



SENATE BILL No. 451

April 19, 1995, Introduced by Senators SHUGARS, SCHWARZ, BYRUM and O'BRIEN and referred to the Committee on Health Policy and Senior Citizens.

A bill to amend section 20919 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," as added by Act No. 179 of the Public Acts of 1990, being section 333.20919 of the Michigan Compiled Laws; and to add section 20192.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 20919 of Act No. 368 of the Public Acts
2 of 1978, as added by Act No. 179 of the Public Acts of 1990,
3 being section 333.20919 of the Michigan Compiled Laws, is amended
4 and section 20192 is added to read as follows:

5 SEC. 20192. A HEALTH FACILITY OR AGENCY SHALL NOT REQUIRE
6 THE EXECUTION OF A DO-NOT-RESUSCITATE ORDER UNDER THE MICHIGAN
7 DO-NOT-RESUSCITATE PROCEDURE ACT AS A CONDITION FOR ADMISSION OR
8 RECEIPT OF SERVICES.

1 Sec. 20919. (1) A local medical control authority shall
2 establish written protocols for the practice of life support
3 agencies and licensed emergency medical services personnel within
4 its region. The protocols shall be developed and adopted in
5 accordance with procedures established by the department and
6 shall include all of the following:

7 (a) The acts, tasks, or functions that may be performed by
8 each type of emergency medical services personnel licensed under
9 this part.

10 (b) Medical protocols to ensure the appropriate dispatching
11 of a life support agency based upon medical need and the capabil-
12 ity of the emergency medical services system.

13 (c) PROTOCOLS FOR COMPLYING WITH THE MICHIGAN
14 DO-NOT-RESUSCITATE PROCEDURE ACT.

15 (2) A PROTOCOL ESTABLISHED UNDER THIS SECTION SHALL NOT CON-
16 FLICT WITH THE MICHIGAN DO-NOT-RESUSCITATE PROCEDURE ACT.

17 (3) ~~-(2)-~~ The procedures established by the department for
18 development and adoption of written protocols under this section
19 shall comply with at least all of the following requirements:

20 (a) At least 60 days ~~prior to~~ BEFORE adoption of a proto-
21 col, the medical control authority shall circulate a written
22 draft of the proposed protocol to all significantly affected per-
23 sons within the emergency medical services system served by the
24 medical control authority and submit the written draft to the
25 department for approval.

26 (b) The department shall review a proposed protocol for
27 consistency with other protocols concerning similar subject

1 matter that have already been established in this state and shall
2 consider any written comments received from interested persons in
3 its review.

4 (c) Not later than 60 days after receiving a written draft
5 of a proposed protocol from a medical control authority, the
6 department shall provide a written recommendation to the medical
7 control authority with any comments or suggested changes on the
8 proposed protocol. If the department does not respond within 60
9 days after receiving the written draft, the proposed protocol
10 shall be considered to be approved by the department.

11 (d) After department approval of a proposed protocol, the
12 medical control authority may formally adopt and implement the
13 protocol.

14 (e) A medical control authority may establish an emergency
15 protocol necessary to preserve the health or safety of individu-
16 als within its jurisdiction in response to a present medical
17 emergency or disaster without following the procedures estab-
18 lished by the department under this section for an ordinary
19 protocol. An emergency protocol established under this subdivi-
20 sion shall be effective only for a limited time period and shall
21 not take permanent effect unless it is approved according to this
22 subsection.

23 (4) ~~(3)~~ A medical control authority shall provide an
24 opportunity for an affected person to appeal decisions made by
25 the medical control authority. After appeals to a medical con-
26 trol authority have been exhausted, an affected person may apply
27 to the department for a variance from the medical control

1 authority's decision. The department may grant the variance if
2 it determines that the action is appropriate to protect the
3 public health, safety, and welfare. The department shall impose
4 a time limitation and may impose other conditions for the
5 variance.

6 (5) ~~(4)~~ If adopted in protocols approved by the depart-
7 ment, a medical control authority may require life support agen-
8 cies within its region to meet reasonable additional standards
9 for equipment and personnel, other than medical first responders,
10 that may be more stringent than are otherwise required under this
11 part. If a medical control authority establishes additional
12 standards for equipment and personnel, the medical control
13 authority and the department shall consider the medical and eco-
14 nomic impact on the local community, the need for communities to
15 do long-term planning, and the availability of personnel. If
16 either the medical control authority or the department determines
17 that negative medical or economic impacts outweigh the benefits
18 of those additional standards as they affect public health,
19 safety, and welfare, protocols containing those additional stan-
20 dards shall not be adopted.

21 (6) ~~(5)~~ If a decision of the medical control authority is
22 appealed by an affected person, the medical control authority
23 shall make available, in writing, the medical and economic infor-
24 mation it considered in making its decision. On appeal, the
25 department shall review this information and shall issue its
26 findings in writing.

1 Section 2. This amendatory act shall not take effect unless
2 Senate Bill No. 452
3 of the 88th Legislature is enacted into law.