



HOUSE BILL No. 5150

September 26, 1995, Introduced by Rep. Clack and referred to the Committee on Regulatory Affairs.

A bill to amend Act No. 368 of the Public Acts of 1978,
entitled as amended

"Public health code,"

as amended, being sections 333.1101 to 333.25211 of the Michigan
Compiled Laws, by adding sections 9153, 16275, 17057, 17558,
20213, 20522, and 21054u.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 368 of the Public Acts of 1978, as
2 amended, being sections 333.1101 to 333.25211 of the Michigan
3 Compiled Laws, is amended by adding sections 9153, 16275, 17057,
4 17558, 20213, 20522, and 21054u to read as follows:

5 SEC. 9153. (1) THE DEPARTMENT, IN COOPERATION WITH THE
6 DEPARTMENT OF EDUCATION, SHALL PROMULGATE RULES FOR THE SCREENING
7 OF PUPILS IN THE SCHOOLS OF THIS STATE FOR LEAD POISONING,
8 INCLUDING GRADES TO BE SCREENED ANNUALLY, REPORTING FORMS TO BE

1 USED, PROCEDURES FOR RESCREENING, AND PROCEDURES FOR REFERRAL OF
2 CHILDREN WHO FAIL THE RESCREENING, AND SHALL PROVIDE TECHNICAL,
3 EDUCATIONAL, AND OTHER ASSISTANCE TO LOCAL PUBLIC HEALTH DEPART-
4 MENTS FOR THE IMPLEMENTATION OF LEAD POISONING DETECTION
5 PROGRAMS. IN DEVELOPING THE RULES, THE DEPARTMENT SHALL CONSULT
6 WITH PUBLIC AND PRIVATE AGENCIES AND ORGANIZATIONS INVOLVED IN
7 SIMILAR SCREENING PROGRAMS. THE RULES SHALL BE DISTRIBUTED TO
8 ALL LOCAL HEALTH DEPARTMENTS AND SCHOOL DISTRICTS WITHIN THIS
9 STATE.

10 (2) A PUPIL SHALL NOT BE REQUIRED TO PARTICIPATE IN A LEAD
11 POISONING SCREENING PROGRAM IF A PARENT, GUARDIAN, OR PERSON IN
12 LOCO PARENTIS OF THE PUPIL PRESENTS A WRITTEN STATEMENT TO THE
13 ADMINISTRATOR OF THE PUPIL'S SCHOOL STATING THAT PARTICIPATION IN
14 A LEAD POISONING SCREENING PROGRAM VIOLATES THE PERSONAL RELI-
15 GIOUS BELIEFS OF THE PUPIL, PARENT, GUARDIAN, OR PERSON IN LOCO
16 PARENTIS.

17 SEC. 16275. ANY LICENSEE OR REGISTRANT RECEIVING STATE
18 FUNDS AND PROVIDING MEDICAL CARE TO CHILDREN LESS THAN 6 YEARS OF
19 AGE SHALL PROVIDE LEAD POISONING SCREENING TO CHILDREN LESS THAN
20 6 YEARS OF AGE PURSUANT TO RULES PROMULGATED PURSUANT TO
21 SECTION 17057 OR 17558 AT THE INTERVALS AND USING THE METHODS
22 SPECIFIED BY THE RULES.

23 SEC. 17057. (1) THE BOARD SHALL PROMULGATE RULES THAT SPEC-
24 IFY THE MEANS BY WHICH AND INTERVALS AT WHICH CHILDREN LESS THAN
25 6 YEARS OF AGE, AND OTHER INDIVIDUALS THE BOARD CONSIDERS AS
26 HIGH-RISK GROUPS, SHALL BE SCREENED FOR LEAD POISONING. AT A
27 MINIMUM, THE RULES SHALL BE CONSISTENT WITH THOSE SCREENING

1 GUIDELINES ISSUED BY THE FEDERAL CENTERS FOR DISEASE CONTROL AND
2 PREVENTION EXISTING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT
3 THAT ADDED THIS SECTION.

4 (2) WITHIN 6 MONTHS AFTER THE PROMULGATION OF THE RULES
5 DESCRIBED IN SUBSECTION (1), A PHYSICIAN ENGAGED IN PRIMARY CARE
6 PRACTICE SHALL CONDUCT LEAD POISONING SCREENING IN THE MANNER
7 PRESCRIBED IN THE RULES.

8 (3) THE REPORTING OF ANY INFORMATION REQUIRED PURSUANT TO
9 THE RULES DOES NOT VIOLATE THE PHYSICIAN-PATIENT PRIVILEGE
10 DESCRIBED IN SECTION 2157 OF THE REVISED JUDICATURE ACT OF 1961,
11 ACT NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SECTION 600.2157 OF
12 THE MICHIGAN COMPILED LAWS, OR ANY OTHER LAWFUL HEALTH
13 PROFESSIONAL-PATIENT PRIVILEGE OR CONFIDENTIALITY.

14 (4) AS USED IN THIS SECTION, "PRIMARY CARE PRACTICE" MEANS A
15 FAMILY PRACTICE, GENERAL PRACTICE, OR PEDIATRIC PRACTICE THAT
16 MEETS AT LEAST ALL OF THE FOLLOWING:

17 (A) SERVES AS A PATIENT'S FIRST POINT OF ENTRY INTO THE
18 HEALTH CARE SYSTEM AND AS A FOCAL POINT FOR THE PATIENT'S CON-
19 TINUING HEALTH CARE NEEDS.

20 (B) PROVIDES A PATIENT WITH READY ACCESS TO HIS OR HER OWN
21 PERSONAL PHYSICIAN AND TO A BACK-UP PHYSICIAN WHEN THE PERSONAL
22 PHYSICIAN IS NOT AVAILABLE.

23 (C) PROVIDES ALL OF THE FOLLOWING IN A VARIETY OF HEALTH
24 CARE SETTINGS:

25 (i) DIAGNOSIS AND TREATMENT OF ACUTE AND CHRONIC ILLNESSES.

26 (ii) HEALTH PROMOTION AND DISEASE PREVENTION.

(iii) HEALTH MAINTENANCE.

(iv) PATIENT COUNSELING AND EDUCATION.

SEC. 17558. (1) THE BOARD SHALL PROMULGATE RULES THAT SPECIFY THE MEANS BY WHICH AND INTERVALS AT WHICH CHILDREN LESS THAN 6 YEARS OF AGE, AND OTHER INDIVIDUALS THE BOARD CONSIDERS AS HIGH-RISK GROUPS, SHALL BE SCREENED FOR LEAD POISONING. AT A MINIMUM, THE RULES SHALL BE CONSISTENT WITH THOSE SCREENING GUIDELINES ISSUED BY THE FEDERAL CENTERS FOR DISEASE CONTROL AND PREVENTION EXISTING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION.

(2) WITHIN 6 MONTHS AFTER THE PROMULGATION OF THE RULES DESCRIBED IN SUBSECTION (1), A PHYSICIAN ENGAGED IN PRIMARY CARE PRACTICE SHALL CONDUCT LEAD POISONING SCREENING IN THE MANNER PRESCRIBED IN THE RULES.

(3) THE REPORTING OF ANY INFORMATION REQUIRED PURSUANT TO THE RULES DOES NOT VIOLATE THE PHYSICIAN-PATIENT PRIVILEGE DESCRIBED IN SECTION 2157 OF THE REVISED JUDICATURE ACT OF 1961, ACT NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SECTION 600.2157 OF THE MICHIGAN COMPILED LAWS, OR ANY OTHER LAWFUL HEALTH PROFESSIONAL-PATIENT PRIVILEGE OR CONFIDENTIALITY.

(4) AS USED IN THIS SECTION, "PRIMARY CARE PRACTICE" MEANS A FAMILY PRACTICE, GENERAL PRACTICE, OR PEDIATRIC PRACTICE THAT MEETS AT LEAST ALL OF THE FOLLOWING:

(A) SERVES AS A PATIENT'S FIRST POINT OF ENTRY INTO THE HEALTH CARE SYSTEM AND AS A FOCAL POINT FOR THE PATIENT'S CONTINUING HEALTH CARE NEEDS.

1 (B) PROVIDES A PATIENT WITH READY ACCESS TO HIS OR HER OWN
2 PERSONAL PHYSICIAN AND TO A BACK-UP PHYSICIAN WHEN THE PERSONAL
3 PHYSICIAN IS NOT AVAILABLE.

4 (C) PROVIDES ALL OF THE FOLLOWING IN A VARIETY OF HEALTH
5 CARE SETTINGS:

6 (i) DIAGNOSIS AND TREATMENT OF ACUTE AND CHRONIC ILLNESSES.

7 (ii) HEALTH PROMOTION AND DISEASE PREVENTION.

8 (iii) HEALTH MAINTENANCE.

9 (iv) PATIENT COUNSELING AND EDUCATION.

10 SEC. 20213. ANY HEALTH FACILITY OR AGENCY RECEIVING STATE
11 FUNDS AND PROVIDING HEALTH CARE TO CHILDREN LESS THAN 6 YEARS OF
12 AGE SHALL PROVIDE LEAD POISONING SCREENING TO CHILDREN LESS THAN
13 6 YEARS OF AGE PURSUANT TO RULES PROMULGATED PURSUANT TO
14 SECTION 17057 OR 17558 AT THE INTERVALS AND USING THE METHODS
15 SPECIFIED BY THE RULES.

16 SEC. 20522. THE DEPARTMENT SHALL PROMULGATE RULES FOR THE
17 REPORTING TO THE DEPARTMENT BY CLINICAL LABORATORIES OF STATISTI-
18 CAL INFORMATION ON BLOOD LEAD ANALYSES WHICH SHALL INCLUDE DATA
19 ON THE NUMBER AND RESULTS OF BLOOD LEAD ANALYSES PERFORMED BY THE
20 CLINICAL LABORATORY DURING SPECIFIED TIME PERIODS AND WHICH DOES
21 INCLUDE PATIENT IDENTIFIERS.

22 SEC. 21054U. (1) A HEALTH MAINTENANCE ORGANIZATION SHALL
23 PROVIDE COVERAGE IN EACH GROUP AND INDIVIDUAL CONTRACT THAT
24 OFFERS DEPENDENT COVERAGE FOR THE FOLLOWING:

25 (A) SCREENING FOR LEAD POISONING.

26 (B) MEDICAL FOLLOW-UP AND TREATMENT FOR CHILDREN DIAGNOSED
27 WITH LEAD POISONING.

1 (C) ENVIRONMENTAL INVESTIGATIONS PERFORMED AS PART OF THE
2 MEDICALLY-PRESCRIBED COURSE OF TREATMENT FOR A CHILD DIAGNOSED
3 WITH LEAD POISONING.

4 (D) DEVELOPMENTAL ASSESSMENTS PERFORMED AS PART OF THE
5 MEDICALLY-PRESCRIBED TREATMENT FOR A CHILD DIAGNOSED WITH LEAD
6 POISONING.

7 (2) AS USED IN THIS SECTION, "CHILD" MEANS AN INDIVIDUAL
8 LESS THAN 6 YEARS OF AGE.

9 Section 2. This amendatory act shall not take effect unless
10 House Bill No. 4011 of the 88th Legislature is enacted into law.