

ELDER LAW & DISABILITY RIGHTS SECTION

Respectfully submits the following position on:

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HB 4170, HB 4171, HB 4173, HB 4174

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The Elder Law and Disability Rights Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Elder Law and Disability Rights Section only and is not the position of the State Bar of Michigan.

To date, the State Bar does not have a position on this matter.

The total membership of the Elder Law and Disability Rights Section is 1,225.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 20. The number who voted in favor to this position was 16. The number who voted opposed to this position was 0. The number who abstained from voting was 1.

Report on Public Policy Position**Name of section:**

Elder Law and Disability Rights Section

Contact person:

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Phone:

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Bill Numbers:

[HB 4170](#) (Tedder) Health; other; physician orders for scope of treatment forms; allow. Amends sec. 20919 of [1978 PA 368](#) (MCL [333.20919](#)) & adds pt. 56B & sec. 20192a.

[HB 4171](#) (Cox) Probate; guardians and conservators; physician orders for scope of treatment form; authorize a guardian to sign. Amends secs. 1106, 5303, 5305 & 5314 of [1998 PA 386](#) (MCL [700.1106](#) et seq.).

[HB 4173](#) (Vaupel) Human services; adult foster care; physician orders for scope of treatment form; establish procedure if adult foster care facility is unwilling to comply with the form. Amends secs. 6 & 26a of [1979 PA 218](#) (MCL [400.706](#) & [400.726a](#)) & adds sec. 26c.

[HB 4174](#) (Love) Health; emergency response; procedure for complying with a do-not-resuscitate order; revise to reflect physician orders for scope of treatment forms. Amends sec. 11 of [1996 PA 193](#) (MCL [333.1061](#)) & adds sec. 11a.

Date position was adopted:

August 5, 2017

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

20

Number who voted in favor and opposed to the position:

16 Voted for position

0 Voted against position

1 Abstained from vote

3 Did not vote (absent)

Position:

Support with Recommended Amendments

Explanation of the position, including any recommended amendments:

The Elder and Disability Rights Section of the State Bar of Michigan supports House Bills 4170-4174 provided that Section 5676(1)(A)(vi) of House Bill 4170 is amended as follows:

(v) A STATEMENT THAT ~~FOR THE POST FORM TO REMAIN IN EFFECT, THE POST FORM MUST~~SHOULD BE REVIEWED, DATED, AND INITIALED BY EITHER THE- ATTENDING HEALTH PROFESSIONAL AND THE PATIENT OR THE ATTENDING HEALTH PROFESSIONAL AND THE PATIENT REPRESENTATIVE, IF ANY OF THE FOLLOWING HAVE OCCURRED:

(A) ONE YEAR HAS EXPIRED SINCE THE PATIENT AND THE ATTENDING HEALTH PROFESSIONAL OR THE PATIENT REPRESENTATIVE AND THE ATTENDING HEALTH PROFESSIONAL HAVE SIGNED OR INITIALED THE POST FORM.

(B) THERE HAS BEEN AN UNEXPECTED CHANGE IN THE PATIENT'S MEDICAL CONDITION.

~~(C) THE PATIENT IS TRANSFERRED FROM 1 CARE SETTING OR CARE LEVEL TO ANOTHER CARE SETTING OR CARE LEVEL.~~

~~(D)~~ THE PATIENT'S TREATMENT PREFERENCES CHANGE.

~~(E)~~ THE PATIENT'S ATTENDING HEALTH PROFESSIONAL CHANGES.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://legislature.mi.gov/doc.aspx?2017-HB-4170>

<http://legislature.mi.gov/doc.aspx?2017-HB-4171>

<http://legislature.mi.gov/doc.aspx?2017-HB-4173>

<http://legislature.mi.gov/doc.aspx?2017-HB-4174>