

HOUSE BILL No. 5599

January 9, 2008, Introduced by Rep. Sak 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 9325.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 9325. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,
2 BEFORE A LICENSED ALLOPATHIC PHYSICIAN OR OSTEOPATHIC PHYSICIAN AND
3 SURGEON OR AN INDIVIDUAL ACTING UNDER DELEGATORY AUTHORITY AND
4 SUPERVISION UNDER SECTION 16215 PERFORMS AN ASSESSMENT OR
5 EVALUATION OR REFERS A PATIENT TO ANOTHER HEALTH PROFESSIONAL FOR
6 AN ASSESSMENT OR EVALUATION TO DETERMINE WHETHER THE PATIENT IS
7 SUFFERING FROM DEMENTIA, ALZHEIMER'S DISEASE, OR A RELATED
8 DISORDER, THE PHYSICIAN OR DELEGATEE SHALL PERFORM OR CAUSE TO BE
9 PERFORMED AN EVALUATION OF THE PATIENT'S HEARING. THE HEARING

1 EVALUATION UNDER THIS SECTION SHALL MEET ALL OF THE FOLLOWING
2 REQUIREMENTS:

3 (A) BE PERFORMED BY A HEALTH PROFESSIONAL LICENSED OR
4 REGISTERED UNDER THIS ACT WHOSE EDUCATION, TRAINING, OR EXPERIENCE
5 MAKE HIM OR HER QUALIFIED TO PERFORM THE HEARING EVALUATION OR BE
6 PERFORMED BY AN INDIVIDUAL LICENSED IN THE PRACTICE OF SELLING OR
7 FITTING A HEARING AID UNDER THE OCCUPATIONAL CODE, 1980 PA 299, MCL
8 339.101 TO 339.2919.

9 (B) BE A TONE TEST UTILIZING AN AUDIOMETRIC DEVICE OR OTHER
10 DEVICE APPROVED BY THE DEPARTMENT.

11 (2) IF A HEARING EVALUATION PERFORMED UNDER THIS SECTION
12 INDICATES THAT THE PATIENT DOES NOT HAVE A HEARING IMPAIRMENT, THE
13 PHYSICIAN OR DELEGATEE MAY PERFORM AN ASSESSMENT OR EVALUATION OR
14 REFER A PATIENT TO ANOTHER HEALTH PROFESSIONAL FOR AN ASSESSMENT OR
15 EVALUATION TO DETERMINE WHETHER THE PATIENT IS SUFFERING FROM
16 DEMENTIA, ALZHEIMER'S DISEASE, OR A RELATED DISORDER. IF A HEARING
17 EVALUATION PERFORMED UNDER THIS SECTION INDICATES THAT THE PATIENT
18 HAS A HEARING IMPAIRMENT, THE PHYSICIAN OR DELEGATEE SHALL NOT
19 PERFORM AN ASSESSMENT OR EVALUATION OR REFER A PATIENT TO ANOTHER
20 HEALTH PROFESSIONAL FOR AN ASSESSMENT OR EVALUATION TO DETERMINE
21 WHETHER THE PATIENT IS SUFFERING FROM DEMENTIA, ALZHEIMER'S
22 DISEASE, OR A RELATED DISORDER UNTIL THE PATIENT'S HEARING
23 IMPAIRMENT HAS BEEN TREATED. IF, AFTER A PATIENT'S HEARING
24 IMPAIRMENT HAS BEEN TREATED, THE PHYSICIAN OR DELEGATEE, IN HIS OR
25 HER BEST MEDICAL JUDGMENT, BELIEVES THAT AN EVALUATION TO DETERMINE
26 WHETHER THE PATIENT IS SUFFERING FROM DEMENTIA, ALZHEIMER'S
27 DISEASE, OR A RELATED DISORDER IS NECESSARY, THE PHYSICIAN OR

1 DELEGATEE MAY PERFORM THE ASSESSMENT OR EVALUATION OR REFER A
2 PATIENT TO ANOTHER HEALTH PROFESSIONAL FOR THE ASSESSMENT OR
3 EVALUATION.

4 (3) THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

5 (A) A PATIENT WHO HAS A KNOWN HEARING IMPAIRMENT AND WHO HAS
6 RECEIVED TREATMENT FOR THAT HEARING IMPAIRMENT WITHIN THE PAST 3
7 YEARS.

8 (B) A PATIENT WHOSE HEARING WAS MEDICALLY EVALUATED DURING THE
9 6-MONTH PERIOD PRECEDING THE ASSESSMENT OR EVALUATION TO DETERMINE
10 WHETHER THE PATIENT IS SUFFERING FROM DEMENTIA, ALZHEIMER'S
11 DISEASE, OR A RELATED DISORDER.

12 (C) A PATIENT WHO DECLINES IN WRITING, OR WHOSE PATIENT'S
13 REPRESENTATIVE DECLINES IN WRITING, THE HEARING EVALUATION.

14 Enacting section 1. This amendatory act takes effect January
15 1, 2008.