

SUBSTITUTE FOR
HOUSE BILL NO. 4599

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 20115 (MCL 333.20115) and by adding section
22224.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 20115. (1) The department may promulgate rules to fur-
2 ther define the term "health facility or agency" and the defini-
3 tion of ~~any~~ A health facility or agency listed in section 20106
4 as required to implement this article. The department may define
5 a specific organization as a health facility or agency for the
6 sole purpose of certification authorized under this article. For
7 purpose of certification only, an organization defined in
8 section 20106(5), 20108(1), or ~~20109(3)~~ 20109(4) is considered
9 a health facility or agency. The term "health facility or
10 agency" ~~shall~~ DOES not mean a visiting nurse service or home

HB4599, As Passed House, September 23, 1999

House Bill No. 4599

2

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

5 (2) The department shall promulgate rules to differentiate a
6 freestanding surgical outpatient facility from a private office
7 of a ~~practicing~~ physician, dentist, podiatrist, or other
8 ~~private practice office~~ HEALTH PROFESSIONAL. THE DEPARTMENT
9 SHALL SPECIFY IN THE RULES THAT A FACILITY INCLUDING, BUT NOT
10 LIMITED TO, A PRIVATE PRACTICE OFFICE DESCRIBED IN THIS SUBSEC-
11 TION IN WHICH 50% OR MORE OF THE PATIENTS ANNUALLY SERVED AT THE
12 FACILITY UNDERGO AN ABORTION MUST BE LICENSED UNDER THIS ARTICLE
13 AS A FREESTANDING SURGICAL OUTPATIENT FACILITY.

14 (3) THE DEPARTMENT SHALL PROMULGATE RULES THAT IN EFFECT
15 REPUBLISH R 325.3826, R 325.3832, R 325.3835, R 325.3857,
16 R 325.3866, R 325.3867, AND R 325.3868 OF THE MICHIGAN ADMINIS-
17 TRATIVE CODE, BUT SHALL INCLUDE IN THE RULES STANDARDS FOR A
18 FREESTANDING SURGICAL OUTPATIENT FACILITY IN WHICH 50% OR MORE OF
19 THE PATIENTS ANNUALLY SERVED IN THE FREESTANDING SURGICAL OUTPA-
20 TIENT FACILITY UNDERGO AN ABORTION. THE DEPARTMENT SHALL ASSURE
21 THAT THE STANDARDS ARE CONSISTENT WITH THE MOST RECENT UNITED
22 STATES SUPREME COURT DECISIONS REGARDING STATE REGULATION OF
23 ABORTIONS.

24 (4) SUBJECT TO SECTION 20145 AND PART 222, THE DEPARTMENT
25 MAY MODIFY OR WAIVE 1 OR MORE OF THE RULES CONTAINED IN R
26 325.3801 TO R 325.3877 OF THE MICHIGAN ADMINISTRATIVE CODE
27 REGARDING CONSTRUCTION OR EQUIPMENT STANDARDS, OR BOTH, FOR A

HB4599, As Passed House, September 23, 1999

House Bill No. 4599

3

1 FREESTANDING SURGICAL OUTPATIENT FACILITY IN WHICH 50% OR MORE OF
2 THE PATIENTS ANNUALLY SERVED IN THE FREESTANDING SURGICAL OUTPA-
3 TIENT FACILITY UNDERGO AN ABORTION, IF BOTH OF THE FOLLOWING CON-
4 DITIONS ARE MET:

5 (A) THE FREESTANDING SURGICAL OUTPATIENT FACILITY WAS IN
6 EXISTENCE AND OPERATING ON THE EFFECTIVE DATE OF THE AMENDATORY
7 ACT THAT ADDED THIS SUBSECTION.

8 (B) THE DEPARTMENT MAKES A DETERMINATION THAT THE EXISTING
9 CONSTRUCTION OR EQUIPMENT CONDITIONS, OR BOTH, WITHIN THE FREE-
10 STANDING SURGICAL OUTPATIENT FACILITY ARE ADEQUATE TO PRESERVE
11 THE HEALTH AND SAFETY OF THE PATIENTS AND EMPLOYEES OF THE FREE-
12 STANDING SURGICAL OUTPATIENT FACILITY OR THAT THE CONSTRUCTION OR
13 EQUIPMENT CONDITIONS, OR BOTH, CAN BE MODIFIED TO ADEQUATELY PRE-
14 SERVE THE HEALTH AND SAFETY OF THE PATIENTS AND EMPLOYEES OF THE
15 FREESTANDING SURGICAL OUTPATIENT FACILITY WITHOUT MEETING THE
16 SPECIFIC REQUIREMENTS OF THE RULES.

17 (5) AS USED IN THIS SUBSECTION, "ABORTION" MEANS THAT TERM
18 AS DEFINED IN SECTION 17015.

19 SEC. 22224. (1) A HEALTH FACILITY REQUIRED TO BE LICENSED
20 AS A FREESTANDING SURGICAL OUTPATIENT FACILITY BY RULES PROMUL-
21 GATED UNDER SECTION 20115(2) IS NOT REQUIRED TO OBTAIN A CERTIFI-
22 CATE OF NEED IN ORDER TO BE GRANTED A LICENSE AS A FREESTANDING
23 SURGICAL OUTPATIENT FACILITY.

24 (2) IF A FREESTANDING SURGICAL OUTPATIENT FACILITY IS APPLY-
25 ING FOR A CERTIFICATE OF NEED TO INITIATE, REPLACE, OR EXPAND A
26 COVERED CLINICAL SERVICE CONSISTING OF SURGICAL SERVICES, THE
27 DEPARTMENT SHALL NOT COUNT ABORTION PROCEDURES IN DETERMINING IF

HB4599, As Passed House, September 23, 1999

House Bill No. 4599

4

1 THE FREESTANDING SURGICAL OUTPATIENT FACILITY MEETS THE ANNUAL
2 MINIMUM NUMBER OF SURGICAL PROCEDURES REQUIRED IN THE CERTIFICATE
3 OF NEED STANDARDS GOVERNING SURGICAL SERVICES.