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## LIST PATIENT ADVOCATE ON LIC.

House Bill 4339 as introduced  
First Analysis (7-8-93)

Sponsor: Rep. Jan Dolan  
Committee: Transportation

### ***THE APPARENT PROBLEM:***

Public Act 312 of 1990 amended the Revised Probate Code to allow an adult to designate another adult as a patient advocate who may then exercise powers concerning care, custody and medical treatment decisions for the person who made the designation if he or she becomes incapacitated and unable to make such decisions. Designating a patient advocate can give peace of mind that medical decisions will be made according to one's wishes. However, many believe the law lacks assurances that matters will go according to plan. The only statutory mechanism for making known the existence of a patient advocate is the recording of a designation in the designator's medical records. If a person is seriously injured in an accident or otherwise suddenly stricken, there can be delays in discovering the existence of and in finding the patient advocate. In the meantime, there may be medical decisions that would have to be made. To avoid this situation, it has been proposed to note a patient advocate designation on the back of a driver's license, and include both the name and emergency telephone number(s) of the patient advocate, so that he or she could be quickly found and consulted.

### ***THE CONTENT OF THE BILL:***

The Michigan Vehicle Code currently allows a person who holds an operator's or chauffeur's license to place on the back of his or her driver's license certain medical information, such as the licensee's blood type, his or her immunization data, a statement that the licensee has made an anatomical gift pursuant to the Public Health Code, and the like. The bill would amend the act to also allow a licensee to place on the back of his or her driver's license a statement that the licensee had designated a patient advocate to make care, custody and medical treatment decisions for him or her pursuant to the Revised Probate Code. If a licensee placed such a statement on the back of his or her license, the patient advocate's name and two

emergency telephone numbers at which he or she could be reached could be placed there as well.

MCL 257.310

### ***FISCAL IMPLICATIONS:***

The Department of State says the bill would have fiscal implications to the department depending on how it decided to implement the bill's provisions. Assuming the bill was implemented by redesigning the current label used to make organ donations, it would have minimal cost implications. (7-1-93)

### ***ARGUMENTS:***

#### ***For:***

Under the bill's provisions, the driver's license of someone who has designated a patient advocate could be used to indicate that the licensee had made this designation, and provide the name and emergency phone numbers of the patient advocate. As most people carry their driver's licenses wherever they go, putting a patient advocate's name and numbers on the license would enable authorities to locate a patient advocate as soon as possible after the designator has been mentally incapacitated by sudden injury or illness. The bill would not establish a short-cut to designating a patient advocate, however: any designation would still have to be made under the procedures and safeguards of the Revised Probate Code.

#### ***Response:***

Authorities would have to exercise care in relying on patient advocate information provided on a driver's license. Cautious and responsible personnel presumably would confirm a designation through medical records or records in the patient advocate's possession. Further, the public would have to be made aware that naming someone on a driver's license would not constitute a legal designation of a patient advocate. The matter could be confusing for many, as the public is familiar with the organ donor

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label, which does not necessarily need additional supporting documentation to be implemented (although people who decide to use a donor label are advised to notify next-of-kin of the decision).

***Against:***

There already exist six different types of labels that may be applied to the back of the driver's license (and only three at a time) for relaying information about the licensee. According to a Department of State spokesman, implementing the bill as it is currently written would only be possible by incorporating patient advocate information onto a redesigned organ donor label, not by creating a separate label--which the department feels would be too costly.

***POSITIONS:***

The Department of State supports the bill provided it can be implemented at no cost through the use of the current medical information-donor label. (7-1-93)

The Michigan Hospital Association supports the bill. (6-29-93)

The Transplant and Health Policy Center supports the bill. (5-7-93)