



HOUSE BILL No. 5798

April 23, 1996, Introduced by Rep. Geiger and referred to the Committee on Health Policy.

A bill to amend sections 20104 and 20115 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," being sections 333.20104 and 333.20115 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 20104 and 20115 of Act No. 368 of the
2 Public Acts of 1978, being sections 333.20104 and 333.20115 of
3 the Michigan Compiled Laws, are amended to read as follows:

4 Sec. 20104. (1) "Certification" means the issuance of a
5 document by the department to a health facility or agency attest-
6 ing to the fact that the HEALTH facility or agency meets both of
7 the following:

8 (a) It complies with applicable statutory and regulatory
9 requirements and standards.

1 (b) It is eligible to participate as a provider of care and
2 services in a specific federal or state health program.

3 (2) "Clinical laboratory" means a facility patronized by, or
4 at the direction of, a physician, health officer, or other person
5 authorized by law to obtain information for the diagnosis, pre-
6 vention, or treatment of disease or the assessment of a medical
7 condition by the microbiological, serological, histological,
8 hematological, immunohematological, biophysical, cytological,
9 pathological, or biochemical examination of materials derived
10 from the human body, except as provided in section 20507.

11 (3) "Consumer" means ~~a person~~ AN INDIVIDUAL who is not a
12 HEALTH PROFESSIONAL LICENSED OR REGISTERED UNDER ARTICLE 15 OR
13 ANOTHER provider of health care. ~~as defined in section 1531(3)~~
14 ~~of title 15 of the public health service act, 42 U.S.C. 300n.~~

15 (4) "County medical care facility" means a nursing care
16 facility, other than a hospital long-term care unit, ~~which~~ THAT
17 provides organized nursing care and medical treatment to 7 or
18 more unrelated individuals who are suffering or recovering from
19 illness, injury, or infirmity and ~~which~~ is owned by a county or
20 counties.

21 (5) "Freestanding surgical outpatient facility" means a
22 facility ~~, other than the office of a physician, dentist, podia-~~
23 ~~trist, or other private practice office,~~ offering ~~a~~ 1 OR MORE
24 surgical ~~procedure~~ PROCEDURES and related care that in the
25 opinion of the attending physician can be safely performed with-
26 out requiring overnight inpatient hospital care. ~~It~~
27 FREESTANDING SURGICAL OUTPATIENT FACILITY does not include a

1 surgical outpatient facility owned by and operated as part of a
2 hospital OR THE PRIVATE PRACTICE OFFICE OF A PHYSICIAN, DENTIST,
3 PODIATRIST, OR OTHER PRIVATE PRACTICE OFFICE, UNLESS MORE THAN 50
4 ABORTIONS ARE PERFORMED IN THE FACILITY OR PRIVATE PRACTICE
5 OFFICE IN A CALENDAR YEAR. AS USED IN THIS SUBSECTION,
6 "ABORTION" MEANS THAT TERM AS DEFINED IN SECTION 17015.

7 Sec. 20115. (1) The department may promulgate rules to fur-
8 ther define the term "health facility or agency" and the defini-
9 tion of ~~any~~ A health facility or agency listed in section 20106
10 as required to implement this article. The department may define
11 a specific organization as a health facility or agency for the
12 sole purpose of certification authorized under this article. For
13 purpose of certification only, an organization defined in
14 section 20106(5), 20108(1), or ~~20109(3)~~ 20109(4) is considered
15 a health facility or agency. The term "health facility or
16 agency" ~~shall~~ DOES not mean a visiting nurse service or home
17 aide service conducted by and for the adherents of a church or
18 religious denomination for the purpose of providing service for
19 those who depend upon spiritual means through prayer alone for
20 healing.

21 (2) The department shall promulgate rules to differentiate a
22 freestanding surgical outpatient facility from a private office
23 of a practicing physician, dentist, podiatrist, or other private
24 practice office.

25 (3) THE DEPARTMENT SHALL PROMULGATE RULES THAT IN EFFECT
26 REPUBLISH R 325.3826, R 325.3832, R 325.3835, R 325.3857,
27 R 325.3866, R 325.3867, AND R 325.3868 OF THE MICHIGAN

1 ADMINISTRATIVE CODE, BUT SHALL INCLUDE IN THE RULES STANDARDS FOR
2 FREESTANDING SURGICAL OUTPATIENT FACILITIES IN WHICH MORE THAN 50
3 ABORTIONS PER CALENDAR YEAR ARE PERFORMED. THE DEPARTMENT SHALL
4 ASSURE THAT THE STANDARDS ARE CONSISTENT WITH THE MOST RECENT
5 UNITED STATES SUPREME COURT DECISIONS REGARDING STATE REGULATION
6 OF ABORTIONS. AS USED IN THIS SUBSECTION, "ABORTION" MEANS THAT
7 TERM AS DEFINED IN SECTION 17015.