

**SENATE BILL NO. 249**

February 3, 1999, Introduced by Senator BYRUM and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 21052b and 21052c.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           SEC. 21052B. (1) A HEALTH MAINTENANCE ORGANIZATION SHALL  
2 NOT CONDITION EMPLOYMENT WITH THE HEALTH MAINTENANCE ORGANIZATION  
3 OR CANCEL COVERAGE ON, REFUSE TO PROVIDE COVERAGE FOR, OR REFUSE  
4 TO ISSUE OR RENEW A GROUP OR INDIVIDUAL CONTRACT BECAUSE AN  
5 EMPLOYEE, AN APPLICANT FOR EMPLOYMENT, AN ENROLLEE, OR AN APPLI-  
6 CANT FOR ENROLLMENT REFUSES TO HAVE A GENETIC TEST OR BECAUSE OF  
7 THE RESULTS OF A GENETIC TEST.  
8           (2) AS USED IN THIS SECTION:  
9           (A) "GENETIC CHARACTERISTIC" MEANS AN INHERITED GENE OR  
10 CHROMOSOME, OR ALTERATION OF A GENE OR CHROMOSOME, THAT IS

1 SCIENTIFICALLY OR MEDICALLY BELIEVED TO PREDISPOSE AN INDIVIDUAL  
2 TO A DISEASE, DISORDER, OR SYNDROME, OR TO BE ASSOCIATED WITH A  
3 STATISTICALLY SIGNIFICANT INCREASED RISK OF DEVELOPMENT OF A DIS-  
4 EASE, DISORDER, OR SYNDROME.

5 (B) "GENETIC TEST" MEANS A TEST FOR DETERMINING THE PRESENCE  
6 OR ABSENCE OF AN INHERITED GENETIC CHARACTERISTIC IN AN INDIVIDU-  
7 AL, INCLUDING TESTS OF NUCLEIC ACIDS SUCH AS DNA, RNA, AND MITO-  
8 CHONDRIAL DNA, CHROMOSOMES, OR PROTEINS, IN ORDER TO IDENTIFY A  
9 GENETIC CHARACTERISTIC.

10 SEC. 21052C. A HEALTH MAINTENANCE ORGANIZATION SHALL ESTAB-  
11 LISH A POLICY GOVERNING TERMINATION OF HEALTH PROFESSIONALS. THE  
12 POLICY SHALL INCLUDE, BUT IS NOT LIMITED TO, ALL OF THE  
13 FOLLOWING:

14 (A) NOTICE TO THE HEALTH PROFESSIONAL OF THE TERMINATION IN  
15 THE TIME AND MANNER SPECIFIED IN THE HEALTH PROFESSIONAL'S  
16 CONTRACT.

17 (B) METHODS BY WHICH THE TERMINATION POLICY WILL BE MADE  
18 KNOWN TO HEALTH PROFESSIONALS AND ENROLLEES.

19 (C) WRITTEN NOTIFICATION TO EACH ENROLLEE AT LEAST 30 BUSI-  
20 NESS DAYS PRIOR TO THE TERMINATION OR WITHDRAWAL OF AN ENROLLEE'S  
21 PRIMARY CARE HEALTH PROFESSIONAL AND ANY OTHER HEALTH PROFES-  
22 SIONAL FROM WHICH THE ENROLLEE IS CURRENTLY RECEIVING A COURSE OF  
23 TREATMENT. THE 30-DAY PRIOR NOTICE TO ENROLLEES MAY BE WAIVED IN  
24 CASES OF IMMEDIATE TERMINATION OF A HEALTH PROFESSIONAL WHERE IT  
25 WAS NECESSARY FOR THE PROTECTION OF THE HEALTH, SAFETY, AND WEL-  
26 FARE OF ENROLLEES.

1 (D) ASSURANCE OF CONTINUED COVERAGE OF SERVICES AT THE  
2 CONTRACT PRICE BY A TERMINATED HEALTH PROFESSIONAL FOR UP TO 120  
3 CALENDAR DAYS WHERE IT IS MEDICALLY NECESSARY FOR THE ENROLLEE TO  
4 CONTINUE TREATMENT WITH THE TERMINATED HEALTH PROFESSIONAL. IF  
5 AN ENROLLEE IS PREGNANT, MEDICAL NECESSITY SHALL BE CONSIDERED  
6 DEMONSTRATED AND COVERAGE SHALL CONTINUE TO THE POSTPARTUM EVALU-  
7 ATION OF THE ENROLLEE, UP TO 6 WEEKS AFTER DELIVERY. THIS SUBDI-  
8 VISION DOES NOT APPLY IF A HEALTH PROFESSIONAL IS TERMINATED  
9 BASED IN WHOLE OR IN PART ON ISSUES CONCERNING INADEQUATE CARE OR  
10 IF QUALITY CONTROL STANDARDS HAVE NOT BEEN MET BY THE HEALTH  
11 PROFESSIONAL.