



HOUSE BILL No. 4099

February 2, 1993, Introduced by Reps. Stallworth, Kilpatrick, Joe Young, Jr., DeMars, Wallace, Dobronski, Harrison, Byrum, Shepich, Wetters, Agee, Dolan, Bullard, Hoffman, Barns, Curtis, Clack, Bennane, Rivers, Schroer, Freeman, Gire, Saunders, Varga, Brown, Berman, Murphy, Profit and Pitoniak 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 part 94.

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 part 94 to read as follows:

PART 94. CHILDHOOD LEAD PROTECTION PROGRAM

4 SEC. 9401. (1) AS USED IN THIS PART:

5 (A) "EPSDT" MEANS THE EARLY AND PERIODIC SCREENING, DIAGNO-
6 SIS, AND TREATMENT PROGRAM PROVIDED UNDER SECTION 1905(r) OF
7 TITLE XIX OF THE SOCIAL SECURITY ACT, CHAPTER 531, 49 STAT. 620,
8

1 42 U.S.C. 1396d, AND ADMINISTERED BY THE STATE DEPARTMENT OF
2 SOCIAL SERVICES.

3 (B) "MEDICAID" MEANS THE PROGRAM FOR MEDICAL ASSISTANCE
4 ADMINISTERED BY THE STATE DEPARTMENT OF SOCIAL SERVICES UNDER THE
5 SOCIAL WELFARE ACT, ACT NO. 280 OF THE PUBLIC ACTS OF 1939, BEING
6 SECTIONS 400.1 TO 400.119B OF THE MICHIGAN COMPILED LAWS.

7 (2) IN ADDITION, ARTICLE 1 CONTAINS GENERAL DEFINITIONS AND
8 PRINCIPLES OF CONSTRUCTION APPLICABLE TO ALL ARTICLES IN THIS
9 CODE.

10 SEC. 9403. UPON REQUEST, A LOCAL HEALTH DEPARTMENT OR A
11 BASIC OR COMPREHENSIVE EPSDT PROVIDER SHALL CONDUCT PERIODIC LEAD
12 SCREENING AND FOLLOW-UP IN ACCORDANCE WITH EPSDT POLICY AND PRO-
13 CEDURES FOR EACH OF THE FOLLOWING:

14 (A) A MEDICAID-ELIGIBLE PERSON UNDER THE AGE OF 6 YEARS.

15 (B) A PERSON WHO IS NOT MEDICAID-ELIGIBLE BUT WHO PAYS A FEE
16 FOR THE ACTUAL COST OF THE LEAD SCREENING AND FOLLOW-UP SERVICE.

17 SEC. 9405. THE DEPARTMENT SHALL ESTABLISH AND ADMINISTER A
18 PROGRAM TO ASSIST LOCAL HEALTH DEPARTMENTS AND BASIC OR COMPRE-
19 HENSIVE EPSDT PROVIDERS IN DEVELOPING AND MAINTAINING THE CHILD-
20 HOOD LEAD PROTECTION PROGRAM FOR CHILDREN UNDER THIS PART.

21 SEC. 9407. (1) IF THE RESULT OF A LEAD SCREENING UNDER SEC-
22 TION 9403 INDICATES THAT A CHILD IS SUFFERING UNDUE LEAD BODY
23 BURDEN OR LEAD POISONING AND REQUIRES FOLLOW-UP CARE, A QUALIFIED
24 HEALTH PROFESSIONAL WHO PERFORMS THE LEAD SCREENING, THE LOCAL
25 HEALTH DEPARTMENT, OR THE BASIC OR COMPREHENSIVE EPSDT PROVIDER
26 SHALL PRESENT TO THE CHILD'S PARENT, GUARDIAN, OR PERSON IN LOCO

1 PARENTIS A WRITTEN STATEMENT CLEARLY INDICATING THAT FOLLOW-UP
2 TREATMENT IS MEDICALLY INDICATED.

3 (2) THE LOCAL HEALTH DEPARTMENT OR THE BASIC OR COMPREHEN-
4 SIVE EPSDT PROVIDER REQUIRED TO PRESENT THE WRITTEN STATEMENT
5 UNDER SUBSECTION (1) SHALL PROVIDE INFORMATION CONCERNING THE
6 AVAILABILITY AND SOURCES OF LEAD POISONING TREATMENT TO THE
7 CHILD'S PARENT, GUARDIAN, OR PERSON IN LOCO PARENTIS.

8 SEC. 9409. THE DEPARTMENT SHALL ESTABLISH PROCEDURES FOR
9 RESPONDING TO A REPORT OF AN ELEVATED BLOOD LEAD LEVEL IN A
10 CHILD. THOSE PROCEDURES SHALL INCLUDE AT LEAST ALL OF THE
11 FOLLOWING:

12 (A) AN INVESTIGATION TO IDENTIFY EACH SOURCE OF LEAD EXPO-
13 SURE THAT POISONED THE CHILD OR CONTRIBUTED SIGNIFICANTLY TO THE
14 CHILD'S UNDUE LEAD BODY BURDEN.

15 (B)-RECOMMENDATIONS TO THE CHILD'S PARENT, GUARDIAN, OR
16 PERSON IN LOCO PARENTIS OF MEASURES TO ELIMINATE THE SOURCE OF
17 HARMFUL LEAD EXPOSURE.

18 (C) ANNUAL TESTING OF THE CHILD FOR LEAD POISONING OR UNDUE
19 LEAD BODY BURDEN UNTIL NEGATIVE TEST RESULTS ARE OBTAINED IN 3
20 CONSECUTIVE YEARS.

21 SEC. 9411. THE DEPARTMENT SHALL PROVIDE PUBLIC EDUCATION ON
22 THE DANGERS OF LEAD EXPOSURE AND THE NEED FOR LEAD POISONING
23 SCREENING FOR YOUNG CHILDREN.

24 SEC. 9413. THE DEPARTMENT SHALL DEVELOP ALL OF THE FOLLOW-
25 ING AND DISTRIBUTE EACH TO LOCAL HEALTH DEPARTMENTS AND OTHER
26 APPROPRIATE AGENCIES AND INDIVIDUALS:

1 (A) GUIDELINES FOR MEDICAL CASE MANAGEMENT FOR DIAGNOSIS AND
2 TREATMENT OF A CHILD SUFFERING FROM UNDUE LEAD BODY BURDEN OR
3 LEAD POISONING.

4 (B) STANDARDS FOR INVESTIGATIONS TO IDENTIFY SOURCES OF
5 HARMFUL LEAD EXPOSURE.

6 (C) GUIDELINES FOR ABATEMENT OF SIGNIFICANT SOURCES OF HARM-
7 FUL LEAD EXPOSURE IDENTIFIED IN AN INVESTIGATION.

8 SEC. 9415. THE DIRECTOR MAY APPOINT AN ADVISORY COMMITTEE
9 CONSISTING OF PHYSICIANS AND OTHER HEALTH PROFESSIONALS. THE
10 ADVISORY COMMITTEE SHALL ASSIST THE DEPARTMENT WITH THE CHILDHOOD
11 LEAD PROTECTION PROGRAM AND SHALL CONFORM TO THE REQUIREMENTS OF
12 SECTION 2215.

13 SEC. 9417. THE DEPARTMENT SHALL PROMULGATE RULES TO IMPL-
14 MENT THIS PART, INCLUDING, BUT NOT LIMITED TO, RULES GOVERNING
15 THE MAINTENANCE, CONFIDENTIALITY, AND DISCLOSURE OF RECORDS.

16 SEC. 9419. A PERSON WHO VIOLATES THIS PART OR A RULE
17 PROMULGATED UNDER THIS PART IS GUILTY OF A MISDEMEANOR.