

HOUSE BILL No. 5772

April 23, 1998, Introduced by Reps. Stallworth, Kilpatrick, Hale and Thomas 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 part 94.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 PART 94. CHILDHOOD LEAD PROTECTION PROGRAM

2 SEC. 9401. (1) AS USED IN THIS PART:

3 (A) "EPSDT" MEANS THE EARLY AND PERIODIC SCREENING, DIAGNOS-
4 TIC, AND TREATMENT SERVICES PROVIDED UNDER SECTION 1905(r) OF
5 TITLE XIX OF THE SOCIAL SECURITY ACT, 42 U.S.C. 1396d, AND ADMIN-
6 ISTERED BY THE STATE DEPARTMENT OF COMMUNITY HEALTH.

7 (B) "MEDICAID" MEANS THE PROGRAM FOR MEDICAL ASSISTANCE
8 ADMINISTERED BY THE DEPARTMENT OF COMMUNITY HEALTH UNDER THE
9 SOCIAL WELFARE ACT, 1939 PA 280, MCL 400.1 TO 400.119B.

1 (2) IN ADDITION, ARTICLE 1 CONTAINS GENERAL DEFINITIONS AND
2 PRINCIPLES OF CONSTRUCTION APPLICABLE TO ALL ARTICLES IN THIS
3 CODE.

4 SEC. 9403. UPON REQUEST, A LOCAL HEALTH DEPARTMENT OR A
5 BASIC OR COMPREHENSIVE EPSDT PROVIDER SHALL CONDUCT PERIODIC LEAD
6 SCREENING AND FOLLOW-UP IN ACCORDANCE WITH EPSDT POLICY AND PRO-
7 CEDURES FOR EACH OF THE FOLLOWING:

8 (A) A MEDICAID-ELIGIBLE INDIVIDUAL UNDER THE AGE OF 6
9 YEARS.

10 (B) AN INDIVIDUAL WHO DOES NOT MEET THE REQUIREMENTS OF SUB-
11 DIVISION (A), BUT WHO PAYS A FEE FOR THE ACTUAL COST OF THE LEAD
12 SCREENING AND FOLLOW-UP SERVICE.

13 SEC. 9405. THE DEPARTMENT SHALL ASSIST LOCAL HEALTH DEPART-
14 MENTS AND BASIC OR COMPREHENSIVE EPSDT PROVIDERS IN DEVELOPING
15 AND MAINTAINING A CHILDHOOD LEAD PROTECTION PROGRAM FOR CHILDREN
16 UNDER THIS PART.

17 SEC. 9407. (1) IF THE RESULT OF A LEAD SCREENING CONDUCTED
18 UNDER SECTION 9403 INDICATES THAT A MINOR IS SUFFERING UNDUE LEAD
19 BODY BURDEN OR LEAD POISONING AND REQUIRES FOLLOW-UP CARE, A
20 QUALIFIED HEALTH PROFESSIONAL WHO PERFORMS THE LEAD SCREENING,
21 THE LOCAL HEALTH DEPARTMENT, OR THE BASIC OR COMPREHENSIVE EPSDT
22 PROVIDER SHALL PRESENT TO THE MINOR'S PARENT, GUARDIAN, OR PERSON
23 IN LOCO PARENTIS A WRITTEN STATEMENT CLEARLY INDICATING THAT
24 FOLLOW-UP TREATMENT IS MEDICALLY INDICATED.

25 (2) THE LOCAL HEALTH DEPARTMENT OR THE BASIC OR COMPREHEN-
26 SIVE EPSDT PROVIDER REQUIRED TO PRESENT THE WRITTEN STATEMENT
27 UNDER SUBSECTION (1) SHALL PROVIDE INFORMATION CONCERNING THE

1 AVAILABILITY AND SOURCES OF LEAD POISONING TREATMENT TO THE
2 MINOR'S PARENT, GUARDIAN, OR PERSON IN LOCO PARENTIS.

3 SEC. 9409. THE DEPARTMENT SHALL ESTABLISH PROCEDURES FOR
4 RESPONDING TO A REPORT OF UNDUE LEAD BODY BURDEN OR LEAD POISON-
5 ING IN A MINOR. THE PROCEDURES SHALL INCLUDE AT LEAST ALL OF THE
6 FOLLOWING:

7 (A) AN INVESTIGATION TO IDENTIFY EACH SOURCE OF LEAD EXPO-
8 SURE THAT POISONED THE MINOR OR CONTRIBUTED SIGNIFICANTLY TO THE
9 MINOR'S UNDUE LEAD BODY BURDEN.

10 (B) RECOMMENDATIONS TO THE MINOR'S PARENT, GUARDIAN, OR
11 PERSON IN LOCO PARENTIS OF MEASURES TO ELIMINATE THE SOURCE OF
12 HARMFUL LEAD EXPOSURE.

13 (C) ANNUAL TESTING OF THE MINOR FOR LEAD POISONING OR UNDUE
14 LEAD BODY BURDEN UNTIL NEGATIVE TEST RESULTS ARE OBTAINED IN 3
15 CONSECUTIVE YEARS.

16 SEC. 9411. THE DEPARTMENT SHALL PROVIDE PUBLIC EDUCATION ON
17 THE DANGERS OF LEAD EXPOSURE AND THE NEED FOR LEAD SCREENING FOR
18 MINORS UNDER THE AGE OF 6 YEARS.

19 SEC. 9413. THE DEPARTMENT SHALL DEVELOP ALL OF THE FOLLOW-
20 ING AND DISTRIBUTE EACH TO LOCAL HEALTH DEPARTMENTS AND OTHER
21 APPROPRIATE AGENCIES AND INDIVIDUALS:

22 (A) RECOMMENDED GUIDELINES FOR MEDICAL CASE MANAGEMENT FOR
23 DIAGNOSIS AND TREATMENT OF A MINOR SUFFERING FROM UNDUE LEAD BODY
24 BURDEN OR LEAD POISONING.

25 (B) STANDARDS FOR INVESTIGATIONS TO IDENTIFY SOURCES OF
26 HARMFUL LEAD EXPOSURE.

1 (C) RECOMMENDED GUIDELINES FOR ABATEMENT OF SIGNIFICANT
2 SOURCES OF HARMFUL LEAD EXPOSURE IDENTIFIED IN AN INVESTIGATION.

3 SEC. 9415. THE DIRECTOR MAY APPOINT AN ADVISORY COMMITTEE
4 CONSISTING OF PHYSICIANS AND OTHER HEALTH PROFESSIONALS. THE
5 ADVISORY COMMITTEE SHALL ASSIST THE DEPARTMENT WITH THE CHILDHOOD
6 LEAD PROTECTION PROGRAM AND IS SUBJECT TO SECTION 2215.

7 SEC. 9417. THE DEPARTMENT SHALL PROMULGATE RULES TO IMPLI-
8 MENT THIS PART, INCLUDING, BUT NOT LIMITED TO, RULES GOVERNING
9 THE MAINTENANCE, CONFIDENTIALITY, AND DISCLOSURE OF RECORDS.

10 SEC. 9419. A PERSON WHO VIOLATES THIS PART OR A RULE
11 PROMULGATED UNDER THIS PART IS GUILTY OF A MISDEMEANOR.