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BILL



ANALYSIS

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House Bills 4899 and 4901 (as reported without amendment)

Sponsor: Representative Kate Segal (H.B. 4899)

Representative Lesia Liss (H.B. 4901)

House Committee: Health Policy

Senate Committee: Health Policy

Date Completed: 5-18-10

RATIONALE

The Public Health Code authorizes the Department of Community Health (DCH) to promulgate rules that designate and classify communicable diseases, infections, and noncommunicable diseases, and rules that establish requirements for reporting these conditions. Administrative rules designate approximately 80 conditions as serious communicable diseases and list approximately 70 serious infections, as well as five noncommunicable diseases; require physicians and laboratories to report these diseases and infections to the appropriate health department; and require local health departments to report to the DCH (R 325.172 and 325.173). The Department then can take appropriate action, such as contacting individual patients, conducting an investigation, and working with a facility that is the site of an outbreak. As diseases evolve, it may be necessary for the DCH to revise the designation of communicable diseases and serious infections. In some cases, additional conditions need to be reported; at other times, reporting a particular disease is no longer considered necessary. Because the process to amend the rules can take up to two years, it has been suggested that the DCH should have the authority to designate reportable diseases and infections without promulgating rules.

CONTENT

House Bill 4899 would amend Section 5111 of the Public Health Code to require the Department of Community Health to maintain a list of reportable

diseases, infections, and disabilities; and delete provisions allowing the DCH to promulgate rules that designate and classify diseases, infections, and disabilities.

House Bill 4901 would amend the Corrections Code to revise citations to Section 5111 of the Public Health Code.

The bills are tie-barred to each other.

House Bill 4899

Under Section 5111 of the Public Health Code, in carrying out its authority under Article 5 (Prevention and Control of Diseases and Disabilities), the DCH may promulgate rules to designate and classify communicable, serious communicable, chronic, other noncommunicable diseases, infections, and disabilities. The bill would delete this language. Instead, the DCH would have to maintain a list of reportable diseases, infections, and disabilities that designated and classified communicable, serious communicable, chronic, or noncommunicable diseases, infections, and disabilities. The DCH would have to review and revise the list at least annually.

Section 5111 also requires the DCH to promulgate rules to provide for the confidentiality of reports, records, and data pertaining to testing, care, treatment, reporting, and research associated with communicable diseases and serious communicable diseases or infections. The bill would delete requirements that the rules

specify the communicable diseases and serious communicable diseases or infections covered under the rules, and include hepatitis B, venereal disease, and tuberculosis. The bill also would delete language providing that the rules may not apply to the serious communicable diseases or infections of HIV infection, or acquired immunodeficiency syndrome (AIDS).

House Bill 4901

The Corrections Code allows an employee of the Department of Corrections who sustains exposure to a prisoner's blood or body fluids to request that the prisoner be tested for HIV and/or hepatitis B infection, and prescribes procedures to be followed. The bill would revise references in these provisions to Section 5111 of the Public Health Code, reflecting the changes House Bill 4899 would make.

MCL 333.5101 et al. (H.B. 4899)
791.267b (H.B. 4901)

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The language in Section 5111 of the Public Health Code regarding the promulgation of rules to designate and classify diseases and infections has been in place since the Code was enacted in 1978. House Bill 4899 would update this provision by giving the DCH flexibility to revise the list of reportable conditions in a timely manner. Currently, the Department must proceed through the rules' promulgation process in order to add or remove a communicable or noncommunicable disease or a serious infection, or simply to bring the list up to date by changing the names of reportable conditions. The process to promulgate rules has many stages and can take up to two years. Although the DCH can promulgate emergency rules, an emergency rule is effective for only six months and may be extended only once for another six months. Also, the process of issuing an emergency rule itself can take several months—a long time when the public health might be at stake.

In addition to the specific diseases designated, the administrative rules' list of communicable diseases includes "the unusual occurrence, outbreak, or epidemic of any condition". Although this provision enables the DCH to respond to emergency conditions, the Department still must change the rules if it wants to add a particular disease to the list.

By authorizing the DCH to list reportable diseases and infections, and revise the list annually, without promulgating a rule, the bill would bring Section 5111 into line with a provision in the Animal Industry Act. That law requires the State Veterinarian to maintain a list of reportable animal diseases, and to review and update the list annually and more often if necessary.

In addition, the DCH sometimes requests infectious disease data from laboratories in other states. Evidently, in some cases, a lab will not release information about a particular disease or infection unless it is on Michigan's list of reportable conditions. Thus, authorizing the DCH to list diseases and infections would improve the Department's ability to obtain data from out-of-State labs.

Supporting Argument

The Michigan Disease Surveillance System (MDSS) is an internet-based communicable disease reporting system that was developed for this State according to national data standards. The purposes of the system include facilitating coordination among local, State, and Federal public health agencies; providing for the secure transfer, maintenance, and analysis of communicable disease surveillance information; and addressing needs in many areas of traditional disease surveillance, emergent infectious diseases, and biological terrorism. The MDSS allows immediate communication among disease reporting agencies, local health departments, and the DCH regarding investigations into possible cases of communicable disease, whether they are suspected, probable, or confirmed. According to the DCH website, the MDSS has transformed the Department's Weekly Disease Reports, which rely on current reports to the DCH by local health departments. Since the local agencies' reports are based on the diseases and infections listed by Department, it is

necessary for that list to be as up-to-date as possible, for the MDSS to fulfill its purposes.

Supporting Argument

House Bill 4901 simply would make the Corrections Code consistent with the proposed changes in Section 5111 of the Public Health Code, by changing citations to that section in Corrections Code provisions that address testing prisoners who have exposed employees to infectious diseases.

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: Matthew Grabowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.