

**SUBSTITUTE FOR
SENATE BILL NO. 819**

A bill to create the biased and unjust care reporting act; and to provide for the powers and duties of certain state governmental officers and entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "biased and unjust care
2 reporting act".

3 Sec. 3. As used in this act:

4 (a) "De-identified data" means health information that does
5 not identify an individual and there is no reasonable basis to
6 believe the health information can be used to identify an
7 individual.

8 (b) "Department" means the department of health and human
9 services.

1 (c) "Health facility or agency" means that term as defined in
2 section 20106 of the public health code, 1978 PA 368, MCL
3 333.20106.

4 (d) "Health professional" means an individual who is licensed
5 or otherwise authorized to engage in a health profession under
6 article 15 of the public health code, 1978 PA 368, MCL 333.16101 to
7 333.18838.

8 (e) "Obstetric racism" means that a health facility or agency,
9 health professional, or other person that provides care to a
10 patient during the perinatal period is influenced by the patient's
11 race in making treatment or diagnostic decisions, and that decision
12 places the patient's health and well-being at risk.

13 (f) "Obstetric violence" means physical, sexual, emotional, or
14 verbal abuse; bullying; coercion; humiliation; or assault,
15 perpetrated by a health care professional on an individual who is
16 laboring and birthing a child.

17 (g) "Validated tool" means a written or oral survey instrument
18 that can demonstrate empirical evidence for reliability and
19 validity.

20 Sec. 5. (1) The department shall use a validated tool to
21 receive reports, in a form and manner prescribed by the department,
22 from individuals who are pregnant or in the postpartum period and
23 who receive gynecological or perinatal care that does not meet 1 or
24 more of the following:

25 (a) Is provided in a manner that is culturally congruent,
26 unbiased, and just.

27 (b) Maintains dignity, privacy, and confidentiality.

28 (c) Prevents harm or mistreatment.

29 (d) Meets requirements for informed consent.

1 (2) The department shall use the validated tool described
2 under subsection (1) and other methods to identify incidences of
3 obstetric violence and obstetric racism.

4 (3) The department shall provide a report that contains de-
5 identified data on the incidence and prevalence of obstetric
6 violence and obstetric racism to the governor, the standing
7 committees in the senate and house of representatives with
8 jurisdiction over issues pertaining to public health, the director
9 of the department, and the director of the department of licensing
10 and regulatory affairs. The report must not contain identifying
11 information of a health facility or agency, health professional, or
12 other person that provides care to a patient during the perinatal
13 period.