

# HOUSE BILL No. 5522

March 29, 2012, Introduced by Reps. Hooker, Yonker, Pscholka, Johnson, Lyons, O'Brien, Shirkey, LeBlanc, Heise, Haveman, MacGregor, Hughes, Price, Opsommer, Haines, Moss, Agema, Goike, LaFontaine, Shaughnessy, Olson, Somerville, Huuki, Cotter, Knollenberg, Graves, Franz, Lori, McMillin, Outman, Muxlow, Potvin and Jenkins and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 20115 (MCL 333.20115), as amended by 1999 PA  
206.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 20115. (1) The department may promulgate rules to further  
2 define the term "health facility or agency" and the definition of a  
3 health facility or agency listed in section 20106 as required to  
4 implement this article. The department may define a specific  
5 organization as a health facility or agency for the sole purpose of  
6 certification authorized under this article. For purpose of  
7 certification only, an organization defined in section 20106(5),  
8 20108(1), or 20109(4) is considered a health facility or agency.  
9 The term "health facility or agency" does not mean a visiting nurse

1 service or home aide service conducted by and for the adherents of  
2 a church or religious denomination for the purpose of providing  
3 service for those who depend upon spiritual means through prayer  
4 alone for healing.

5 (2) The department shall promulgate rules to differentiate a  
6 freestanding surgical outpatient facility from a private office of  
7 a physician, dentist, podiatrist, or other health professional. The  
8 department shall specify in the rules that a facility including,  
9 but not limited to, a private practice office described in this  
10 subsection in which ~~50%—1~~ or more ~~of the~~ patients annually served  
11 at the facility undergo an abortion must be licensed under this  
12 article as a freestanding surgical outpatient facility.

13 (3) The department shall promulgate rules that in effect  
14 republish R 325.3826, R 325.3832, R 325.3835, R 325.3857, R  
15 325.3866, R 325.3867, and R 325.3868 of the Michigan administrative  
16 code, but shall include in the rules standards for a freestanding  
17 surgical outpatient facility in which ~~50%—1~~ or more ~~of the~~ patients  
18 annually served in the freestanding surgical outpatient facility  
19 undergo an abortion. The department shall assure that the standards  
20 are consistent with the most recent United States supreme court  
21 decisions regarding state regulation of abortions.

22 (4) Subject to section 20145 and part 222, the department may  
23 modify or waive 1 or more of the rules contained in R 325.3801 to R  
24 325.3877 of the Michigan administrative code regarding construction  
25 or equipment standards, or both, for a freestanding surgical  
26 outpatient facility in which ~~50%—1~~ or more ~~of the~~ patients annually  
27 served in the freestanding surgical outpatient facility undergo an

1 abortion, if both of the following conditions are met:

2 (a) The freestanding surgical outpatient facility was in  
3 existence and operating on ~~the effective date of the amendatory act~~  
4 ~~that added this subsection.~~**MARCH 10, 2000.**

5 (b) The department makes a determination that the existing  
6 construction or equipment conditions, or both, within the  
7 freestanding surgical outpatient facility are adequate to preserve  
8 the health and safety of the patients and employees of the  
9 freestanding surgical outpatient facility or that the construction  
10 or equipment conditions, or both, can be modified to adequately  
11 preserve the health and safety of the patients and employees of the  
12 freestanding surgical outpatient facility without meeting the  
13 specific requirements of the rules.

14 (5) As used in this subsection, "abortion" means that term as  
15 defined in section 17015.