

Michigan Department of Licensing and Regulatory Affairs (LARA)
Bureau of Community and Health Systems (BCHS)
MCL 333.20180 Guidance

The Public Health Code (Code), 1978 PA 368, section 20180 (MCL 333.20180), provides a person with certain protections, including protection under the whistleblower's protection act, 1980 PA 469, MCL 15.361 to 15.369, if the person makes a report or complaint in good faith, or assists the department, in accord with section 20180. Section 20180(6) also specifically requires a hospital licensed under Article 17 of the Code to do the following:

- (1) Post notice and "use other appropriate means" to inform a person employed by or under contract with the hospital of their protections and obligations.
- (2) Notice "shall be in a form approved by the department."
- (3) The notice "shall be made available on the department's internet website."
- (4) The notice also "shall be posted in 1 or more conspicuous places where notices to person employed by or under contract to a hospital are customarily posted."

The department approved form of notice under section 20180 is below. The notice must be posted with the word "NOTICE" in capital letters and bolded, and use of a type font in no smaller than 12-point for the entire notice. The department approved form must be used unless approval to use an alternative is granted. Any alternative form of notice must be submitted by a hospital to the LARA Bureau of Community & Health Systems for review and approval at: BCHS-Help@michigan.gov.

NOTICE

Public Health Code, 1978 PA 368,
Section 20180 (MCL 333.20180)
Report or Complaint in Good Faith -Hospitals

- 1) A person who makes a report or complaint; or assists in originating, investigating, or preparing a report or complaint; or assists LARA in carrying out its duties under Article 17 of the Public Health Code (Code) may have certain protections under section 20180, MCL 333.20180, if the person is acting in good faith and specific requirements are met.
- 2) The protections can include immunity from civil or criminal liability that might otherwise be incurred, and protection under the whistleblowers' protection act, 1980 PA 469, MCL 15.361 to 15.369.
- 3) Some protections are subject to specific steps that must be taken by the person who makes a report or complaint, or assists the department. The steps concerning a report or complaint about a hospital include giving the hospital written notice of an issue related to the hospital that is an unsafe practice or condition and that is not a violation of Article 17 of the Code, or a department promulgated rule. These protections, steps, and notice requirements are more fully described in section 20180(3)-(4), MCL 333.20180(3)-(4).

- 4) Section 20180(5) describes when a notice from a person to the hospital under subsection (4) does not apply.
- 5) Section 20180(6) requires a hospital to post this notice and use other appropriate means to inform a person employed by or under contract to the hospital of their protections and obligations under section 20180. The notices shall be in a form approved by the department, and be made available on the department's internet website as well as posted by the hospital in 1 or more conspicuous places where notices to persons employed by or under contract to a hospital are customarily posted. The current approved notice form can be found at: http://www.michigan.gov/lara/0,4601,7-154-63294_72971_75424---,00.html
- 6) As used in section 20180, "hospital" means a hospital licensed under Article 17 of the Code.