

**SUBSTITUTE FOR
SENATE BILL NO. 44**

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 16280.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 16280. (1) A licensee or registrant shall comply with**
2 **both of the following unless 1 of the conditions described in**
3 **subsection (2) is met:**

4 **(a) The licensee or registrant shall not perform an invasive**
5 **bodily examination on an anesthetized or unconscious patient.**

6 **(b) The licensee or registrant shall ensure that a student who**
7 **is in a health profession training program does not perform an**
8 **invasive bodily examination on an anesthetized or unconscious**
9 **patient while performing a duty assigned in the course of training**

1 by the licensee or registrant.

2 (2) A licensee or registrant or a student described in
3 subsection (1) may perform an invasive bodily examination on an
4 anesthetized or unconscious patient if 1 of the following is met
5 before the invasive bodily examination is performed:

6 (a) Subject to subsection (3), the patient or the patient's
7 authorized representative provides written, informed consent to the
8 invasive bodily examination, and the invasive bodily examination is
9 necessary for preventative, diagnostic, or treatment purposes.

10 (b) Subject to subsection (3), the patient or the patient's
11 authorized representative has provided written, informed consent to
12 a surgical procedure or diagnostic examination to be performed on
13 the patient, and the performance of the invasive bodily examination
14 is within the scope of care ordered for the surgical procedure or
15 diagnostic examination.

16 (c) The patient is unconscious and incapable of providing
17 informed consent, and the invasive bodily examination is necessary
18 for emergency diagnostic or treatment purposes.

19 (d) A court has ordered the performance of the invasive bodily
20 examination for the purposes of collecting evidence.

21 (3) The informed consent required under subsection (2) must
22 allow the patient or the patient's authorized representative to
23 indicate whether a student described in subsection (1) may perform
24 the invasive bodily examination.

25 Enacting section 1. This amendatory act does not take effect
26 unless Senate Bill No. 45 of the 102nd Legislature is enacted into
27 law.