

Act No. 119
Public Acts of 2004
Approved by the Governor
May 27, 2004
Filed with the Secretary of State
May 27, 2004
EFFECTIVE DATE: May 27, 2004

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004**

Introduced by Reps. Ehardt, Huizenga, Vander Veen and Voorhees

ENROLLED HOUSE BILL No. 4272

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," (MCL 333.1101 to 333.25211) by adding section 20188; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 20188. (1) To examine means to improve patient safety and reduce medical errors in this state, the governor shall create and appoint a commission on patient safety within the department of community health or designate an existing organization or patient safety initiative to act as the state commission on patient safety. If the governor chooses to designate an existing organization or patient safety initiative to act as the state commission, the organization or initiative designated shall include, but is not limited to, individuals with education, experience, and expertise in health and human services and individuals representing health care consumers, providers, and payers. If the governor chooses to create a commission, the commission shall consist of 7 members appointed by the governor as follows:

- (a) Two individuals from the general public.
- (b) One individual representing hospitals.
- (c) Three licensed health care professionals.
- (d) One individual representing the health care insurance industry.

(2) The commission on patient safety shall conduct public hearings to seek input from the public and from all of the following organizations that have an interest in patient safety:

- (a) The Michigan health and hospital association or its successor organization.
- (b) The Michigan state medical society or its successor organization.
- (c) The Michigan osteopathic association or its successor organization.
- (d) The Michigan college of emergency physicians or its successor organization.
- (e) The Michigan nurses association or its successor organization.
- (f) The emergency nurses association or its successor organization.
- (g) The Michigan association of emergency medical technicians or its successor organization.
- (h) The Michigan pharmacists association or its successor organization.
- (i) The Michigan society for clinical laboratory sciences or its successor organization.
- (j) The Michigan academy of physician assistants or its successor organization.
- (k) The Michigan society of healthcare risk management or its successor organization.
- (l) The Michigan association of health plans or its successor organization.
- (m) The American society of clinical pathologists or its successor organization.
- (n) The Michigan physical therapy association or its successor organization.
- (o) The Michigan speech-language-hearing association or its successor organization.
- (p) The American dietetics association or its successor organization.
- (q) The national association of social workers, Michigan chapter or its successor organization.
- (r) The mental health association of Michigan or its successor organization.
- (s) The Michigan occupational therapy association or its successor organization.
- (t) Health care association of Michigan or its successor organization.
- (u) Michigan association for local public health or its successor organization.
- (v) Michigan hospice and palliative care organization or its successor organization.
- (w) Michigan society of anesthesiologists or its successor organization.
- (x) The Michigan home health association or its successor organization.
- (y) The Michigan dental association or its successor organization.
- (z) The Michigan association of community mental health boards or its successor organization.
- (aa) The Michigan chiropractic society or its successor organization.
- (bb) The Michigan association of nurse anesthetists or its successor organization.
- (cc) The Michigan association of homes and services for the aging or its successor organization.
- (dd) The Michigan radiological society or its successor organization.
- (ee) Blue cross/blue shield of Michigan or its successor organization.
- (ff) The service employees international union or its successor organization.
- (gg) The AARP or its successor organization.
- (hh) The Michigan council of nurse practitioners or its successor organization.
- (ii) The Michigan advocacy project or its successor organization.
- (jj) The Michigan primary care association or its successor organization.
- (kk) The Michigan association of ambulance services or its successor organization.
- (ll) The economic alliance of Michigan or its successor organization.
- (mm) The Michigan society for respiratory care or its successor organization.
- (nn) The Michigan psychological association or its successor organization.
- (oo) The Michigan podiatric medical association or its successor organization.
- (pp) The Michigan chiropractic association or its successor organization.
- (qq) The Michigan county medical care facilities council or its successor organization.
- (rr) Any other organization that the commission determines has an interest in patient safety.

(3) If the governor creates and appoints a commission on patient safety under subsection (1), the commission shall meet and appoint a chairperson within 30 days after all members are appointed by the governor. The commission shall conduct its first public hearing within 60 days after all members are appointed by the governor. If an organization or

patient safety initiative is designated to act as the state commission on patient safety under subsection (1), the commission shall conduct its first public hearing as the commission within 60 days after designated by the governor.

(4) The commission shall consider all information received from its public hearings, review information from other patient safety initiatives, and study the causes of medical errors occurring in the continuum of care, including in health facilities and in private practices. Within 1 year after the commission is appointed or designated by the governor, the commission shall issue a written report. The report shall contain recommendations for improvements in medical practice and a system for reducing medical errors, both in health facilities and in private practice.

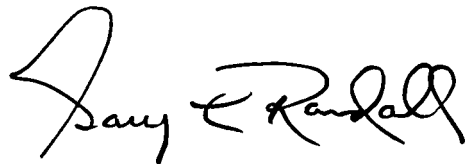
(5) The commission shall conduct its business as the commission at a public meeting of the commission held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. The commission shall give public notice of the time, date, and place of the meeting in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(6) The commission shall make available a writing prepared, owned, used, in the possession of, or retained by the patient safety commission in the performance of an official function as the commission to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

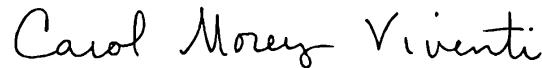
(7) As used in this section, "commission" means the commission created and appointed by the governor under subsection (1) or the organization or patient safety initiative designated to act as the commission by the governor under subsection (1).

Enacting section 1. Section 20188 of the public health code, 1978 PA 368, MCL 333.20188, is repealed 18 months after the effective date of this amendatory act.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor