

Legislative Analysis



TRAUMA SCENE WASTE MANAGEMENT: REQUIRE PRACTITIONERS TO REGISTER

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House Bill 5574

Sponsor: Rep. Fred Miller

Committee: Regulatory Reform

Complete to 4-28-08

A SUMMARY OF HOUSE BILL 5574 AS INTRODUCED 12-13-07

The bill would amend Part 138 of Article 12 of the Public Health Code (MCL 333.13805 et.al.), entitled Medical Waste, to regulate medical waste generated at the scene of a trauma. The bill would include "trauma scene waste" in the definition of "medical waste," define other terms, extend provisions of the code that relate to a facility that produces medical waste so as to include a trauma scene waste management practitioner, require registration to remove medical waste at a trauma scene and a permit to transport that waste, and subject violators to administrative fines.

A "trauma scene" would mean a location soiled by or contaminated with pathological waste as a result of a serious human injury, illness, or death. It would include a physical structure that was not fixed geographically, such as a mobile home, trailer, or vehicle.

"Trauma scene waste" would mean pathological waste that had been removed, was to be removed, or was in the process of being removed from a trauma scene by a trauma scene waste practitioner. "Trauma scene waste practitioner" would mean a person required to be registered with the Department of Environmental Quality (DEQ) to receive a trauma scene waste transport permit in order to engage in the cleanup, handling, and transport of trauma scene waste from a Michigan trauma scene.

Among other things, the bill would do the following:

- Apply various provisions regulating the actions of a producing facility to also regulate a trauma scene waste management practitioner.
- Require a person to register with the DEQ and receive a trauma scene waste transport permit before engaging in the cleanup or transport of trauma scene waste.
- Allow a person who was previously engaged in such activities prior to the bill's enactment to apply for registration and a permit without paying a registration fee or meeting additional criteria. However, if the request was denied, the DEQ would have to provide the reasons for the denial. The person could reapply under the bill's provisions for the new registration category.
- Require applicants for a registration and transport permit to submit a registration fee of \$150; a written trauma scene waste management plan as specified in the bill; proof of financial responsibility for injury to another person, property damage, or

environmental damage arising from the trauma scene cleanup and transport of medical wastes from the trauma scene; and a fee to cover a required background check.

- Require a background check of all owners, partners, officers, and key employees.
- Allow a conditional registration to be issued if all the required documentation were not available at the time of application.
- A certificate of registration and transport permit would be valid for one year. Background checks for renewals would have to be conducted at least once every three years.
- The DEQ would have to establish standards within 90 days of the bill's effective date (and on a continuing basis), in consultation with the trauma scene waste management industry and the health care industry, requiring documentation of personal protection to be provided and worn by employees; appropriate technologies and chemicals used at the scene; and other necessary standards.
- Require each practitioner to develop a trauma scene waste management plan as prescribed in the bill, file a copy with the DEQ at the time of application, and also file subsequent revisions.
- Prohibit storage of trauma scene waste by a practitioner on his or her premises for more than 14 days.
- Allow the DEQ to do routine or unannounced inspections. A registration and transport permit could be denied, suspended, or revoked upon a determination the practitioner cannot engage in the cleanup or transport of trauma scene waste in a manner that would protect the public health, safety, and welfare and the environment. A hearing would be provided in the case of a suspension or revocation.
- The DEQ would have to develop and post on its website a current list of registered trauma scene waste management practitioners, as well as periodically submit the list to local health agencies and officers, local environmental health administrators, and county sheriffs (and to any requesting public agency or to the general public).
- A person who failed to register or did not comply with the provisions regarding a trauma scene waste management practitioner would be subject to a civil fine as specified in the act.

FISCAL IMPACT:

A fiscal analysis is in process.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.