

SENATE BILL No. 1139

May 23, 2012, Introduced by Senators WARREN, HOPGOOD and WHITMER 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, and
20204.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 17019. (1) A PHYSICIAN SHALL NOT, AS A PREREQUISITE TO
2 PROVIDING MEDICAL TREATMENT OR SERVICES TO A PATIENT, REQUIRE THAT
3 PATIENT TO SIGN A CONTRACT OR OTHERWISE AGREE EITHER ORALLY OR IN
4 WRITING THAT THE PATIENT WILL NOT POST NEGATIVE COMMENTARY ON ANY
5 PUBLIC MEDIA FORUM ABOUT THE PHYSICIAN, THE PHYSICIAN'S PRACTICE
6 AND EXPERTISE, THE MEDICAL TREATMENT PROVIDED TO THE PATIENT BY THE
7 PHYSICIAN, OR ANY OTHER COMMENTARY PERTAINING TO THE PHYSICIAN OR
8 HIS OR HER PRACTICE.

9 (2) AS USED IN THIS SECTION:

1 (A) "PATIENT" MEANS THAT TERM AS DEFINED IN SECTION 20175A.

2 (B) "PUBLIC MEDIA FORUM" MEANS THE INTERNET OR ANY OTHER
3 MEDIUM DESIGNED OR INTENDED TO BE USED TO CONVEY INFORMATION TO
4 OTHER INDIVIDUALS, REGARDLESS OF WHETHER A MEMBERSHIP OR PASSWORD
5 IS REQUIRED TO VIEW THE INFORMATION.

6 SEC. 17519. (1) A PHYSICIAN SHALL NOT, AS A PREREQUISITE TO
7 PROVIDING MEDICAL TREATMENT OR SERVICES TO A PATIENT, REQUIRE THAT
8 PATIENT TO SIGN A CONTRACT OR OTHERWISE AGREE EITHER ORALLY OR IN
9 WRITING THAT THE PATIENT WILL NOT POST NEGATIVE COMMENTARY ON ANY
10 PUBLIC MEDIA FORUM ABOUT THE PHYSICIAN, THE PHYSICIAN'S PRACTICE
11 AND EXPERTISE, THE MEDICAL TREATMENT PROVIDED TO THE PATIENT BY THE
12 PHYSICIAN, OR ANY OTHER COMMENTARY PERTAINING TO THE PHYSICIAN OR
13 HIS OR HER PRACTICE.

14 (2) AS USED IN THIS SECTION:

15 (A) "PATIENT" MEANS THAT TERM AS DEFINED IN SECTION 20175A.

16 (B) "PUBLIC MEDIA FORUM" MEANS THAT TERM AS DEFINED IN SECTION
17 17019.

18 SEC. 20204. (1) A HEALTH FACILITY OR AGENCY SHALL NOT, AS A
19 PREREQUISITE TO PROVIDING MEDICAL TREATMENT OR SERVICES TO A
20 PATIENT, REQUIRE THAT PATIENT TO SIGN A CONTRACT OR OTHERWISE AGREE
21 EITHER ORALLY OR IN WRITING THAT THE PATIENT WILL NOT POST NEGATIVE
22 COMMENTARY ON ANY PUBLIC MEDIA FORUM ABOUT THE HEALTH FACILITY OR
23 AGENCY, THE PRACTICE AND EXPERTISE OF THE PHYSICIANS EMPLOYED BY
24 THE HEALTH FACILITY OR AGENCY, THE MEDICAL TREATMENT PROVIDED TO
25 THE PATIENT AT THE HEALTH FACILITY OR AGENCY, OR ANY OTHER
26 COMMENTARY PERTAINING TO THE HEALTH FACILITY OR AGENCY OR THE
27 PHYSICIANS EMPLOYED BY THE HEALTH FACILITY OR AGENCY.

1 (2) AS USED IN THIS SECTION:

2 (A) "PATIENT" MEANS THAT TERM AS DEFINED IN SECTION 20175A.

3 (B) "PUBLIC MEDIA FORUM" MEANS THAT TERM AS DEFINED IN SECTION
4 17019.