

SENATE BILL No. 367

May 9, 2017, Introduced by Senators MARLEAU, CONYERS, PROOS, JONES, COLBECK, O'BRIEN, SCHMIDT, ZORN, BOOHER, HORN, SCHUITMAKER, MACGREGOR, KOWALL, PAVLOV and HANSEN 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) IN A CASE WHERE A LIFE-LIMITING CONDITION WILL CAUSE, OR
9 HAS A REASONABLE PROBABILITY OF CAUSING, A STILLBIRTH, INFORM THE

1 PATIENT THAT THIS STATE, UNDER SECTION 2834, RECOGNIZES THE DEATH
2 OF A FETUS THAT HAS COMPLETED AT LEAST 20 WEEKS OF GESTATION OR
3 WEIGHS AT LEAST 400 GRAMS WITH A CERTIFICATE OF STILLBIRTH.

4 (2) AT THE TIME A PHYSICIAN INFORMS A PATIENT OF THE RESULTS
5 OF A PRENATAL TEST THAT HAS DETECTED A PRENATALLY DIAGNOSED
6 CONDITION, THE PHYSICIAN OR A QUALIFIED PERSON ASSISTING THE
7 PHYSICIAN SHALL PROVIDE THE PATIENT WITH THE FORM DESCRIBED IN
8 SECTION 21418(4) AND INFORM THE PATIENT THAT THE WEBSITE ADDRESS
9 IDENTIFIED ON THE FORM CONTAINS THE FOLLOWING INFORMATION:

10 (A) UP-TO-DATE AND SCIENTIFICALLY ACCURATE INFORMATION ON
11 HEALTH OUTCOMES, INCLUDING CLINICAL COURSE, LIFE EXPECTANCY, AND
12 DEVELOPMENT POTENTIAL FOR INDIVIDUALS WITH THE PRENATALLY DIAGNOSED
13 CONDITION.

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

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

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

26 (3) AS USED IN THIS SECTION:

27 (A) "LIFE-LIMITING CONDITION" MEANS A MEDICAL CONDITION

1 IDENTIFIED BY PRENATAL DIAGNOSTIC TESTING THAT WILL, WITH
2 REASONABLE CERTAINTY, RESULT IN THE DEATH OF THE CHILD EITHER
3 BEFORE BIRTH OR WITHIN 1 YEAR AFTER BIRTH.

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

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

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

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

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

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

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

1 (B) ACCEPT AND REVIEW APPLICATIONS FOR CERTIFICATION FROM A
2 HOSPICE SEEKING CERTIFICATION AS A PERINATAL HOSPICE PROGRAM. IF
3 THE DEPARTMENT REJECTS AN APPLICATION FOR CERTIFICATION OF A
4 PERINATAL HOSPICE PROGRAM, THE DEPARTMENT SHALL PROVIDE A WRITTEN
5 EXPLANATION AS TO THE REASON THE APPLICATION FOR CERTIFICATION WAS
6 REJECTED.

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

10 (2) THE DEPARTMENT MAY CREATE, OPERATE, AND MAINTAIN A
11 PRENATAL DIAGNOSIS CLEARINGHOUSE THAT CONTAINS INFORMATION
12 REGARDING PRENATALLY DIAGNOSED CONDITIONS. THE CLEARINGHOUSE SHALL
13 BE CREATED, OPERATED, AND MAINTAINED AS PROVIDED IN THIS SECTION.

14 (3) THE DEPARTMENT MAY, BY CONTRACT, DELEGATE THE CREATION,
15 OPERATION, AND MAINTENANCE OF THE CLEARINGHOUSE TO AN ORGANIZATION
16 OR INSTITUTION OF HIGHER LEARNING. A CONTRACTED DELEGATE SHALL DO
17 ALL OF THE FOLLOWING:

18 (A) CREATE, AND UPDATE AS NEEDED, A LIST OF MEDICAL CONDITIONS
19 THAT MEET ALL OF THE FOLLOWING:

20 (i) CAN AFFECT A DEVELOPING UNBORN CHILD.

21 (ii) CAN BE DETECTED BY PRENATAL DIAGNOSTIC TESTS.

22 (iii) NECESSITATES MEDICAL TREATMENT OR SPECIAL SERVICES
23 BEFORE BIRTH OR AT BIRTH.

24 (iv) OCCURS WITH A FREQUENCY OF AT LEAST 1 INSTANCE PER
25 100,000 BIRTHS.

26 (B) PROVIDE THE LIST DESCRIBED IN SUBDIVISION (A) TO THE
27 DEPARTMENT AND TO A PROSPECTIVE QUALIFIED CONTRIBUTOR UPON REQUEST.

1 (C) DEVELOP CRITERIA FOR APPROVING A QUALIFIED CONTRIBUTOR WHO
2 REQUESTS AUTHORIZATION TO CONTRIBUTE INFORMATION FOR POSTING ON THE
3 CLEARINGHOUSE AND PROVIDE NOTICE OF APPROVAL OR DENIAL OF
4 AUTHORIZATION TO AN ORGANIZATION OR INDIVIDUAL WHO REQUESTS
5 AUTHORIZATION AS A QUALIFIED CONTRIBUTOR IN ACCORDANCE WITH THE
6 CRITERIA ESTABLISHED UNDER THIS SUBDIVISION.

7 (D) FOR EACH MEDICAL CONDITION IDENTIFIED IN SUBDIVISION (A),
8 PROVIDE DIRECTLY, OR SOLICIT FROM A QUALIFIED CONTRIBUTOR,
9 INFORMATION TO BE PLACED ON THE CLEARINGHOUSE THAT DESCRIBES THE
10 CONDITION, KNOWN TREATMENT OPTIONS OR SUPPORTIVE SERVICES, AND
11 INFORMATION ON GOVERNMENT AGENCIES OR PROGRAMS AND PRIVATE
12 ORGANIZATIONS THAT PROVIDE SERVICE OR SUPPORT TO INDIVIDUALS WITH
13 THAT CONDITION OR TO THEIR CAREGIVERS.

14 (E) POST ON THE CLEARINGHOUSE INFORMATION ON, AND WEBSITE
15 LINKS TO, "EARLY ON MICHIGAN" AND ORGANIZATIONS THAT MAINTAIN
16 REGISTRIES OF FAMILIES WHO WISH TO ADOPT CHILDREN WITH PRENATALLY
17 DIAGNOSED CONDITIONS.

18 (F) NOT LESS THAN ANNUALLY, REVIEW THE INFORMATION POSTED ON
19 THE CLEARINGHOUSE TO CONFIRM THAT REFERRAL INFORMATION IS STILL
20 ACCURATE WITH REGARD TO SUPPORT ORGANIZATIONS AND LINKS TO OTHER
21 WEBSITES.

22 (4) THE DEPARTMENT SHALL CREATE AND POST ON THIS STATE'S
23 WEBSITE, IN A PRINTABLE FORMAT, A FORM THAT PROMINENTLY DISPLAYS
24 THE WEBSITE ADDRESS OF THE CLEARINGHOUSE AND THAT INCLUDES A
25 STATEMENT THAT THE CLEARINGHOUSE CONTAINS THE INFORMATION DESCRIBED
26 IN SECTION 17019(2)(A) TO (D).

27 (5) AS USED IN THIS SECTION:

1 (A) "LICENSED MEDICAL PROFESSIONAL" MEANS AN INDIVIDUAL WHO IS
2 LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE MEDICINE UNDER ARTICLE
3 15.

4 (B) "LIFE-LIMITING CONDITION" MEANS THAT TERM AS DEFINED IN
5 SECTION 17019.

6 (C) "PRENATAL DIAGNOSIS CLEARINGHOUSE" OR "CLEARINGHOUSE"
7 MEANS AN INTERNET WEBSITE CONTAINING INFORMATION REGARDING
8 PRENATALLY DIAGNOSED MEDICAL CONDITIONS AS PROVIDED IN THIS
9 SECTION.

10 (D) "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 (E) "QUALIFIED CONTRIBUTOR" MEANS A LICENSED MEDICAL
18 PROFESSIONAL, AN ACADEMIC FACULTY MEMBER, ANOTHER INDIVIDUAL WITH
19 RECOGNIZED KNOWLEDGE OR EXPERTISE REGARDING A PRENATALLY
20 DIAGNOSABLE MEDICAL CONDITION, OR AN ORGANIZATION DEDICATED TO
21 RESEARCH, TREATMENT, OR SUPPORT FOR INDIVIDUALS WITH A SPECIFIC
22 MEDICAL CONDITION.

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