

# SENATE BILL No. 1465

November 3, 2004, Introduced by Senators JACOBS, HAMMERSTROM and PATTERSON and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 5653 and 5654 (MCL 333.5653 and 333.5654), as amended by 2001 PA 239.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

2       (a) "Advanced illness", except as otherwise provided in this  
3 subdivision, means a medical or surgical condition with  
4 significant functional impairment that is not reversible by  
5 curative therapies and that is anticipated to progress toward  
6 death despite attempts at curative therapies or modulation, the  
7 time course of which may or may not be determinable through  
8 reasonable medical prognostication. For purposes of section  
9 5655(b) only, "advanced illness" has the same general meaning as  
10 "terminal illness" has in the medical community.

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

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

4 (d) "Medical treatment" means a treatment including, but not  
5 limited to, palliative care treatment, or a procedure,  
6 medication, surgery, a diagnostic test, or a hospice plan of care  
7 that may be ordered, provided, or withheld or withdrawn by a  
8 health professional or a health facility under generally accepted  
9 standards of medical practice and that is not prohibited by law.

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

12 (f) "Patient advocate" means that term as described and used  
13 in sections 5506 to ~~5512~~ 5515 of the estates and protected  
14 individuals code, 1998 PA 386, MCL 700.5506 to ~~700.5512~~  
15 700.5515.

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

21 (h) "Physician" means that term as defined in section 17001  
22 or 17501.

23 (2) Article 1 contains general definitions and principles of  
24 construction applicable to all articles in this code.

25 Sec. 5654. (1) A physician who has diagnosed a patient as  
26 having a reduced life expectancy due to an advanced illness and  
27 is recommending medical treatment for the patient shall do all of

1 the following:

2 (a) Orally inform the patient, the patient's patient  
3 surrogate, or, if the patient has designated a patient advocate  
4 and is unable to participate in medical treatment decisions, the  
5 patient advocate acting on behalf of the patient in accordance  
6 with sections 5506 to ~~5512~~ 5515 of the estates and protected  
7 individuals code, 1998 PA 386, MCL 700.5506 to ~~700.5512~~  
8 700.5515, about the recommended medical treatment and about  
9 alternatives to the recommended medical treatment.

10 (b) Orally inform the patient, patient surrogate, or patient  
11 advocate about the advantages, disadvantages, and risks of the  
12 recommended medical treatment and of each alternative medical  
13 treatment described in subdivision (a) and about the procedures  
14 involved.

15 (2) A physician's duty to inform a patient, patient  
16 surrogate, or patient advocate under subsection (1) does not  
17 require the disclosure of information beyond that required by the  
18 applicable standard of practice.

19 (3) Subsection (1) does not limit or modify the information  
20 required to be disclosed under sections 5133(2) and 17013(1).

21 Enacting section 1. This amendatory act does not take  
22 effect unless Senate Bill No. 1464  
23 of the 92nd Legislature is enacted into  
24 law.