

# HOUSE BILL No. 5085

December 1, 2015, Introduced by Reps. Sarah Roberts, Greig, Hovey-Wright, Lane, Faris, Smiley, Plawecki, Brinks, Singh, Townsend, Pagan, Irwin, Zemke, Wittenberg, Chang, Greimel, Guerra, Durhal and Moss and referred to the Committee on Criminal Justice.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding section 16220.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           SEC. 16220. (1) NOTWITHSTANDING ANY PROVISION OF THIS ACT TO  
2 THE CONTRARY, A PHYSICIAN OR QUALIFIED PERSON ASSISTING THE  
3 PHYSICIAN IS IMMUNE FROM CRIMINAL PENALTY, CIVIL SANCTION, AND  
4 ADMINISTRATIVE SANCTION FOR A FAILURE TO COMPLY WITH SECTION 17015,  
5 17017, 17515, OR 17517 FOR PATIENT CARE PROVIDED TO A SPECIFIC  
6 PATIENT IF, IN THE PHYSICIAN'S GOOD-FAITH MEDICAL JUDGMENT,  
7 COMPLIANCE WITH SECTION 17015, 17017, 17515, OR 17517 IN THAT CASE  
8 IS INCONSISTENT WITH ACCEPTED, EVIDENCE-BASED MEDICAL PRACTICES OR  
9 IS MEDICALLY INAPPROPRIATE FOR THE PATIENT. THIS SECTION DOES NOT  
10 DO ANY OF THE FOLLOWING:

1           (A) ABROGATE THE PROFESSIONAL STANDARD OF CARE TO WHICH A  
2   PHYSICIAN OR QUALIFIED PERSON ASSISTING THE PHYSICIAN IS EXPECTED  
3   TO ADHERE.

4           (B) ALTER EXISTING STANDARDS FOR MEDICAL MALPRACTICE.

5           (2) AS USED IN THIS SECTION:

6           (A) "PATIENT CARE" MEANS ALL ASPECTS OF THE HEALTH CARE  
7   PROFESSIONAL'S INTERACTION WITH A HUMAN PATIENT, INCLUDING THE  
8   PROVISION OF INFORMATION AND CLINICAL CARE.

9           (B) "PHYSICIAN" MEANS THAT TERM AS DEFINED IN SECTION 17001 OR  
10  17501.

11          (C) "QUALIFIED PERSON ASSISTING THE PHYSICIAN" MEANS THAT TERM  
12  AS DEFINED IN SECTION 17015.