

HOUSE BILL No. 4778

April 2, 2009, Introduced by Reps. Marleau, Elsenheimer, Rick Jones and Ball 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 section 16279.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 16279. (1) A PHYSICIAN UNDER PART 170 OR PART 175 OR ANY
2 PERSON ACTING UNDER THE SUPERVISION OF THAT PHYSICIAN SHALL NOT
3 PROVIDE PRIMARY CARE SERVICES TO A PATIENT UNLESS ALL OF THE
4 REQUIREMENTS OF THIS SECTION ARE MET. THIS SECTION DOES NOT APPLY
5 TO A PHYSICIAN OR ANY PERSON ACTING UNDER THE SUPERVISION OF A
6 PHYSICIAN WHO PROVIDES EMERGENCY OR NONPRIMARY CARE SERVICES TO A
7 PATIENT.

8 (2) A PATIENT WHO IS 16 YEARS OF AGE OR OLDER SHALL PRESENT

1 HIS OR HER GOVERNMENT-ISSUED PHOTO IDENTIFICATION TO HIS OR HER
2 PRIMARY CARE PHYSICIAN UPON ENTERING THE OFFICE OR DURING THE
3 CHECK-IN PROCESS. A PHYSICIAN SHALL MAKE A COPY OF THE PATIENT'S
4 GOVERNMENT-ISSUED PHOTO IDENTIFICATION AND PLACE THAT COPY IN THE
5 PATIENT'S PERMANENT MEDICAL RECORD. THE PHYSICIAN SHALL DETERMINE
6 AT EACH SUBSEQUENT VISIT BY THE PATIENT WHETHER THE IDENTIFICATION
7 IN THE PATIENT'S MEDICAL RECORD IS UP-TO-DATE AND SHALL UPDATE THE
8 RECORD IF NECESSARY.

9 (3) A PATIENT WHO HAS BEEN CONVICTED OF A DRUG OFFENSE SHALL
10 DISCLOSE THAT CONVICTION TO A PHYSICIAN WHO IS PROVIDING PRIMARY
11 CARE SERVICES. A PHYSICIAN SHALL INCLUDE IN ANY DOCUMENTATION
12 REQUIRED OF PATIENTS DURING THE CHECK-IN PROCESS A SPACE FOR THE
13 PATIENT TO DISCLOSE IF HE OR SHE HAS BEEN CONVICTED OF A DRUG
14 OFFENSE. IF A PATIENT DISCLOSES A DRUG OFFENSE UNDER THIS
15 SUBSECTION, THE PHYSICIAN OR ANY PERSON ACTING UNDER THE
16 SUPERVISION OF THAT PHYSICIAN SHALL NOT PROVIDE PRIMARY CARE
17 SERVICES TO THAT PATIENT AT ANY SUBSEQUENT VISIT UNTIL THE PATIENT
18 PROVIDES A COPY OF HIS OR HER CRIMINAL RECORD. A PHYSICIAN SHALL
19 MAKE A COPY OF THE PATIENT'S CRIMINAL RECORD AND PLACE THAT COPY IN
20 THE PATIENT'S PERMANENT MEDICAL RECORD. THE PHYSICIAN SHALL
21 DETERMINE AT EACH SUBSEQUENT VISIT BY THE PATIENT WHETHER THE
22 PATIENT'S CRIMINAL RECORD IS UP-TO-DATE AND SHALL UPDATE THE RECORD
23 IF NECESSARY.

24 (4) AS USED IN THIS SECTION:

25 (A) "DRUG OFFENSE" MEANS ANY CRIME INVOLVING A PRESCRIPTION
26 DRUG, INCLUDING ILLEGALLY MANUFACTURING, CREATING, DELIVERING,
27 DISTRIBUTING, OR POSSESSING PRESCRIPTION DRUGS, ILLEGALLY OBTAINING

1 PRESCRIPTION DRUGS, ILLEGALLY USING OR ABUSING PRESCRIPTION DRUGS,
2 OR VIOLATING AN ORDER OF PROBATION THROUGH THE ILLEGAL USE, ABUSE,
3 OR HANDLING OF PRESCRIPTION DRUGS.

4 (B) "GOVERNMENT-ISSUED PHOTO IDENTIFICATION" MEANS A MICHIGAN
5 OPERATOR'S OR CHAUFFEUR'S LICENSE, DEPARTMENT OF STATE-ISSUED
6 PERSONAL IDENTIFICATION CARD, OTHER GOVERNMENT-ISSUED PHOTO
7 IDENTIFICATION CARD, OR A PHOTO IDENTIFICATION CARD ISSUED BY AN
8 INSTITUTION OF HIGHER EDUCATION IN THIS STATE DESCRIBED IN SECTION
9 4, 5, OR 6 OF ARTICLE VIII OF THE STATE CONSTITUTION OF 1963 OR A
10 JUNIOR COLLEGE OR COMMUNITY COLLEGE ESTABLISHED UNDER SECTION 7 OF
11 ARTICLE VIII OF THE STATE CONSTITUTION OF 1963 THAT CONTAINS A
12 CURRENT RESIDENCE ADDRESS TO ESTABLISH THE PATIENT'S IDENTITY AND
13 RESIDENCE ADDRESS.

14 (C) "PRESCRIPTION DRUG" MEANS THAT TERM AS DEFINED IN SECTION
15 17708.

16 Enacting section 1. This amendatory act takes effect 60 days
17 after the date it is enacted into law.