

**OBTAIN PARENTAL CONSENT FOR
MEDICAL CARE OF MINOR**

House Bill 4540
Sponsor: Rep. Triette Reeves
Committee: Health Policy

Complete to 5-20-03

A SUMMARY OF HOUSE BILL 4540 AS INTRODUCED 4-9-03

The bill would amend the Public Health Code to add a requirement that a physician—an MD or DO—or an individual to whom the physician had delegated authority to perform a selected act, task, or function (see below) obtain the written, informed consent of a minor's parent, guardian, or person in loco parentis before ordering a diagnostic test or medical treatment or prescribing medication. This requirement would take effect six months after the date the (proposed) act took effect.

Written, informed consent would consist of a signed document executed by the minor's parent, guardian, or person in loco parentis that confirmed that the physician or the individual acting under the physician's delegatory authority had explained, and the minor's parent, guardian, or person in loco parentis understood at least all of the following:

- the nature and purpose as well as the effectiveness and limitations of the prescribed medication, diagnostic test, or medical treatment;
- the implications of taking the prescribed medication, diagnostic test, or medical treatment, including the medical risks and benefits;
- the dosage of any medication prescribed for the minor patient and its possible side effects;
- the meaning of diagnostic test results and the procedure for providing notice of the results to the parent, guardian, or person in loco parentis.

Within six months after the (proposed) act's effective date, the Department of Community Health, in consultation with the state boards of medicine, osteopathic medicine and surgery, and any appropriate professional organizations, would be required to develop and distribute a model informed consent form that practitioners could adopt. The DCH would have to include in the model form at least all of the information required above. Upon request, the DCH would have to distribute the model form to physicians and other individuals at no charge. The DCH would have to review the model form at least annually for five years after the first model form was distributed and would have to revise the model form if necessary to make the form reflect the latest developments in prescription medications, diagnostic testing, and medical treatment.

If a parent, guardian, or person in loco parentis of a minor signed a copy of the model informed consent form, the physician or his or her delegate would have to give that person a

copy of the signed form and would have to include the original signed form in the minor's medical record.

A physician's duty to inform a patient would not require disclosure of information beyond what a "reasonably well-qualified" licensed physician would know.

Delegation of acts, tasks, or functions. The Public Health Code authorizes licensed physicians (among others) to delegate to licensed and unlicensed individuals who are otherwise qualified by education, training, or experience the performance of selected acts, tasks, or functions falling within a physician's scope of practice. For more on this authority and restrictions on it, see section 16215 of the health code (MCL 333.16215).

MCL 333.17017 and 333.17517

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.