

SENATE BILL No. 1101

October 2, 2014, Introduced by Senators MARLEAU, HILDENBRAND, SMITH, YOUNG, JOHNSON, GREGORY and ROBERTSON and referred to the Committee on Appropriations.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding sections 16279 and 20154.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 16279. A HEALTH PROFESSIONAL LICENSED, REGISTERED, OR
2 OTHERWISE AUTHORIZED TO ENGAGE IN A HEALTH PROFESSION UNDER THIS
3 ARTICLE WHOSE SCOPE OF PRACTICE WITHIN THAT HEALTH PROFESSION
4 INCLUDES PRIMARY CARE SHALL COMPLY WITH SECTION 20154. AS USED IN
5 THIS SECTION, "PRIMARY CARE" MEANS THE MEDICAL FIELDS OF FAMILY
6 MEDICINE, GENERAL PEDIATRICS, PRIMARY CARE, INTERNAL MEDICINE,
7 PRIMARY CARE OBSTETRICS, OR PRIMARY CARE GYNECOLOGY, WITHOUT REGARD

1 TO BOARD CERTIFICATION.

2 SEC. 20154. (1) A HEALTH CARE PROVIDER SHALL OFFER A
3 HEPATITIS-C-RELATED TEST TO A TARGETED INDIVIDUAL WHO IS RECEIVING
4 HEALTH CARE SERVICES FROM THE HEALTH CARE PROVIDER UNLESS ANY OF
5 THE FOLLOWING APPLY:

6 (A) THE HEALTH CARE PROVIDER REASONABLY BELIEVES THAT THE
7 INDIVIDUAL IS BEING TREATED FOR A LIFE-THREATENING EMERGENCY.

8 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, THE
9 HEALTH CARE PROVIDER REASONABLY BELIEVES THAT THE INDIVIDUAL HAS
10 PREVIOUSLY BEEN OFFERED OR HAS BEEN THE SUBJECT OF A HEPATITIS-C-
11 RELATED TEST. A HEALTH CARE PROVIDER SHALL OFFER A HEPATITIS-C-
12 RELATED TEST TO A TARGETED INDIVIDUAL DESCRIBED IN THIS SUBDIVISION
13 IF THAT TEST IS OTHERWISE INDICATED FOR THAT INDIVIDUAL.

14 (C) THE HEALTH CARE PROVIDER REASONABLY BELIEVES THAT THE
15 INDIVIDUAL LACKS CAPACITY TO CONSENT TO THE HEPATITIS-C-RELATED
16 TEST.

17 (2) THE DEPARTMENT SHALL PROMULGATE RULES UNDER THE
18 ADMINISTRATIVE PROCEDURES ACT OF 1969 TO PRESCRIBE THE MANNER OF
19 OFFERING THE HEPATITIS-C-RELATED TEST UNDER THIS SECTION IN A
20 CULTURALLY AND LINGUISTICALLY APPROPRIATE MANNER IN THIS STATE.

21 (3) THIS SECTION DOES NOT AFFECT THE SCOPE OF PRACTICE OF A
22 HEALTH CARE PROVIDER OR DIMINISH ANY AUTHORITY OR LEGAL OR
23 PROFESSIONAL OBLIGATION OF A HEALTH CARE PROVIDER TO OFFER A
24 HEPATITIS-C-RELATED TEST OR PROVIDE HEALTH CARE SERVICES TO THE
25 SUBJECT OF A HEPATITIS-C-RELATED TEST.

26 (4) AS USED IN THIS SECTION:

27 (A) "FDA" MEANS THE UNITED STATES FOOD AND DRUG

1 ADMINISTRATION.

2 (B) "HEALTH CARE PROVIDER" MEANS ANY OF THE FOLLOWING:

3 (i) A HEALTH PROFESSIONAL DESCRIBED IN SECTION 16279.

4 (ii) A HOSPITAL.

5 (iii) A FREESTANDING SURGICAL OUTPATIENT FACILITY.

6 (C) "HEPATITIS-C-RELATED TEST" MEANS ANY OF THE FOLLOWING
7 TESTS THAT DETECT THE PRESENCE OF HEPATITIS C ANTIBODIES IN THE
8 BLOOD:

9 (i) AN FDA-APPROVED LABORATORY SCREENING TEST.

10 (ii) AN FDA-APPROVED RAPID POINT-OF-CARE TEST.

11 (iii) ANY OTHER FDA-APPROVED TEST.

12 (D) "TARGETED INDIVIDUAL" MEANS AN INDIVIDUAL WHOSE YEAR OF
13 BIRTH IS AFTER 1945 AND BEFORE 1965.