

House Bill 5488

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending sections 1106 [,] 5653 [, and 5654] (MCL 333.1106 [,]  
333.5653 [, and 333.5653]), section 1106 as amended by 1996 PA 307  
and section[s] 5653 [and 5654] as added by 1996 PA 594.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1106. (1) "Parentage registry" means the department's  
2 compilation of data concerning children's parentage, which data  
3 the department receives from any source, including, but not  
4 limited to, ~~receipt of copies of orders~~ A COPY OF AN ORDER of  
5 filiation from the circuit court ~~and acknowledgments~~ OR AN  
6 ACKNOWLEDGMENT of paternity or parentage under this act, under  
7 section ~~111 of the revised probate code, Act No. 642 of the~~  
8 ~~Public Acts of 1978, being section 700.111 of the Michigan~~  
9 ~~Compiled Laws~~ 2114 OF THE ESTATES AND PROTECTED INDIVIDUALS

1 CODE, 1998 PA 386, MCL 700.2114, or under the acknowledgment of  
2 parentage act, 1996 PA 305, MCL 722.1001 TO 722.1013.

3 (2) "Person" means an individual, partnership, cooperative,  
4 association, private corporation, personal representative,  
5 receiver, trustee, assignee, or ~~any~~ other legal entity. ~~It~~  
6 PERSON does not include a governmental entity unless specifically  
7 provided.

8 Sec. 5653. (1) As used in this part:

9 (a) "Health facility" means a health facility or agency  
10 licensed under article 17.

11 (B) "HOSPICE" MEANS THAT TERM AS DEFINED IN SECTION 20106.

12 (C) ~~(b)~~ "Medical treatment" means a treatment including,  
13 but not limited to, palliative care treatment, or a procedure,  
14 medication, surgery, A diagnostic test, or A hospice plan of care  
15 that may be ordered, provided, or withheld or withdrawn by a  
16 health professional or a health facility under generally accepted  
17 standards of medical practice and that is not prohibited by law.  
18 ~~As used in this part, "hospice" means hospice as defined in sec-~~  
19 ~~tion 20106 of the public health code, Act No. 368 of the Public~~  
20 ~~Acts of 1978, being section 333.20106 of the Michigan Compiled~~  
21 ~~Laws.~~

22 (D) ~~(c)~~ "Patient" means an individual who is under the  
23 care of a physician.

24 (E) ~~(d)~~ "Patient advocate" means that term as ~~defined in~~  
25 ~~section 496 of the revised probate code, Act No. 642 of the~~  
26 ~~Public Acts of 1978, being section 700.496 of the Michigan~~  
27 ~~Compiled Laws~~ DESCRIBED AND USED IN SECTIONS 5506 TO 5512 OF THE

1 ESTATES AND PROTECTED INDIVIDUALS CODE, 1998 PA 386, MCL 700.5506  
2 TO 700.5512.

3 (F) ~~(e)~~ "Patient ~~Surrogate~~ SURROGATE" means the parent  
4 or legal guardian of a patient who is a minor or a member of the  
5 immediate family, the next of kin, or the legal guardian of a  
6 patient who has a condition other than minority that prevents the  
7 patient from giving consent to medical treatment.

8 (G) ~~(f)~~ "Physician" means that term as defined in section  
9 17001 or 17501.

10 (H) ~~(g)~~ "Terminal illness" means a disease or condition  
11 due to which, in the opinion of a physician, a patient's death is  
12 anticipated within 6 months after the date of the physician's  
13 opinion.

14 (2) Article 1 contains general definitions and principles of  
15 construction applicable to all articles in this code.

[Sec. 5654. (1) A physician who is recommending medical treatment for terminal illness to a patient who has been diagnosed as having a terminal illness shall do all of the following:

(a) Orally inform the patient, the patient's patient surrogate, or, if the patient has designated a patient advocate and is unable to participate in medical treatment decisions, the patient advocate acting on behalf of the patient in accordance with ~~section 496 of Act No. 642 of the Public Acts of 1978~~ SECTIONS 5506 TO 5512 OF THE ESTATES AND PROTECTED INDIVIDUALS CODE, 1998 PA 386, MCL 700.5506 TO 700.5512, about the recommended medical treatment for the terminal illness and about alternatives to the recommended medical treatment for the terminal illness.

(b) Orally inform the patient, patient surrogate, or patient advocate about the advantages, disadvantages, and risks of the recommended medical treatment and of each alternative medical treatment described in subdivision (a) and about the procedures involved in the recommended and each alternative medical treatment.

(2) A physician's duty to inform a patient, patient surrogate, or patient advocate under subsection (1) does not require the disclosure of information beyond that required by the applicable standard of practice.

(3) Subsection (1) does not limit or modify the information required to be disclosed under sections 5133(2) and 17013(1).]

16 Enacting section 1. This amendatory act takes effect April  
17 1, 2000.