



HOUSE BILL No. 5946

June 6, 1996, Introduced by Rep. Ciaramitaro and referred to the Committee on Health Policy.

A bill to amend section 5431 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," as amended by Act No. 81 of the Public Acts of 1992, being section 333.5431 of the Michigan Compiled Laws; and to add section 5123a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 5431 of Act No. 368 of the Public Acts
2 of 1978, as amended by Act No. 81 of the Public Acts of 1992,
3 being section 333.5431 of the Michigan Compiled Laws, is amended
4 and section 5123a is added to read as follows:

5 SEC. 5123A. (1) A PHYSICIAN OR AN INDIVIDUAL OTHERWISE
6 AUTHORIZED BY LAW TO PROVIDE MEDICAL TREATMENT TO A PREGNANT
7 WOMAN SHALL TAKE OR CAUSE TO BE TAKEN, AT A TIME DURING THE
8 PREGNANCY CONSIDERED APPROPRIATE BY THE PHYSICIAN OR OTHER

1 INDIVIDUAL, TEST SPECIMENS OF THE WOMAN AND SHALL SUBMIT THE
2 SPECIMENS TO A CLINICAL LABORATORY LICENSED OR OTHERWISE AUTHO-
3 RIZED UNDER PART 205 FOR THE PURPOSE OF PERFORMING A TEST
4 APPROVED BY THE DEPARTMENT FOR NEONATAL GROUP B STREPTOCOCCAL
5 DISEASE. THIS SUBSECTION DOES NOT APPLY IF, IN THE PROFESSIONAL
6 OPINION OF THE PHYSICIAN OR OTHER AUTHORIZED INDIVIDUAL, THE TEST
7 IS MEDICALLY INADVISABLE OR THE WOMAN DOES NOT CONSENT TO BE
8 TESTED.

9 (2) THE PHYSICIAN OR OTHER INDIVIDUAL DESCRIBED IN SUBSEC-
10 TION (1) SHALL MAKE AND RETAIN A RECORD SHOWING THE DATE THE TEST
11 REQUIRED UNDER SUBSECTION (1) WAS ORDERED AND THE RESULTS OF THE
12 TEST. IF THE TEST WAS NOT ORDERED BY THE PHYSICIAN OR OTHER
13 AUTHORIZED INDIVIDUAL, THE RECORD SHALL CONTAIN AN EXPLANATION OF
14 WHY THE TEST WAS NOT ORDERED.

15 (3) THE TEST RESULTS AND THE RECORDS REQUIRED UNDER SUBSEC-
16 TION (2) ARE NOT PUBLIC RECORDS, BUT SHALL BE MADE AVAILABLE TO A
17 LOCAL HEALTH DEPARTMENT AND TO A PHYSICIAN WHO PROVIDES MEDICAL
18 TREATMENT TO THE WOMAN OR HER OFFSPRING.

19 Sec. 5431. (1) A health professional in charge of the care
20 of a newborn infant or, if none, the health professional in
21 charge at the birth of an infant shall administer or cause to be
22 administered to the infant a test for ~~phenylketonuria, galactos-~~
23 ~~emia, hypothyroidism, maple syrup urine disease, biotinidase~~
24 ~~deficiency, sickle cell anemia, congenital adrenal hyperplasia,~~
25 ~~and other~~ EACH OF THE FOLLOWING:

26 (A) PHENYLKETONURIA.

1 (B) GALACTOSEMIA.

2 (C) HYPOTHYROIDISM.

3 (D) MAPLE SYRUP URINE DISEASE.

4 (E) BIOTINIDASE DEFICIENCY.

5 (F) SICKLE CELL ANEMIA.

6 (G) CONGENITAL ADRENAL HYPERPLASIA.

7 (H) NEONATAL GROUP B STREPTOCOCCAL DISEASE.

8 (I) OTHER treatable but otherwise handicapping conditions as
9 designated by the department.

10 (2) The test REQUIRED UNDER SUBSECTION (1) shall be adminis-
11 tered and reported within a time and under conditions prescribed
12 by the department. The department may require that the test be
13 performed by the department.

14 (3) ~~(2)~~ If the results of a test administered under sub-
15 section (1) are positive, the results shall be reported to the
16 infant's parents, guardian, or person in loco parentis. A person
17 is in compliance with this subsection if the person makes a good
18 faith effort to report the positive test results to the infant's
19 parent, guardian, or person in loco parentis. ~~Within 90 days~~
20 ~~after the effective date of the 1992 amendatory act that added~~
21 ~~this sentence, the department shall submit for promulgation under~~
22 ~~section 48 of the administrative procedures act of 1969, being~~
23 ~~section 24.248 of the Michigan Compiled Laws, emergency~~ THE
24 DEPARTMENT SHALL PROMULGATE rules that define a good faith effort
25 to report positive test results for purposes of this subsection.

26 (4) ~~(3)~~ If the department performs a test required under
27 subsection (1), the department may charge a fee for the test of

1 not more than \$25.00. The amount stated in this subsection shall
2 be adjusted annually by an amount determined by the state trea-
3 surer to reflect the cumulative annual percentage change in the
4 Detroit consumer price index. As used in this subsection,
5 "Detroit consumer price index" means the most comprehensive index
6 of consumer prices available for the Detroit area from the bureau
7 of labor statistics of the United States department of labor.

8 (5) ~~(4)~~ A person who violates this section or a rule
9 promulgated under this part is guilty of a misdemeanor.

10 (6) ~~(5)~~ The department shall provide for a hardship waiver
11 of the fee authorized under subsection ~~(3)~~ (4) under circum-
12 stances found appropriate by the department.