.

7 (2) AS PART OF THE REPORT REQUIRED UNDER SUBSECTION (1),
8 EACH ADVISORY COMMITTEE SHALL REPORT THE EXTENT TO WHICH THE RISK
9 MANAGEMENT PROTOCOLS SUBMITTED UNDER SECTION 17095 REDUCE THE
10 PRACTICE OF DEFENSIVE MEDICINE.

11 SEC. 17097. A PHYSICIAN OR AN OSTEOPATHIC PHYSICIAN WHO
12 PRACTICES IN A MEDICAL SPECIALTY AREA FOR WHICH PRACTICE PARAME-
13 TERS AND RISK MANAGEMENT PROTOCOLS HAVE BEEN PROMULGATED AS RULES
14 UNDER SECTION 17095 AND WHO ELECTS TO PARTICIPATE IN THE MEDICAL
15 LIABILITY DEMONSTRATION PROJECT ESTABLISHED UNDER SECTIONS 17090
16 TO 17095 SHALL FILE WRITTEN NOTICE OF THE ELECTION ON A FORM PRO-
17 VIDED BY THE DEPARTMENT WITH THE BOARD OR THE MICHIGAN BOARD OF
18 OSTEOPATHIC MEDICINE AND SURGERY.

19 SEC. 17098. (1) THE BOARD, IN CONJUNCTION WITH THE MICHIGAN
20 BOARD OF OSTEOPATHIC MEDICINE AND SURGERY, SHALL APPOINT AN ECO-
21 NOMIC ADVISORY COMMITTEE TO ESTABLISH THE METHODOLOGY FOR EVALU-
22 ATING THE EFFECT OF THE MEDICAL LIABILITY DEMONSTRATION PROJECT
23 ESTABLISHED UNDER SECTIONS 17090 TO 17095 ON THE COST, UTILIZA-
24 TION, AND PRACTICE OF DEFENSIVE MEDICINE. BY JANUARY 1, 1993,
25 THE ECONOMIC ADVISORY COMMITTEE SHALL REPORT THE METHODOLOGY
26 ESTABLISHED UNDER THIS SUBSECTION TO THE BOARD AND THE MICHIGAN
27 BOARD OF OSTEOPATHIC MEDICINE AND SURGERY.

1 (2) BY DECEMBER 1, 1997, THE BOARD AND THE MICHIGAN BOARD OF
2 OSTEOPATHIC MEDICINE AND SURGERY SHALL SUBMIT A JOINT REPORT TO
3 THE GOVERNOR AND TO THE LEGISLATURE. THE REPORT REQUIRED UNDER
4 THIS SUBSECTION SHALL INCLUDE THE RESULTS OF THE MEDICAL LIABIL-
5 ITY DEMONSTRATION PROJECT INCLUDING, BUT NOT LIMITED TO, THE
6 IMPACT OF THE MEDICAL LIABILITY DEMONSTRATION PROJECT ON THE COST
7 OF THE PRACTICE OF DEFENSIVE MEDICINE.

8 Section 2. This amendatory act shall not take effect unless
9 all of the following bills of the 86th Legislature are enacted
10 into law:

11 (a) Senate Bill No. 434.

12

13 (b) Senate Bill No. 435.

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