

HOUSE BILL No. 4458

February 24, 2009, Introduced by Rep. Miller and referred to the Committee on Regulatory Reform.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 1104 and 13815 (MCL 333.1104 and 333.13815),
section 1104 as amended by 1996 PA 307 and section 13815 as added
by 1990 PA 21.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1104. (1) "Acknowledgment of parentage" means an
2 acknowledgment executed as provided in the acknowledgment of
3 parentage act.

4 (2) "Administrative procedures act of 1969" means ~~Act No. 306~~
5 ~~of the Public Acts of 1969, being sections 24.201 to 24.328 of the~~
6 ~~Michigan Compiled Laws, or a successor act 1969 PA 306, MCL 24.201~~

1 TO 24.328.

2 (3) "Adult" means an individual 18 years of age or older.

3 (4) "Code" means ~~the public health code~~ **THIS ACT**.

4 (5) "Department", except as provided in **SECTION 13815 AND**
5 article 15, means the ~~state~~ department of community health.

6 (6) "Director", except as provided in article 15, means the
7 ~~state~~ director of **THE DEPARTMENT OF** community health.

8 (7) "Governmental entity" means a government, governmental
9 subdivision or agency, or public corporation.

10 Sec. 13815. ~~A producing facility shall submit the following~~
11 ~~registration fee with the registration form required under section~~
12 ~~13813.~~

13 ~~—— (a) For a producing facility that is a health facility or~~
14 ~~agency other than a hospital described in subdivision (b) and for a~~
15 ~~producing facility that is not a health facility or agency, a~~
16 ~~registration fee of \$75.00.~~

17 ~~—— (b) For a producing facility that is a health facility or~~
18 ~~agency that is a hospital with 150 or more licensed beds or a~~
19 ~~clinical laboratory, a registration fee of \$150.00.~~

20 (1) **EXCEPT AS PROVIDED UNDER SUBSECTION (2), A PERSON SHALL**
21 **NOT OPERATE AS A TRAUMA SCENE WASTE MANAGEMENT PRACTITIONER UNLESS**
22 **THE PERSON IS REGISTERED UNDER THIS SECTION.**

23 (2) **A PERSON OPERATING AS A TRAUMA SCENE WASTE MANAGEMENT**
24 **PRACTITIONER IMMEDIATELY BEFORE THE EFFECTIVE DATE OF THE**
25 **AMENDATORY ACT THAT ADDED THIS SUBSECTION MAY CONTINUE TO OPERATE**
26 **AS A TRAUMA SCENE WASTE MANAGEMENT PRACTITIONER, SUBJECT TO ALL OF**
27 **THE FOLLOWING:**

1 (A) WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY
2 ACT THAT ADDED THIS SUBSECTION, THE PERSON SHALL NOTIFY THE
3 DEPARTMENT THAT THE PERSON IS OPERATING AND INTENDS TO CONTINUE TO
4 OPERATE AS A TRAUMA SCENE WASTE MANAGEMENT PRACTITIONER.

5 (B) BY THE DATE PRESCRIBED BY THE DEPARTMENT, THE PERSON SHALL
6 SUBMIT TO THE DEPARTMENT AN APPLICATION FOR REGISTRATION. UPON
7 RECEIPT OF THE APPLICATION, THE DEPARTMENT SHALL PROCEED IN THE
8 MANNER PRESCRIBED IN SUBSECTION (4).

9 (C) THE PERSON SHALL IMMEDIATELY CEASE OPERATION AS A TRAUMA
10 SCENE WASTE MANAGEMENT PRACTITIONER UPON RECEIPT OF A NOTICE THAT
11 ITS APPLICATION FOR REGISTRATION UNDER SUBDIVISION (B) HAS BEEN
12 DENIED. A PERSON WHO RECEIVES A NOTICE THAT ITS APPLICATION FOR
13 REGISTRATION HAS BEEN DENIED MAY REAPPLY, AND THE DEPARTMENT SHALL
14 PROCEED IN THE MANNER PRESCRIBED IN SUBSECTION (4).

15 (3) A PERSON SHALL APPLY OR REAPPLY FOR REGISTRATION UNDER
16 THIS SECTION, INCLUDING REGISTRATION RENEWAL UNDER SUBSECTION (5),
17 ON A FORM AND IN THE MANNER PRESCRIBED BY THE DEPARTMENT. THE
18 PERSON SHALL SUBMIT ALL OF THE FOLLOWING WITH THE APPLICATION:

19 (A) A REGISTRATION FEE OF \$75.00.

20 (B) A WRITTEN TRAUMA SCENE WASTE MANAGEMENT PLAN THAT MEETS
21 THE REQUIREMENTS OF SUBSECTION (8).

22 (C) PROOF OF FINANCIAL RESPONSIBILITY FOR BODILY INJURY,
23 PROPERTY DAMAGE, OR ENVIRONMENTAL DAMAGE TO THIRD PARTIES CAUSED BY
24 ACCIDENTAL OCCURRENCES ARISING FROM THE TRAUMA SCENE WASTE CLEANUP
25 AND TRANSPORT ACTIVITIES OF THE TRAUMA SCENE WASTE MANAGEMENT
26 PRACTITIONER.

27 (D) A FEE PRESCRIBED BY THE DEPARTMENT TO COVER THE EXPENSE OF

1 A BACKGROUND CHECK IF REQUIRED UNDER SUBSECTION (4).

2 (4) UPON RECEIPT OF A COMPLETE APPLICATION FOR REGISTRATION
3 UNDER THIS SECTION AND THE APPLICABLE FEE OR FEES, THE DEPARTMENT
4 SHALL CAUSE TO BE CONDUCTED A BACKGROUND CHECK OF ALL INDIVIDUALS
5 LISTED IN THE APPLICATION AS BEING THE OWNERS, OFFICERS, DIRECTORS,
6 PARTNERS, OR OTHER KEY EMPLOYEES OF THE TRAUMA SCENE WASTE
7 MANAGEMENT PRACTITIONER. THE DEPARTMENT SHALL DETERMINE WHETHER ANY
8 INFORMATION RECEIVED AS A RESULT OF THE BACKGROUND CHECK MAKES THE
9 TRAUMA SCENE WASTE MANAGEMENT PRACTITIONER INELIGIBLE TO BE
10 REGISTERED UNDER THIS SECTION AND, IF SO, SHALL NOT REGISTER THE
11 PERSON. THE DEPARTMENT SHALL NOTIFY THE PERSON THAT ITS APPLICATION
12 FOR REGISTRATION HAS BEEN DENIED UNDER THIS SECTION AND INCLUDE THE
13 REASONS FOR THE DENIAL. A PERSON WHO RECEIVES A NOTICE THAT ITS
14 APPLICATION FOR REGISTRATION HAS BEEN DENIED UNDER THIS SUBSECTION
15 MAY REAPPLY UNDER SUBSECTION (3), AND THE DEPARTMENT SHALL PROCEED
16 IN THE MANNER PRESCRIBED IN THIS SUBSECTION ON THE APPLICATION AS
17 IF IT WERE A NEW APPLICATION. IF THE DEPARTMENT DETERMINES THAT THE
18 APPLICANT IS ABLE TO ENGAGE IN THE CLEANUP, HANDLING, AND TRANSPORT
19 OF TRAUMA SCENE WASTE IN A MANNER THAT WILL PROTECT THE PUBLIC
20 HEALTH, SAFETY, AND WELFARE AND THE ENVIRONMENT, THE DEPARTMENT
21 SHALL ISSUE A CERTIFICATION OF REGISTRATION TO THE APPLICANT UNDER
22 THIS SECTION.

23 (5) A CERTIFICATE OF REGISTRATION ISSUED UNDER THIS SECTION IS
24 VALID FOR 3 YEARS FROM THE DATE OF ISSUANCE. A TRAUMA SCENE WASTE
25 MANAGEMENT PRACTITIONER SHALL COMPLY WITH ANY RULES PROMULGATED BY
26 THE DEPARTMENT TO OBTAIN A RENEWAL REGISTRATION UNDER THIS SECTION.
27 THE DEPARTMENT SHALL ACT ON A RENEWAL REGISTRATION APPLICATION IN

1 THE SAME MANNER AS A NEW APPLICATION UNDER SUBSECTION (4) .

2 (6) FEES COLLECTED PURSUANT TO THIS SECTION SHALL BE FORWARDED
3 TO THE STATE TREASURER AND DEPOSITED IN THE FUND.

4 (7) WITHIN 90 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY
5 ACT THAT ADDED THIS SUBSECTION AND ON A CONTINUING BASIS, THE
6 DEPARTMENT, IN CONSULTATION WITH THE TRAUMA SCENE WASTE MANAGEMENT
7 INDUSTRY AND THE HEALTH CARE INDUSTRY, SHALL ESTABLISH THE
8 FOLLOWING STANDARDS:

9 (A) DOCUMENTATION OF PERSONAL PROTECTION REQUIRED TO BE
10 PROVIDED FOR AND USED BY EMPLOYEES OF TRAUMA SCENE WASTE MANAGEMENT
11 PRACTITIONERS TO MINIMIZE EXPOSURE TO INFECTIOUS AGENTS THROUGHOUT
12 THE PROCESS OF HANDLING AND TRANSPORTING TRAUMA SCENE WASTE.

13 (B) TECHNOLOGIES, CHEMICALS, AND PROCEDURES APPROPRIATE FOR
14 CLEANING AND DISINFECTING A TRAUMA SCENE.

15 (C) PROCEDURES AND EQUIPMENT APPROPRIATE FOR REMOVING,
16 STORING, TRANSPORTING, AND DISPOSING OF TRAUMA SCENE WASTE.

17 (D) OTHER STANDARDS AS NECESSARY.

18 (8) A TRAUMA SCENE WASTE MANAGEMENT PRACTITIONER SHALL DEVELOP
19 A TRAUMA SCENE WASTE MANAGEMENT PLAN. THE TRAUMA SCENE WASTE
20 MANAGEMENT PLAN SHALL SPECIFICALLY DESCRIBE HOW EACH OF THE
21 STANDARDS UNDER SUBSECTION (7) WILL BE IMPLEMENTED BY THE TRAUMA
22 SCENE WASTE MANAGEMENT PRACTITIONER.

23 (9) A TRAUMA SCENE WASTE MANAGEMENT PRACTITIONER SHALL UPDATE
24 ITS TRAUMA SCENE WASTE MANAGEMENT PLAN EVERY YEAR OR WITHIN 30 DAYS
25 OF A CHANGE IN ANY OF THE FOLLOWING:

26 (A) A PERSON OR SITE NAMED IN THE PLAN.

27 (B) THE TYPES OF TRAUMA SCENE WASTE HANDLED OR THE METHODS OF

1 HANDLING TRAUMA SCENE WASTE.

2 (10) A TRAUMA SCENE WASTE MANAGEMENT PRACTITIONER SHALL COMPLY
3 WITH ITS TRAUMA SCENE WASTE MANAGEMENT PLAN AND SHALL TRANSPORT
4 TRAUMA SCENE WASTE TO A PRODUCING FACILITY THAT DECONTAMINATES OR
5 INCINERATES MEDICAL WASTE FOR TREATMENT OR DISPOSAL. A TRAUMA SCENE
6 WASTE MANAGEMENT PRACTITIONER SHALL NOT STORE TRAUMA SCENE WASTE ON
7 ITS PREMISES FOR MORE THAN 7 DAYS. A TRAUMA SCENE WASTE MANAGEMENT
8 PRACTITIONER SHALL PACKAGE MEDICAL WASTE IN THE MANNER DESCRIBED IN
9 SECTION 13821 AND AS OTHERWISE PRESCRIBED BY THE DEPARTMENT.

10 (11) THE DEPARTMENT MAY INSPECT A TRAUMA SCENE WASTE
11 MANAGEMENT PRACTITIONER IN EITHER A ROUTINE OR UNANNOUNCED MANNER
12 IN ORDER TO DETERMINE WHETHER THE TRAUMA SCENE WASTE MANAGEMENT
13 PRACTITIONER SHOULD BE REGISTERED OR TO INVESTIGATE A COMPLAINT.
14 THE DEPARTMENT MAY DENY, SUSPEND, OR REVOKE REGISTRATION IF THE
15 DEPARTMENT DETERMINES THAT THE TRAUMA SCENE WASTE MANAGEMENT
16 PRACTITIONER IS NOT ABLE TO ENGAGE IN THE CLEANUP, HANDLING, AND
17 TRANSPORT OF TRAUMA SCENE WASTE IN A MANNER THAT WILL PROTECT THE
18 PUBLIC HEALTH, SAFETY, AND WELFARE AND THE ENVIRONMENT. THE
19 DEPARTMENT SHALL PROVIDE NOTICE UNDER SECTION 92 OF THE
20 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.292, AND
21 AN OPPORTUNITY FOR A CONTESTED CASE HEARING UNDER CHAPTER 4 OF THE
22 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.271 TO
23 24.287, BEFORE SUSPENDING OR REVOKING A REGISTRATION UNDER THIS
24 SUBSECTION.

25 (12) SECTIONS 13813 AND 13817 DO NOT APPLY TO A TRAUMA SCENE
26 WASTE MANAGEMENT PRACTITIONER. HOWEVER, A TRAUMA SCENE WASTE
27 MANAGEMENT PRACTITIONER SHALL MAKE ITS TRAUMA SCENE WASTE

1 MANAGEMENT PLAN AVAILABLE TO THE DEPARTMENT IN THE SAME MANNER AS
2 REQUIRED FOR A MEDICAL WASTE MANAGEMENT PLAN UNDER SECTION 13817(4)
3 AND (5).

4 (13) THE DEPARTMENT SHALL POST AND MAINTAIN ON ITS WEBSITE A
5 CURRENT LIST OF REGISTERED TRAUMA SCENE WASTE MANAGEMENT
6 PRACTITIONERS. UPON REQUEST, THE DEPARTMENT SHALL PROVIDE A PERSON
7 WITH A CURRENT LIST OF REGISTERED TRAUMA SCENE WASTE MANAGEMENT
8 PRACTITIONERS.

9 (14) AS USED IN THIS SECTION, "DEPARTMENT" MEANS THE
10 DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH.

11 Enacting section 1. This amendatory act does not take effect
12 unless Senate Bill No.____ or House Bill No. 4459(request no.
13 01061'09) of the 95th Legislature is enacted into law.