

SENATE BILL No. 165

February 7, 2013, Introduced by Senators MARLEAU, HUNTER, MOOLENAAR, JONES, NOFS, PAPPAGEORGE, EMMONS, ROBERTSON and HUNE and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding part 204.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 PART 204

2 SEC. 20401. THIS PART SHALL BE KNOWN AND MAY BE CITED AS THE
3 "MEDICAL GOOD-FAITH PROVISIONS ACT".

4 SEC. 20403. AS USED IN THIS PART:

5 (A) "MEDICAL FUTILITY" MEANS A JUDGMENT THAT FURTHER MEDICAL
6 TREATMENT OF A PATIENT OR RESIDENT WOULD HAVE NO USEFUL RESULT.

7 (B) "MEDICAL FUTILITY POLICY" MEANS A POLICY THAT ENCOURAGES
8 OR ALLOWS A HEALTH FACILITY OR AGENCY EMPLOYEE, OR OTHER HEALTH

1 CARE PROFESSIONAL WHO PROVIDES MEDICAL TREATMENT OR CARE TO
2 PATIENTS OR RESIDENTS AT A HEALTH FACILITY OR AGENCY, TO WITHHOLD
3 OR DISCONTINUE MEDICAL TREATMENT OR CARE FOR A PATIENT OR RESIDENT
4 BASED ON MEDICAL FUTILITY.

5 SEC. 20405. (1) A HEALTH FACILITY OR AGENCY SHALL NOT
6 ESTABLISH OR MAINTAIN A MEDICAL FUTILITY POLICY UNLESS THAT POLICY
7 IS IN WRITING.

8 (2) A HEALTH FACILITY OR AGENCY THAT MAINTAINS A MEDICAL
9 FUTILITY POLICY THAT APPLIES TO THE TREATMENT OF A PATIENT OR
10 RESIDENT FROM BIRTH TO 18 YEARS OF AGE SHALL, UPON REQUEST, PROVIDE
11 A COPY OF THAT MEDICAL FUTILITY POLICY TO THE PATIENT OR RESIDENT,
12 PROSPECTIVE PATIENT OR RESIDENT, OR PARENT OR LEGAL GUARDIAN OF THE
13 PATIENT OR RESIDENT OR PROSPECTIVE PATIENT OR RESIDENT.