

SENATE BILL No. 111

January 28, 2009, Introduced by Senators OLSHOVE, CHERRY, SCOTT, KAHN, GEORGE and GLEASON and referred to the Committee on Transportation.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 5139.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 5139. (1) A PHYSICIAN HAS NO AFFIRMATIVE OBLIGATION TO
2 BUT MAY VOLUNTARILY REPORT TO THE SECRETARY OF STATE OR WARN THIRD
3 PARTIES REGARDING ANY KNOWLEDGE CONCERNING A PERSON'S MENTAL AND
4 PHYSICAL QUALIFICATIONS TO OPERATE A MOTOR VEHICLE IN A MANNER AS
5 NOT TO JEOPARDIZE THE SAFETY OF PERSONS AND PROPERTY DUE TO AN
6 EPISODE. A PHYSICIAN WHO CHOOSES NOT TO MAKE A REPORT TO THE
7 SECRETARY OF STATE OR WARN THIRD PARTIES AS PROVIDED FOR UNDER THIS
8 SUBSECTION IS IMMUNE FROM ANY CRIMINAL OR CIVIL LIABILITY TO THE
9 PATIENT OR THIRD PARTY THAT MAY HAVE BEEN INJURED BY THE PATIENT'S
10 ACTIONS.

1 (2) A PHYSICIAN MAY MAKE A REPORT UNDER THIS SECTION AND
2 SUBMIT THAT REPORT TO THE SECRETARY OF STATE FOR THE PURPOSE OF
3 INITIATING OR CONTRIBUTING TO AN EXAMINATION OF AN APPLICANT'S
4 PHYSICAL AND MENTAL QUALIFICATIONS TO OPERATE A MOTOR VEHICLE IN A
5 MANNER AS NOT TO JEOPARDIZE THE SAFETY OF PERSONS AND PROPERTY
6 PURSUANT TO SECTION 309 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300,
7 MCL 257.309. IN MAKING THAT REPORT, THE PHYSICIAN SHALL RECOMMEND A
8 PERIOD OF SUSPENSION AS DETERMINED APPROPRIATE BY THE PHYSICIAN AS
9 FOLLOWS:

10 (A) IN THE CASE OF A PATIENT HOLDING AN OPERATOR'S LICENSE,
11 THAT THE SUSPENSION BE FOR AT LEAST 6 MONTHS OR LONGER.

12 (B) IN THE CASE OF A PATIENT HOLDING A COMMERCIAL LICENSE,
13 THAT THE SUSPENSION BE FOR AT LEAST 12 MONTHS OR LONGER.

14 (3) A PHYSICIAN MAKING A REPORT UNDER SUBSECTION (2), ACTING
15 IN GOOD FAITH AND EXERCISING DUE CARE AS EVIDENCED BY DOCUMENTING
16 HIS OR HER FILE OR MEDICAL RECORD REGARDING AN EPISODE, IS IMMUNE
17 FROM ANY CIVIL OR CRIMINAL LIABILITY, RESULTING FROM THE REPORT, TO
18 THE PATIENT OR A THIRD PARTY THAT MAY HAVE BEEN INJURED BY THE
19 PATIENT'S ACTIONS.

20 (4) AS USED IN THIS SECTION:

21 (A) "EPISODE" MEANS EITHER OR BOTH OF THE FOLLOWING:

22 (i) AN EXPERIENCE DERIVED FROM A CONDITION THAT CAUSES OR
23 CONTRIBUTES TO LOSS OF CONSCIOUSNESS, BLACKOUT, SEIZURE, A FAINTING
24 SPELL, SYNCOPE, OR ANY OTHER IMPAIRMENT OF THE LEVEL OF
25 CONSCIOUSNESS.

26 (ii) AN EXPERIENCE DERIVED FROM A CONDITION THAT CAUSES AN
27 IMPAIRMENT OF AN INDIVIDUAL'S DRIVING JUDGMENT.

1 (B) "PHYSICIAN" MEANS THAT TERM AS DEFINED UNDER PART 170 OR
2 175.

3 Enacting section 1. This amendatory act does not take effect
4 unless Senate Bill No. 110
5 of the 95th Legislature is enacted into law.