

# HOUSE BILL No. 5362

November 12, 1997, Introduced by Reps. DeVuyst, Godchaux, McBryde, Baird, Voorhees, Geiger, Bobier, Goschka, Jansen, McManus and LeTarte and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20104 and 20106 (MCL 333.20104 and 333.20106), section 20106 as amended by 1996 PA 267, and by adding part 204.

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

1       Sec. 20104. (1) "Certification" means the issuance of a  
2 document by the department to a health facility or agency attest-  
3 ing to the fact that the facility or agency meets both of the  
4 following:

5       (a) It complies with applicable statutory and regulatory  
6 requirements and standards.

7       (b) It is eligible to participate as a provider of care and  
8 services in a specific federal or state health program.

1           (2) "Clinical laboratory" means a facility patronized by, or  
2 at the direction of, a physician, health officer, or other person  
3 authorized by law to obtain information for the diagnosis, pre-  
4 vention, or treatment of disease or the assessment of a medical  
5 condition by the microbiological, serological, histological,  
6 hematological, immunohematological, biophysical, cytological,  
7 pathological, or biochemical examination of materials derived  
8 from the human body, except as provided in section 20507.

9           (3) "Consumer" means a person who is not a HEALTH PROFES-  
10 SIONAL, HEALTH FACILITY OR AGENCY, OR OTHER provider of health  
11 care. ~~as defined in section 1531(3) of title 15 of the public~~  
12 ~~health service act, 42 U.S.C. 300n.~~

13           (4) "County medical care facility" means a nursing care  
14 facility, other than a hospital long-term care unit, which pro-  
15 vides organized nursing care and medical treatment to 7 or more  
16 unrelated individuals who are suffering or recovering from ill-  
17 ness, injury, or infirmity and which is owned by a county or  
18 counties.

19           (5) "Freestanding surgical outpatient facility" means a  
20 facility, other than the office of a physician, dentist, podia-  
21 trist, or other private practice office, offering a surgical pro-  
22 cedure and related care that in the opinion of the attending phy-  
23 sician can be safely performed without requiring overnight inpa-  
24 tient hospital care. ~~It~~ FREESTANDING SURGICAL OUTPATIENT  
25 FACILITY does not include a surgical outpatient facility owned by  
26 and operated as part of a hospital.

1           (6) "FREESTANDING BIRTHING CLINIC" MEANS A FACILITY, OTHER  
2 THAN THE PRIVATE PRACTICE OFFICE OF A PHYSICIAN LICENSED UNDER  
3 ARTICLE 15 OR A REGISTERED PROFESSIONAL NURSE LICENSED UNDER  
4 ARTICLE 15 AND CERTIFIED IN NURSE MIDWIFERY, THAT PROVIDES  
5 FAMILY-CENTERED CARE IN A HOMELIKE ATMOSPHERE FOR HEALTHY WOMEN  
6 BEFORE, DURING, AND AFTER NORMAL PREGNANCY, LABOR, AND BIRTH,  
7 EITHER AS PART OF OR INDEPENDENT OF ANOTHER HEALTH FACILITY OR  
8 AGENCY.

9           Sec. 20106. (1) "Health facility or agency", except as pro-  
10 vided in section 20115, means:

11           (a) An ambulance operation, aircraft transport operation,  
12 nontransport prehospital life support operation, or medical first  
13 response service.

14           (b) A clinical laboratory.

15           (c) A county medical care facility.

16           (D) A FREESTANDING BIRTHING CLINIC.

17           (E) ~~(d)~~ A freestanding surgical outpatient facility.

18           (F) ~~(e)~~ A health maintenance organization.

19           (G) ~~(f)~~ A home for the aged.

20           (H) ~~(g)~~ A hospital.

21           (I) ~~(h)~~ A nursing home.

22           (J) ~~(i)~~ A hospice.

23           (K) ~~(j)~~ A hospice residence.

24           (l) ~~(k)~~ A facility or agency listed in subdivisions (a) to  
25 ~~(h)~~ (I) located in a university, college, or other educational  
26 institution.

1 (2) "Health maintenance organization" means a health  
2 facility or agency that does all of the following:

3 (a) Delivers health maintenance services that are medically  
4 indicated to enrollees under the terms of its health maintenance  
5 contract, directly or through contracts with affiliated provid-  
6 ers, in exchange for a fixed prepaid sum or per capita prepay-  
7 ment, without regard to the frequency, extent, or kind of health  
8 maintenance services.

9 (b) Is responsible for the availability, accessibility, and  
10 quality of the health maintenance services provided as described  
11 in subdivision (a).

12 (3) "Home for the aged" means a supervised personal care  
13 facility, other than a hotel, adult foster care facility, hospi-  
14 tal, nursing home, or county medical care facility that provides  
15 room, board, and supervised personal care to 21 or more unrelat-  
16 ed, nontransient, individuals 60 years of age or older. Home for  
17 the aged includes a supervised personal care facility for 20 or  
18 fewer individuals 60 years of age or older if the facility is  
19 operated in conjunction with and as a distinct part of a licensed  
20 nursing home.

21 (4) "Hospice" means a health care program that provides a  
22 coordinated set of services rendered at home or in outpatient or  
23 institutional settings for individuals suffering from a disease  
24 or condition with a terminal prognosis.

25 (5) "Hospital" means a facility offering inpatient, over-  
26 night care, and services for observation, diagnosis, and active  
27 treatment of an individual with a medical, surgical, obstetric,

1 chronic, or rehabilitative condition requiring the daily  
2 direction or supervision of a physician. Hospital does not  
3 include a mental health hospital licensed or operated by the  
4 department of community health or a hospital operated by the  
5 department of corrections.

6 (6) "Hospital long-term care unit" means a nursing care  
7 facility, owned and operated by and as part of a hospital, pro-  
8 viding organized nursing care and medical treatment to 7 or more  
9 unrelated individuals suffering or recovering from illness,  
10 injury, or infirmity.

11 PART 204. FREESTANDING BIRTHING CLINICS

12 SEC. 20401. ARTICLE 1 CONTAINS GENERAL DEFINITIONS AND  
13 PRINCIPLES OF CONSTRUCTION APPLICABLE TO ALL ARTICLES IN THIS  
14 CODE AND PART 201 CONTAINS DEFINITIONS APPLICABLE TO THIS PART.

15 SEC. 20403. (1) A FREESTANDING BIRTHING CLINIC SHALL BE  
16 LICENSED UNDER THIS ARTICLE.

17 (2) "FREESTANDING BIRTHING CLINIC" OR A SIMILAR TERM OR  
18 ABBREVIATION SHALL NOT BE USED TO DESCRIBE OR REFER TO A HEALTH  
19 FACILITY OR AGENCY UNLESS IT IS LICENSED BY THE DEPARTMENT UNDER  
20 THIS ARTICLE AS A FREESTANDING BIRTHING CLINIC.

21 SEC. 20405. THE OWNER, OPERATOR, AND GOVERNING BODY OF A  
22 FREESTANDING BIRTHING CLINIC LICENSED UNDER THIS ARTICLE ARE  
23 SUBJECT TO ALL OF THE FOLLOWING:

24 (A) ARE RESPONSIBLE FOR ALL PHASES OF THE OPERATION OF THE  
25 FREESTANDING BIRTHING CLINIC, SELECTION OF HEALTH PROFESSIONAL  
26 AND OTHER STAFF, AND QUALITY OF CARE RENDERED IN THE FREESTANDING  
27 BIRTHING CLINIC.

1 (B) SHALL COOPERATE WITH THE DEPARTMENT IN THE ENFORCEMENT  
2 OF THIS ARTICLE AND REQUIRE THAT THE HEALTH PROFESSIONALS AND  
3 OTHER PERSONNEL WORKING IN THE FREESTANDING BIRTHING CLINIC FOR  
4 WHOM A STATE LICENSE OR REGISTRATION IS REQUIRED BE CURRENTLY  
5 LICENSED OR REGISTERED.

6 SEC. 20407. A FREESTANDING BIRTHING CLINIC SHALL COMPLY  
7 WITH ALL OF THE FOLLOWING:

8 (A) BE ORGANIZED, ADMINISTERED, STAFFED, AND EQUIPPED TO  
9 PROVIDE BIRTHING SERVICES ON A REGULAR AND SCHEDULED BASIS.

10 (B) HAVE THE HEALTH PROFESSIONAL, TECHNICAL, AND SUPPORTIVE  
11 PERSONNEL AND THE EQUIPMENT NECESSARY TO ASSURE THE SAFE PER-  
12 FORMANCE OF BIRTHING SERVICES AND RELATED CARE UNDERTAKEN IN THE  
13 RESPITE CARE CENTER.

14 (C) HAVE A WRITTEN AGREEMENT WITH A NEARBY LICENSED HOSPITAL  
15 TO PROVIDE FOR THE EMERGENCY ADMISSION OF CLIENTS WHO FOR UNPRE-  
16 DICTABLE REASONS MAY REQUIRE HOSPITAL ADMISSION AND CARE.

17 (D) ASSURE THAT A CLINICAL RECORD IS ESTABLISHED FOR EACH  
18 CLIENT RECEIVING BIRTHING SERVICES, INCLUDING A HISTORY, PHYSICAL  
19 EXAMINATION, JUSTIFICATION FOR TREATMENT PLANNED AND RENDERED,  
20 TESTS AND EXAMINATIONS PERFORMED, OBSERVATIONS MADE, AND TREAT-  
21 MENT PROVIDED.

22 (E) THE RULES PROMULGATED BY THE DEPARTMENT UNDER SECTION  
23 20409.

24 SEC. 20409. THE DEPARTMENT MAY PROMULGATE RULES ESTABLISH-  
25 ING STANDARDS FOR THE ESTABLISHMENT AND OPERATION OF FREESTANDING  
26 BIRTHING CLINICS LICENSED UNDER THIS ARTICLE. THE DEPARTMENT MAY  
27 INCORPORATE BY REFERENCE ALL OR PART OF THE ACCREDITATION

1 STANDARDS OF THE NATIONAL ASSOCIATION OF CHILD BEARING CENTERS  
2 FOR PURPOSES OF THE RULES PROMULGATED UNDER THIS SECTION.