

Act No. 58  
Public Acts of 2000  
Approved by the Governor  
March 29, 2000  
Filed with the Secretary of State  
March 30, 2000  
EFFECTIVE DATE: April 1, 2000

**STATE OF MICHIGAN  
90TH LEGISLATURE  
REGULAR SESSION OF 2000**

Introduced by Rep. Law

# ENROLLED HOUSE BILL No. 5488

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending sections 1106, 5653, and 5654 (MCL 333.1106, 333.5653, and 333.5654), section 1106 as amended by 1996 PA 307 and sections 5653 and 5654 as added by 1996 PA 594.

*The People of the State of Michigan enact:*

Sec. 1106. (1) "Parentage registry" means the department's compilation of data concerning children's parentage, which data the department receives from any source, including, but not limited to, a copy of an order of filiation from the circuit court or an acknowledgment of paternity or parentage under this act, under section 2114 of the estates and protected individuals code, 1998 PA 386, MCL 700.2114, or under the acknowledgment of parentage act, 1996 PA 305, MCL 722.1001 to 722.1013.

(2) "Person" means an individual, partnership, cooperative, association, private corporation, personal representative, receiver, trustee, assignee, or other legal entity. Person does not include a governmental entity unless specifically provided.

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

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

(b) "Hospice" means that term as defined in section 20106.

(c) "Medical treatment" means a treatment including, but not limited to, palliative care treatment, or a procedure, medication, surgery, a diagnostic test, or a hospice plan of care that may be ordered, provided, or withheld or withdrawn

by a health professional or a health facility under generally accepted standards of medical practice and that is not prohibited by law.

(d) "Patient" means an individual who is under the care of a physician.

(e) "Patient advocate" means that term as described and used in sections 5506 to 5512 of the estates and protected individuals code, 1998 PA 386, MCL 700.5506 to 700.5512.

(f) "Patient surrogate" means the parent or legal guardian of a patient who is a minor or a member of the immediate family, the next of kin, or the legal guardian of a patient who has a condition other than minority that prevents the patient from giving consent to medical treatment.

(g) "Physician" means that term as defined in section 17001 or 17501.

(h) "Terminal illness" means a disease or condition due to which, in the opinion of a physician, a patient's death is anticipated within 6 months after the date of the physician's opinion.

(2) Article 1 contains general definitions and principles of 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 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).

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

This act is ordered to take immediate effect.



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Clerk of the House of Representatives.



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Secretary of the Senate.

Approved .....

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Governor.