

SENATE BILL No. 660

September 20, 2001, Introduced by Senators JOHNSON, SHUGARS, HAMMERSTROM,
MC MANUS and GOSCHKA and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16204a, 16204b, 16204c, and 16204d (MCL
333.16204a, 333.16204b, 333.16204c, and 333.16204d), section
16204a as amended by 1998 PA 421, 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. 16204a. (1) Subject to subsection (2), an advisory
2 committee on pain and symptom management is created in the
3 department. The committee shall consist of the following members
4 appointed in the following manner:

5 (a) The Michigan board of medicine created in part 170 and
6 the Michigan board of osteopathic medicine and surgery created in
7 part 175 each shall appoint 2 members, 1 of whom is a physician
8 specializing in primary care and 1 of whom is a physician

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1 certified in the specialty of pain medicine by 1 or more national
2 professional organizations approved by the department of consumer
3 and industry services, including, but not limited to, the
4 American board of medical specialists or the American board of
5 pain medicine.

6 (b) One psychologist who is associated with the education
7 and training of psychology students, appointed by the Michigan
8 board of psychology created in part 182.

9 (c) One individual appointed by the governor who is repre-
10 sentative of the general public.

11 (d) One registered professional nurse with training in ~~the~~
12 ~~treatment of intractable~~ pain AND SYMPTOM MANAGEMENT who is
13 associated with the education and training of nursing students,
14 appointed by the Michigan board of nursing created in part 172.

15 (e) One dentist with training in ~~the treatment of~~
16 ~~intractable~~ pain AND SYMPTOM MANAGEMENT who is associated with
17 the education and training of dental students, appointed by the
18 Michigan board of dentistry created in part 166.

19 (f) One pharmacist with training in ~~the treatment of~~
20 ~~intractable~~ pain AND SYMPTOM MANAGEMENT who is associated with
21 the education and training of pharmacy students appointed by the
22 Michigan board of pharmacy created in part 177.

23 (g) One individual appointed by the governor who represents
24 the Michigan hospice organization or its successor.

25 (h) One representative from each of the state's medical
26 schools, appointed by the governor.

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1 (i) One individual appointed by the governor who has been
2 diagnosed as a chronic pain sufferer.

3 (j) One physician's assistant with training in ~~the treat-~~
4 ~~ment of intractable~~ pain AND SYMPTOM MANAGEMENT appointed by the
5 Michigan task force on physician's assistants.

6 (k) The director of the department of consumer and industry
7 services or his or her designee, who shall serve as chairperson.

8 (l) The director of the department of community health or
9 his or her designee.

10 (2) Advisory committee members appointed under subsection
11 (1)(a) through (j) shall receive per diem compensation as estab-
12 lished by the legislature and shall be reimbursed for expenses
13 under section 1216.

14 (3) The terms of office of the members of the interdisci-
15 plinary advisory committee created by the 1994 amendatory act
16 that added this section expire on ~~the effective date of the~~
17 ~~amendatory act that added this subsection~~ APRIL 1, 1999.

18 (4) The advisory committee members appointed under subsec-
19 tion (1)(a) through (j) shall be appointed ~~within 45 days after~~
20 ~~the effective date of the amendatory act that added subsection~~
21 ~~(3)~~ BY MAY 15, 1999. A member of the advisory committee shall
22 serve for a term of 2 years or until a successor is appointed,
23 whichever is later. A vacancy on the advisory committee shall be
24 filled in the same manner as the original appointment.

25 (5) The advisory committee shall do all of the following, as
26 necessary:

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1 (a) At least once annually consult with all of the following
2 boards to develop an integrated approach to understanding and
3 applying pain and symptom management techniques:

4 (i) All licensure boards created under this article, except
5 the Michigan board of veterinary medicine.

6 (ii) The ~~board of examiners of social workers~~ MICHIGAN
7 BOARD OF SOCIAL WORK CREATED IN SECTION 18505.

8 (b) Hold a public hearing in the same manner as provided for
9 a public hearing held under the administrative procedures act of
10 1969, within 90 days after the members of the advisory committee
11 are appointed under subsection (1) to gather information from the
12 general public on issues pertaining to pain and symptom
13 management.

14 (c) Develop and encourage the implementation of model core
15 curricula on pain and symptom management.

16 (d) Develop recommendations to the licensing and registra-
17 tion boards and the task force created under this article ~~and to~~
18 ~~the board of examiners of social workers~~ on integrating pain and
19 symptom management into the customary practice of health care
20 professionals and identifying the role and responsibilities of
21 the various health care professionals in pain and symptom
22 management.

23 (e) Advise the licensing and registration boards created
24 under this article on the duration and content of continuing edu-
25 cation requirements for pain and symptom management.

26 (f) Annually report on the activities of the advisory
27 committee and make recommendations on the following issues to the

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1 director of the department of consumer and industry services and
2 to the director of the department of community health:

3 (i) Pain management educational curricula and continuing
4 educational requirements of institutions providing health care
5 education.

6 (ii) Information about the impact and effectiveness of pre-
7 vious recommendations, if any, that have been implemented,
8 including, but not limited to, recommendations made under subdivi-
9 sion (d).

10 (iii) Activities undertaken by the advisory committee in
11 complying with the duties imposed under subdivisions (c) and
12 (d).

13 (g) Beginning in January of ~~the first year after the effec-~~
14 ~~tive date of subsection (3)~~ 2000, annually review any changes
15 occurring in pain and symptom management.

16 (6) In making recommendations and developing written materi-
17 als under subsection (5), the advisory committee shall review
18 guidelines on pain and symptom management issued by the United
19 States department of health and human services.

20 ~~(7) As used in this section, "intractable pain" means a~~
21 ~~pain state in which the cause of the pain cannot be removed or~~
22 ~~otherwise treated and which, in the generally accepted practice~~
23 ~~of allopathic or osteopathic medicine, no relief of the cause of~~
24 ~~the pain or cure of the cause of the pain is possible or none has~~
25 ~~been found after reasonable efforts, including, but not limited~~
26 ~~to, evaluation by the attending physician and by 1 or more other~~

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1 ~~physicians specializing in the treatment of the area, system, or~~
2 ~~organ of the body perceived as the source of the pain.~~

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

8 (a) Provides more and better information to health care con-
9 sumers regarding the medical treatment of ~~intractable~~ pain,
10 health care coverage and benefits for the treatment of
11 ~~intractable~~ pain, and the education of health professionals in
12 pain and symptom management.

13 (b) Provides for the appointment of an advisory body to
14 study and make recommendations on model core curricula on pain
15 and symptom management for the institutions in this state provid-
16 ing health care education, continuing education for health pro-
17 fessionals on pain and symptom management, and the integration of
18 pain and symptom management into the customary practice of health
19 care.

20 (c) Educates health professionals about the official pre-
21 scription form program and the disciplinary process for state
22 licensees and registrants, including, but not limited to, how the
23 department of consumer and industry services processes allega-
24 tions of wrongdoing against licensees and registrants.

25 (2) As used in this section, ~~:(a) "Intractable pain"~~
26 ~~means that term as defined in section 16204a. (b) "Official"~~

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1 "OFFICIAL prescription form" means that term as defined in
2 section 7107.

3 Sec. 16204c. (1) The legislature finds that the use of con-
4 trolled substances is appropriate in the medical treatment of
5 certain forms of ~~intractable~~ pain, and that efforts to control
6 diversion or improper administration of controlled substances
7 should not interfere with the legitimate, medically recognized
8 use of those controlled substances to relieve pain and
9 suffering.

10 (2) The legislature finds all of the following:

11 (a) That some patients in this state with ~~intractable~~ pain
12 are unable to obtain from their health care providers sufficient
13 pain relief through the prescription of controlled substances,
14 especially controlled substances included in schedule 2 under
15 section 7214, due to the circumstances described in subdivision
16 (b).

17 (b) The regulatory scheme of official prescription forms
18 created in sections 7333 and 7334 is perceived in some cases to
19 discourage the appropriate use of opioids in the treatment of
20 patients described in subdivision (a).

21 (3) Based on the findings described in subsections (1) and
22 (2), the legislature states that the official prescription form
23 program enacted in sections 7333 and 7334 was created to prevent
24 the abuse and diversion of controlled substances included in
25 schedule 2 under section 7214 and not to prevent or inhibit the
26 legitimate, medically recognized use of those controlled
27 substances to treat ~~patients with cases of intractable~~ pain,

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1 especially long-term treatment OF PAIN. It is the intent of the
2 legislature to permit and facilitate adequate treatment for
3 ~~intractable~~ pain by licensed health professionals, including,
4 but not limited to, the prescription or dispensing of controlled
5 substances included in schedule 2 under section 7214, when medi-
6 cally appropriate.

7 (4) As used in this section:

8 (a) "Controlled substance" means that term as defined in
9 section 7104.

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

12 (B) ~~(c)~~ "Official prescription form" means that term as
13 defined in section 7107.

14 Sec. 16204d. (1) The department of consumer and industry
15 services, in consultation with the department of community
16 health, shall develop, publish, and distribute an informational
17 booklet on ~~intractable~~ pain AND SYMPTOM MANAGEMENT. The
18 department of consumer and industry services shall include at
19 least all of the following in the informational booklet:

20 ~~(a) The definition of intractable pain contained in section~~
21 ~~16204a.~~

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

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

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

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

10 (b) Information on how the department of consumer and indus-
11 try services collects, processes, and compiles official prescrip-
12 tion form information.

13 (c) Information on how the department of consumer and indus-
14 try services processes allegations of wrongdoing against licens-
15 ees under this article and article 17, including, but not limited
16 to, how the permanent historical record is maintained for each
17 licensee, how and why a review of the permanent historical record
18 is done, and how the decision is made to issue a formal complaint
19 against a licensee.

20 (d) Information on the disciplinary process, including a
21 licensee's rights and duties if an allegation of wrongdoing is
22 filed against the licensee or if some other circumstance occurs
23 that causes or requires the department of consumer and industry
24 services to review a licensee's ~~individual~~ PERMANENT historical
25 record.

26 (e) Other information considered relevant or useful by the
27 department of consumer and industry services or the controlled

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1 substances advisory commission, especially information that would
2 address the findings and statements of intent contained in sec-
3 tion 16204c.