

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 660

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16204b, 16204c, and 16204d (MCL 333.16204b,
333.16204c, and 333.16204d), section 16204b as added by 1998 PA
422 and sections 16204c and 16204d as added by 1998 PA 423.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16204b. ~~-(1)-~~ The legislature finds that the treatment
2 of ~~intractable~~ pain is an appropriate issue for the legislature
3 to consider, and that the citizens of this state would be well
4 served by the enactment of legislation that accomplishes all of
5 the following:

6 (a) Provides more and better information to health care con-
7 sumers regarding the medical treatment of ~~intractable~~ pain,
8 health care coverage and benefits for the treatment of

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1 ~~intractable~~ pain, and the education of health professionals in
2 pain and symptom management.

3 (b) Provides for the appointment of an advisory body to
4 study and make recommendations on model core curricula on pain
5 and symptom management for the institutions in this state provid-
6 ing health care education, continuing education for health pro-
7 fessionals on pain and symptom management, and the integration of
8 pain and symptom management into the customary practice of health
9 care.

10 (c) Educates health professionals about the ~~official pre-~~
11 ~~scription form program and the~~ disciplinary process for state
12 licensees and registrants, including, but not limited to, how the
13 department of consumer and industry services processes allega-
14 tions of wrongdoing against licensees and registrants.

15 ~~(2) As used in this section:~~

16 (a) ~~"Intractable pain" means that term as defined in section~~
17 ~~16204a.~~

18 (b) ~~"Official prescription form" means that term as defined~~
19 ~~in section 7107.~~

20 Sec. 16204c. (1) The legislature finds that the use of con-
21 trolled substances is appropriate in the medical treatment of
22 certain forms of ~~intractable~~ pain, and that efforts to control
23 diversion or improper administration of controlled substances
24 should not interfere with the legitimate, medically recognized
25 use of those controlled substances to relieve pain and
26 suffering.

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1 (2) The legislature finds ~~all of the following: (a) That~~
2 THAT some patients in this state with ~~intractable~~ pain are
3 unable to obtain from their health care providers sufficient pain
4 relief through the prescription of controlled substances, espe-
5 cially controlled substances included in schedule 2 under
6 section 7214. ~~, due to the circumstances described in~~
7 ~~subdivision (b).~~

8 (b) ~~The regulatory scheme of official prescription forms~~
9 ~~created in sections 7333 and 7334 is perceived in some cases to~~
10 ~~discourage the appropriate use of opioids in the treatment of~~
11 ~~patients described in subdivision (a).~~

12 (3) ~~Based on the findings described in subsections (1) and~~
13 ~~(2), the legislature states that the official prescription form~~
14 ~~program enacted in sections 7333 and 7334 was created to prevent~~
15 ~~the abuse and diversion of controlled substances included in~~
16 ~~schedule 2 under section 7214 and not to prevent or inhibit the~~
17 ~~legitimate, medically recognized use of those controlled sub-~~
18 ~~stances to treat patients with cases of intractable pain, espe-~~
19 ~~cially long-term treatment.~~ It is the intent of the legislature
20 to permit and facilitate adequate treatment for ~~intractable~~
21 pain by licensed health professionals, including, but not limited
22 to, the prescription or dispensing of controlled substances
23 included in schedule 2 under section 7214, when medically
24 appropriate, AND TO ENABLE REGULATORY AND LAW ENFORCEMENT AGEN-
25 CIES TO PREVENT THE ABUSE AND DIVERSION OF CONTROLLED SUBSTANCES
26 BY CREATING AN ELECTRONIC MONITORING SYSTEM.

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1 (4) As used in this section, ~~:(a) "Controlled"~~
2 "CONTROLLED substance" means that term as defined in
3 section 7104.

4 ~~-(b) "Intractable pain" means that term as defined in sec-~~
5 ~~tion 16204a.~~

6 ~~(c) "Official prescription form" means that term as defined~~
7 ~~in section 7107.~~

8 Sec. 16204d. (1) The department of consumer and industry
9 services, in consultation with the department of community
10 health, shall develop, publish, and distribute an informational
11 booklet on ~~intractable~~ pain. The department of consumer and
12 industry services shall include at least all of the following in
13 the informational booklet: ~~-(a) The definition of intractable~~
14 ~~pain contained in section 16204a.~~

15 (A) ~~-(b)~~ Pain management educational curricula and continu-
16 ing educational requirements of institutions providing health
17 care education recommended by the advisory committee on pain and
18 symptom management under section 16204a.

19 (B) ~~-(c)~~ Other information considered relevant or useful by
20 the department of consumer and industry services.

21 (2) The department of consumer and industry services, in
22 conjunction with the controlled substances advisory commission
23 created in article 7, shall develop and conduct an educational
24 program for health professionals who are licensed under part 73
25 to prescribe or dispense, or both, controlled substances. The
26 department of consumer and industry services shall include, at a
27 minimum, all of the following in the educational program:

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1 ~~(a) Information on the history and purpose of the official~~
2 ~~prescription form program created in sections 7333 and 7334.~~

3 ~~(b) Information on how the department of consumer and indus-~~
4 ~~try services collects, processes, and compiles official prescrip-~~
5 ~~tion form information.~~

6 (A) ~~(c)~~ Information on how the department of consumer and
7 industry services processes allegations of wrongdoing against
8 licensees under this article and article 17, including, but not
9 limited to, how the permanent historical record is maintained for
10 each licensee, how and why a review of the permanent historical
11 record is done, and how the decision is made to issue a formal
12 complaint against a licensee.

13 (B) ~~(d)~~ Information on the disciplinary process, including
14 a licensee's rights and duties if an allegation of wrongdoing is
15 filed against the licensee or if some other circumstance occurs
16 that causes or requires the department of consumer and industry
17 services to review a licensee's ~~individual~~ PERMANENT historical
18 record.

19 (C) ~~(e)~~ Other information considered relevant or useful by
20 the department of consumer and industry services or the con-
21 trolled substances advisory commission, especially information
22 that would address the findings and statements of intent con-
23 tained in section 16204c.