

HOUSE BILL No. 4540

April 9, 2003, Introduced by Reps. Reeves, Dennis, Smith, Cheeks, Vagnozzi, Stakoe and Gleason 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 sections 17017 and 17517.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17017. (1) Beginning upon the expiration of 6 months
2 after the effective date of the amendatory act that added this
3 section, a physician or an individual to whom the physician has
4 delegated authority to perform a selected act, task, or function
5 under section 16215 shall not order a diagnostic test or medical
6 treatment or prescribe medication for a minor without first
7 obtaining the written, informed consent of the minor's parent,
8 guardian, or person in loco parentis, as prescribed by this
9 section.

10 (2) For purposes of subsection (1), written, informed consent
11 consists of a signed writing executed by the minor's parent,

1 guardian, or person in loco parentis that confirms that the
2 physician or the individual acting under the delegatory authority
3 of the physician has explained, and the minor's parent, guardian,
4 or person in loco parentis understands, at a minimum, all of the
5 following:

6 (a) The nature and purpose of the prescribed medication,
7 diagnostic test, or medical treatment.

8 (b) The effectiveness and limitations of the prescribed
9 medication, diagnostic test, or medical treatment.

10 (c) The implications of taking the prescribed medication,
11 diagnostic test, or medical treatment, including, but not limited
12 to, the medical risks and benefits.

13 (d) For prescribed medications, the dosage for the minor
14 patient and possible side effects.

15 (e) The meaning of diagnostic test results and the procedure
16 for providing notice of the results to the parent, guardian, or
17 person in loco parentis.

18 (3) Within 6 months after the effective date of the
19 amendatory act that added this section, the department of
20 community health, in consultation with the Michigan board of
21 medicine, the Michigan board of osteopathic medicine and surgery,
22 and appropriate professional organizations, shall develop and
23 distribute a model informed consent form for purposes of this
24 section that practitioners may adopt. The department of
25 community health shall include in the model form at least all of
26 the information required under subsection (2). The department of
27 community health shall distribute the model form to physicians

1 and other individuals subject to this section upon request and at
2 no charge. The department of community health shall review the
3 model form at least annually for 5 years after the first model
4 form is distributed, and shall revise the model form if necessary
5 to make the form reflect the latest developments in prescription
6 medications, diagnostic testing, and medical treatment.

7 (4) If a parent, guardian, or person in loco parentis of a
8 minor signs a copy of the model informed consent form developed
9 and distributed under subsection (3), the physician or individual
10 acting under the delegatory authority of the physician shall give
11 the parent, guardian, or person in loco parentis a copy of the
12 signed informed consent form and shall include the original
13 signed informed consent form in the minor's medical record.

14 (5) A physician's duty to inform a patient under this section
15 does not require disclosure of information beyond what a
16 reasonably well-qualified physician licensed under this article
17 would know.

18 Sec. 17517. (1) Beginning upon the expiration of 6 months
19 after the effective date of the amendatory act that added this
20 section, a physician or an individual to whom the physician has
21 delegated authority to perform a selected act, task, or function
22 under section 16215 shall not order a diagnostic test or medical
23 treatment or prescribe medication for a minor without first
24 obtaining the written, informed consent of the minor's parent,
25 guardian, or person in loco parentis, as prescribed by this
26 section.

27 (2) For purposes of subsection (1), written, informed consent

1 consists of a signed writing executed by the minor's parent,
2 guardian, or person in loco parentis that confirms that the
3 physician or the individual acting under the delegatory authority
4 of the physician has explained, and the minor's parent, guardian,
5 or person in loco parentis understands, at a minimum, all of the
6 following:

7 (a) The nature and purpose of the prescribed medication,
8 diagnostic test, or medical treatment.

9 (b) The effectiveness and limitations of the prescribed
10 medication, diagnostic test, or medical treatment.

11 (c) The implications of taking the prescribed medication,
12 diagnostic test, or medical treatment, including, but not limited
13 to, the medical risks and benefits.

14 (d) For prescribed medications, the dosage for the minor
15 patient and possible side effects.

16 (e) The meaning of diagnostic test results and the procedure
17 for providing notice of the results to the parent, guardian, or
18 person in loco parentis.

19 (3) Within 6 months after the effective date of the
20 amendatory act that added this section, the department of
21 community health, in consultation with the Michigan board of
22 medicine, the Michigan board of osteopathic medicine and surgery,
23 and appropriate professional organizations, shall develop and
24 distribute a model informed consent form for purposes of this
25 section that practitioners may adopt. The department of
26 community health shall include in the model form at least all of
27 the information required under subsection (2). The department of

1 community health shall distribute the model form to physicians
2 and other individuals subject to this section upon request and at
3 no charge. The department of community health shall review the
4 model form at least annually for 5 years after the first model
5 form is distributed, and shall revise the model form if necessary
6 to make the form reflect the latest developments in prescription
7 medications, diagnostic testing, and medical treatment.

8 (4) If a parent, guardian, or person in loco parentis of a
9 minor signs a copy of the model informed consent form developed
10 and distributed under subsection (3), the physician or individual
11 acting under the delegatory authority of the physician shall give
12 the parent, guardian, or person in loco parentis a copy of the
13 signed informed consent form and shall include the original
14 signed informed consent form in the minor's medical record.

15 (5) A physician's duty to inform a patient under this section
16 does not require disclosure of information beyond what a
17 reasonably well-qualified physician licensed under this article
18 would know.