

HOUSE BILL No. 4599

April 29, 1999, Introduced by Reps. Geiger, Bob Brown, Patterson, Tabor, Julian, DeWeese, Gilbert, DeRossett, Mead, Kowall, Hager, Richardville, Hart, Van Woerkom, Faunce, Garcia, Mortimer, Ehardt, Cameron Brown, Frank, Green, O'Neil, Voorhees, Lockwood, Pestka, Rivet, LaSata, Woronchak, Shackleton, Bradstreet, Rick Johnson, Allen, Jellema, Bishop, Howell, Byl, Jansen, Stamas, Bisbee, DeVuyst, Pappageorge, Basham, Sheltroun, Mans, Birkholz and Cassis and referred to the Committee on Regulatory Reform.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 20104 and 20115 (MCL 333.20104 and
333.20115).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 20104. (1) "Certification" means the issuance of a
2 document by the department to a health facility or agency attest-
3 ing to the fact that the HEALTH facility or agency meets both of
4 the following:

5 (a) ~~It complies~~ COMPLIES with applicable statutory, ADMIN-
6 ISTRATIVE RULE, and OTHER regulatory requirements and standards.

7 (b) ~~It is~~ IS eligible to participate as a provider of care
8 and services in a specific federal or state health program.

9 (2) "Clinical laboratory" means a facility patronized by, or
10 at the direction of, a physician, health officer, or other person

1 authorized by law to obtain information for the diagnosis,
2 prevention, or treatment of disease or the assessment of a medi-
3 cal condition by the microbiological, serological, histological,
4 hematological, immunohematological, biophysical, cytological,
5 pathological, or biochemical examination of materials derived
6 from the human body, except as provided in section 20507.

7 (3) "Consumer" means ~~a person~~ AN INDIVIDUAL who is not a
8 HEALTH PROFESSIONAL LICENSED, REGISTERED, OR OTHERWISE AUTHORIZED
9 UNDER ARTICLE 15 OR ANOTHER provider of health care. ~~as defined~~
10 ~~in section 1531(3) of title 15 of the public health service act,~~
11 ~~42 U.S.C. 300n.~~

12 (4) "County medical care facility" means a nursing care
13 facility, other than a hospital long-term care unit, ~~which~~ THAT
14 provides organized nursing care and medical treatment to 7 or
15 more unrelated individuals who are suffering or recovering from
16 illness, injury, or infirmity and ~~which~~ is owned by a county or
17 counties.

18 (5) "Freestanding surgical outpatient facility" means a
19 facility ~~, other than the office of a physician, dentist, podia-~~
20 ~~trist, or other private practice office,~~ offering ~~a~~ 1 OR MORE
21 surgical ~~procedure~~ PROCEDURES and related care that in the
22 opinion of the attending physician can be safely performed with-
23 out requiring overnight inpatient hospital care. ~~It~~
24 FREESTANDING SURGICAL OUTPATIENT FACILITY does not include a sur-
25 gical outpatient facility owned by and operated as part of a hos-
26 pital OR THE PRIVATE PRACTICE OFFICE OF A PHYSICIAN, DENTIST,
27 PODIATRIST, OR OTHER HEALTH PROFESSIONAL, UNLESS MORE THAN 50

1 ABORTIONS ARE PERFORMED IN THE FACILITY OR PRIVATE PRACTICE
2 OFFICE IN A CALENDAR YEAR. AS USED IN THIS SUBSECTION,
3 "ABORTION" MEANS THAT TERM AS DEFINED IN SECTION 17015.

4 Sec. 20115. (1) The department may promulgate rules to fur-
5 ther define the term "health facility or agency" and the defini-
6 tion of ~~any~~ A health facility or agency listed in section 20106
7 as required to implement this article. The department may define
8 a specific organization as a health facility or agency for the
9 sole purpose of certification authorized under this article. For
10 purpose of certification only, an organization defined in
11 section 20106(5), 20108(1), or ~~20109(3)~~ 20109(4) is considered
12 a health facility or agency. The term "health facility or
13 agency" ~~shall~~ DOES not mean a visiting nurse service or home
14 aide service conducted by and for the adherents of a church or
15 religious denomination for the purpose of providing service for
16 those who depend upon spiritual means through prayer alone for
17 healing.

18 (2) The department shall promulgate rules to differentiate a
19 freestanding surgical outpatient facility from a private office
20 of a ~~practicing~~ physician, dentist, podiatrist, or other
21 ~~private practice office~~ HEALTH PROFESSIONAL.

22 (3) THE DEPARTMENT SHALL PROMULGATE RULES THAT IN EFFECT
23 REPUBLISH R 325.3826, R 325.3832, R 325.3835, R 325.3857,
24 R 325.3866, R 325.3867, AND R 325.3868 OF THE MICHIGAN ADMINIS-
25 TRATIVE CODE, BUT SHALL INCLUDE IN THE RULES STANDARDS FOR FREE-
26 STANDING SURGICAL OUTPATIENT FACILITIES IN WHICH MORE THAN 50
27 ABORTIONS PER CALENDAR YEAR ARE PERFORMED. THE DEPARTMENT SHALL

1 ASSURE THAT THE STANDARDS ARE CONSISTENT WITH THE MOST RECENT
2 UNITED STATES SUPREME COURT DECISIONS REGARDING STATE REGULATION
3 OF ABORTIONS. AS USED IN THIS SUBSECTION, "ABORTION" MEANS THAT
4 TERM AS DEFINED IN SECTION 17015.