

HOUSE BILL No. 5065

November 5, 2015, Introduced by Reps. Sheppard and Vaupel and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 17019, 17519, 20187, and 21418.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 17019. (1) AT THE TIME A PHYSICIAN INFORMS A PATIENT OF
2 THE RESULTS OF A PRENATAL TEST THAT HAS DETECTED A LIFE-LIMITING
3 CONDITION, THE PHYSICIAN OR A QUALIFIED PERSON ASSISTING THE
4 PHYSICIAN SHALL DO ALL OF THE FOLLOWING:

5 (A) MAKE AVAILABLE TO THE PATIENT REFERRAL INFORMATION FOR
6 PERINATAL HOSPICE CARE OFFERED BY A PERINATAL HOSPICE PROGRAM
7 CERTIFIED BY THE DEPARTMENT UNDER SECTION 21418.

8 (B) INFORM THE PATIENT THAT THE STATE, UNDER SECTION 2834,
9 RECOGNIZES THE DEATH OF A FETUS THAT HAS COMPLETED AT LEAST 20

1 WEEKS OF GESTATION OR WEIGHS AT LEAST 400 GRAMS WITH A CERTIFICATE
2 OF STILLBIRTH.

3 (2) AT THE TIME A PHYSICIAN INFORMS A PATIENT OF THE RESULTS
4 OF A PRENATAL TEST THAT HAS DETECTED A PRENATALLY DIAGNOSED
5 CONDITION, THE PHYSICIAN OR A QUALIFIED PERSON ASSISTING THE
6 PHYSICIAN SHALL PROVIDE THE FOLLOWING:

7 (A) UP-TO-DATE AND SCIENTIFICALLY ACCURATE INFORMATION ON
8 HEALTH OUTCOMES, INCLUDING CLINICAL COURSE, LIFE EXPECTANCY,
9 DEVELOPMENT POTENTIAL, AND QUALITY OF LIFE FOR INDIVIDUALS WITH THE
10 PRENATALLY DIAGNOSED CONDITION.

11 (B) INFORMATION ON EARLY INTERVENTION SERVICES FOR THE
12 FUNCTIONAL DEVELOPMENT AND EDUCATION OF A CHILD BORN WITH A
13 PRENATALLY DIAGNOSED CONDITION, INCLUDING, BUT NOT LIMITED TO,
14 REFERRAL INFORMATION FOR "EARLY ON MICHIGAN".

15 (C) REFERRAL INFORMATION FOR PEER SUPPORT GROUPS INCLUDING,
16 BUT NOT LIMITED TO, SUPPORT GROUPS FOR PARENTS OF CHILDREN WITH THE
17 PRENATALLY DIAGNOSED CONDITION AND ADVOCACY ORGANIZATIONS FOR
18 INDIVIDUALS WITH THE PRENATALLY DIAGNOSED CONDITION.

19 (D) REFERRAL INFORMATION FOR ADOPTION INCLUDING ADOPTION
20 AGENCIES THAT PLACE CHILDREN WITH PRENATALLY DIAGNOSED CONDITIONS
21 AND ORGANIZATIONS THAT MAINTAIN REGISTRIES OF FAMILIES WHO WISH TO
22 ADOPT CHILDREN WITH PRENATALLY DIAGNOSED CONDITIONS.

23 (3) AS USED IN THIS SECTION:

24 (A) "LIFE-LIMITING CONDITION" MEANS A MEDICAL CONDITION
25 IDENTIFIED BY PRENATAL DIAGNOSTIC TESTING THAT WILL, WITH
26 REASONABLE CERTAINTY, RESULT IN THE DEATH OF THE CHILD EITHER
27 BEFORE BIRTH OR WITHIN 1 YEAR AFTER BIRTH.

1 (B) "PERINATAL HOSPICE CARE" MEANS THAT TERM AS DEFINED IN
2 SECTION 21418.

3 (C) "PRENATALLY DIAGNOSED CONDITION" MEANS A MEDICAL CONDITION
4 IDENTIFIED BY PRENATAL DIAGNOSTIC TESTING THAT WILL EITHER
5 TEMPORARILY OR PERMANENTLY REQUIRE MEDICAL TREATMENT OR OTHER
6 SUPPORT SERVICES AFTER BIRTH BUT WILL NOT, WITH REASONABLE
7 CERTAINTY, RESULT IN THE DEATH OF THE CHILD WITHIN 1 YEAR AFTER
8 BIRTH.

9 (D) "QUALIFIED PERSON ASSISTING THE PHYSICIAN" MEANS THAT TERM
10 AS DEFINED IN SECTION 17015.

11 SEC. 17519. A PHYSICIAN SHALL COMPLY WITH SECTION 17019.

12 SEC. 20187. A HEALTH FACILITY OR AGENCY THAT PROVIDES
13 OBSTETRIC CARE AND THAT PROVIDES SOCIAL WORK OR CHAPLAINCY SERVICES
14 IN CONJUNCTION WITH ITS HEALTH SERVICES SHALL PROVIDE ITS SOCIAL
15 WORKERS AND CHAPLAINS, AS APPROPRIATE, WITH INFORMATION ABOUT
16 PERINATAL HOSPICE PROGRAMS CERTIFIED BY THE DEPARTMENT UNDER
17 SECTION 21418.

18 SEC. 21418. (1) THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING:

19 (A) ESTABLISH CRITERIA FOR CERTIFYING AS A PERINATAL HOSPICE
20 PROGRAM A HOSPICE THAT PROVIDES PERINATAL HOSPICE CARE. IN
21 ESTABLISHING CRITERIA FOR THE CERTIFICATION OF A PERINATAL HOSPICE
22 PROGRAM, THE DEPARTMENT MAY REFERENCE EXISTING CRITERIA ESTABLISHED
23 BY RECOGNIZED MEDICAL AUTHORITIES OR ASSOCIATIONS THAT SPECIALIZE
24 IN HOSPICE CARE.

25 (B) ACCEPT AND REVIEW APPLICATIONS FOR CERTIFICATION FROM A
26 HOSPICE SEEKING CERTIFICATION AS A PERINATAL HOSPICE PROGRAM. IF
27 THE DEPARTMENT REJECTS AN APPLICATION FOR CERTIFICATION OF A

1 PERINATAL HOSPICE PROGRAM, THE DEPARTMENT SHALL PROVIDE A WRITTEN
2 EXPLANATION AS TO THE REASON THE APPLICATION FOR CERTIFICATION WAS
3 REJECTED.

4 (C) POST ON THIS STATE'S WEBSITE, IN A PRINTABLE FORMAT, A
5 LIST OF HOSPICES IN THIS STATE THAT HAVE BEEN CERTIFIED BY THE
6 DEPARTMENT FOR PROVIDING PERINATAL HOSPICE CARE.

7 (2) AS USED IN THIS SECTION:

8 (A) "LIFE-LIMITING CONDITION" MEANS THAT TERM AS DEFINED IN
9 SECTION 17019.

10 (B) "PERINATAL HOSPICE CARE" MEANS COMPREHENSIVE MEDICAL AND
11 SUPPORTIVE CARE TO A PREGNANT WOMAN AND HER FAMILY THAT INCLUDES
12 SUPPORT FROM THE TIME OF DIAGNOSIS OF A LIFE-LIMITING CONDITION
13 THROUGH THE TIME OF BIRTH AND DEATH OF THE CHILD. PERINATAL HOSPICE
14 CARE INCLUDES, BUT IS NOT LIMITED TO, CARE BY MATERNAL-FETAL
15 MEDICAL SPECIALISTS, OBSTETRICIANS, NEONATOLOGISTS, ANESTHESIA
16 SPECIALISTS, CLERGY, SOCIAL WORKERS, AND SPECIALTY NURSES.

17 Enacting section 1. This amendatory act takes effect 90 days
18 after the date it is enacted into law.