

Legislative Analysis



PROHIBIT REUSE OF SINGLE USE MEDICAL SUPPLIES & EQUIPMENT

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House Bill 4940

Sponsor: Rep. Dian Slavens

House Bill 4941

Sponsor: Rep. Jeff Mayes

Committee: Health Policy

Complete to 6-1-09

A SUMMARY OF HOUSE BILLS 4940 AND 4947 AS INTRODUCED 5-13-09

The bills would prohibit a person in a regulated health profession from using a previously-used, single use product more than once, establish penalties for a violation, and include the penalty within the sentencing guidelines.

House Bill 4940 would add a new section to the Public Health Code (MCL 333.20153) to prohibit a health care provider from using a single use product on a patient if that single use product had been used previously. "Single use product" would mean an item of medical equipment or medical supplies intended for one use or on a single patient during a single procedure.

A violation would be a felony punishable by imprisonment for not more than 10 years and/or a fine of not more than \$50,000.

The bill would apply to a health facility or agency, or a health professional, that utilized single use products in furnishing medical, surgical, or dental treatment or care to patients. "Health professional" would mean an individual registered, certified, or otherwise authorized to engage in a health profession under Article 15 of the Public Health Code.

[The health professions regulated under Article 15 are chiropractic, dentistry, audiology, marriage and family therapy, medicine, nursing, optometry, osteopathic medicine and surgery, speech-language pathology, pharmacy, physical therapy, athletic training, massage therapy, podiatric medicine and surgery, nursing home administrator, counseling, psychology, occupational therapists, dietetics, sanitarians, social work, respiratory care, and veterinary medicine.]

House Bill 4941 would amend the Code of Criminal Procedure (MCL 777.13n) to specify that the reuse of a single use medical product would be a Class D felony against the public safety with a maximum term of imprisonment of 10 years. The bill is tie-barred to House Bill 4940.

FISCAL IMPACT:

Department of Community Health

House Bill 4940 as introduced may have fiscal implications for the Bureau of Health Professions and the Bureau of Health Systems in the Department of Community Health. Some additional costs may be incurred by the department related to enforcement and violations for licensed health professions and health facilities or agencies as defined in the Public Health Code. If these functions cannot be performed with existing personnel and resources, each additional regulatory FTE required to carry out the functions of the bill would be at a total cost of approximately \$80,000 - \$100,000.

If the changes made by the bill result in reduced infections or other consequential illness, over time the bill may have the fiscal impact of reducing state costs for related medical services for state employees and Medicaid participants.

Impact of Penalties

The bills' fiscal impact on state and local correctional systems would depend on how they affected the numbers of felony convictions and severity of sentences. There are no data to indicate how many offenders might be affected by the bills.

To the extent that the bills increased the numbers of felony sentences, the state could incur increased costs of incarceration or felony probation supervision. The average appropriated cost of prison incarceration is roughly \$33,000 per prisoner per year, a figure that includes various fixed administrative and operational costs. Costs of parole and probation supervision, exclusive of the cost of electronic tether, average about \$2,100 per supervised offender per year. To the extent that more offenders were sentenced to jail, affected counties could incur increased costs; jail costs vary with jurisdiction.

The felony offense of reusing a single-use medical product would be a Class D offense against public safety. Exclusive of sentences for habitual offenders, the guidelines-recommended minimum sentence for a Class D offense varies from 0-6 months, for which a nonprison sanction is required, to 43-76 months, for which a prison sentence is required.

Any increase in penal fine revenues would benefit local libraries, which are the constitutionally-designated recipients of those revenues.

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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.