

HOUSE BILL No. 4775

May 11, 2005, Introduced by Reps. Gleason, Hummel and Gaffney and referred to the Committee on Health Policy.

A bill to allow certain health facilities to object to providing or participating in certain procedures under certain circumstances; and to provide for protection from certain liability.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Health care service" means the provision or withdrawal
3 of, or research or experimentation involving, a medical diagnosis,
4 treatment, procedure, diagnostic test, device, medication, drug, or
5 other substance intended to affect the physical or mental condition
6 of an individual.

7 (b) "Health facility" means any of the following:

8 (i) A clinical laboratory.

9 (ii) A county medical care facility.

1 (iii) A freestanding surgical outpatient facility.

2 (iv) A home for the aged.

3 (v) A hospital.

4 (vi) A nursing home.

5 (vii) A hospice.

6 (viii) A hospice residence.

7 (ix) A facility or agency listed in subparagraphs (i) to (vi)
8 located in a university, college, or other educational institution.

9 (x) A private physician's office.

10 (xi) A medical clinic.

11 (xii) A public or private institution that provides health care
12 services to an individual.

13 (xiii) A teaching institution that provides health care services
14 to an individual.

15 (xiv) A pharmacy that provides health care services to an
16 individual.

17 (xv) A corporation, partnership, sole proprietorship, limited
18 liability company, or other legal entity that provides health care
19 services to an individual.

20 (c) "Health profession" means a vocation, calling, occupation,
21 or employment performed by individuals acting pursuant to a license
22 or registration issued under article 15 of the public health code,
23 1978 PA 368, MCL 333.16101 to 333.18838. However, health profession
24 does not include a vocation, calling, occupation, or employment
25 performed by an individual licensed or registered as a sanitarian
26 or a veterinarian.

27 (d) "Participate" or "participating" means, at a minimum, to

1 counsel, refer, perform, administer, prescribe, dispense, treat,
2 withhold, withdraw, diagnose, test, evaluate, train, research,
3 prepare, or provide medical advice or material or physical
4 assistance in a health care service.

5 (e) "Public health emergency" means a condition or situation
6 that presents an immediate threat to the public health, safety, or
7 welfare and requires immediate action to preserve the public
8 health, safety, or welfare.

9 Sec. 2. (1) Notwithstanding any other provision of law, a
10 health facility may withdraw or withhold from providing a health
11 care service, or may refuse to provide or participate in a health
12 care service, on ethical, moral, or religious grounds as reflected
13 in its organizational documents, charter, bylaws, or an adopted
14 mission statement.

15 (2) A health facility shall not assert an objection described
16 in subsection (1) under any of the following circumstances:

17 (a) The objection is to a health care service the health
18 facility routinely provides or participates in and is based on a
19 disagreement with a member of a health profession employed by,
20 under contract to, or granted privileges by the health facility
21 regarding the medical appropriateness of a health care service for
22 a specific patient if the patient has consented to the provision of
23 the health care service.

24 (b) In the event of a public health emergency.

25 (c) In the event of an emergency where a patient's condition,
26 in the reasonable medical judgment of an attending physician or
27 medical director, requires immediate action to avert serious

1 injury, harm, impairment, or death or is such that a delay would
2 create a serious risk of substantial and irreversible impairment of
3 a major bodily function to that patient.

4 (3) This act does not relieve a health care facility from a
5 duty that exists under another statute or other law pertaining to
6 medical standards of acceptable health care practices and
7 procedures.

8 (4) A health facility's objection as described in subsection
9 (1) to providing or participating in a health care service shall
10 not be a basis for 1 or more of the following:

11 (a) Civil, criminal, or administrative liability.

12 (b) Eligibility discrimination against the health facility in
13 a grant, contract, or program, unless providing or participating in
14 the health care service is the exclusive purpose for the grant,
15 contract, or program.