

**SUBSTITUTE FOR
HOUSE BILL NO. 5163**

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 21528.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 21528. (1) Except as otherwise provided in subsection**
2 **(2), a hospital that treats 50 or more emergency patients per year**
3 **in its emergency department for an opioid-related overdose shall**
4 **implement an emergency-based medication-assisted treatment program.**
5 **If considered appropriate by the department of health and human**
6 **services, the department of health and human services may, by rule,**
7 **require a hospital that treats fewer than 50 emergency patients per**
8 **year in its emergency department for an opioid-related overdose to**
9 **implement an emergency-based medication-assisted treatment program.**

1 (2) A hospital that is required to implement an MAT program
2 under subsection (1) may opt out of the requirement by completing a
3 form developed by the department of health and human services.

4 (3) Subject to available funding, the department of health and
5 human services shall develop and implement a grant program to
6 provide grant-based financial support to hospitals for the purpose
7 of offering MAT programs. The department of health and human
8 services shall begin to operate the grant program beginning 90 days
9 after the effective date of the amendatory act that added this
10 section and shall cease the operation of the grant program on
11 September 30, 2022, unless federal funds or other money
12 appropriated to the department of health and human services remains
13 available to provide grants for purposes of this section. The
14 department of health and human services may contract with a
15 nongovernmental entity that it considers appropriate to administer
16 the grant program.

17 (4) As a condition of receiving grant funds from the grant
18 program, a hospital shall agree to comply with all of the following
19 requirements in expending the grant funds:

20 (a) Maintain, as part of the hospital's emergency services,
21 protocols on and the capacity to provide appropriate, evidence-
22 based interventions for a patient being treated for an opioid-
23 related overdose or opioid use disorder to reduce the risk of
24 subsequent harm to or the death of the patient following his or her
25 discharge from the hospital.

26 (b) Maintain protocols on possessing, dispensing,
27 administering, and prescribing opioid agonist treatment and
28 maintain personnel who have the capacity to possess, dispense,
29 administer, and prescribe opioid agonist treatment.

1 (c) If opioid agonist treatment is recommended by a treating
2 health professional who is treating a patient presented in the
3 emergency department for care and treatment of an opioid-related
4 overdose or opioid use disorder, ensure that opioid agonist
5 treatment is offered to the patient and provided to the patient if
6 the patient consents.

7 (d) Maintain protocols on possessing, dispensing,
8 administering, and prescribing opioid antagonists and maintain
9 personnel who have the capacity to possess, dispense, administer,
10 and prescribe opioid antagonists.

11 (e) If an opioid antagonist is recommended by a treating
12 health professional who is treating a patient presented in the
13 emergency department for care and treatment of an opioid-related
14 overdose or opioid use disorder, ensure that an opioid antagonist
15 is prescribed for or dispensed to the patient if the patient
16 consents.

17 (f) Demonstrate compliance with applicable training and waiver
18 requirements established by the Substance Abuse and Mental Health
19 Services Administration of the United States Department of Health
20 and Human Services and the Drug Enforcement Administration of the
21 United States Department of Justice on prescribing opioid agonist
22 treatment.

23 (g) Before discharging an emergency patient who is
24 administered or prescribed an opioid agonist treatment in the
25 emergency department, refer the emergency patient to a person that
26 provides substance use disorder services. To the extent possible, a
27 referral described in this subdivision must ensure that the
28 transition of care by the treating health professional in the
29 hospital is accomplished by face-to-face or direct telephone

1 contact between the emergency patient and the provider of the
2 substance use disorder services.

3 (5) As used in this section:

4 (a) "Emergency-based medication-assisted treatment program" or
5 "MAT program" means a program offering opioid agonist treatments
6 and opioid antagonists within an emergency department.

7 (b) "Emergency department" means an organized emergency
8 department located in and operated by a hospital.

9 (c) "Grant program" means the grant program described in
10 subsection (3).

11 (d) "Opioid agonist treatment" means methadone, buprenorphine,
12 or any other similarly acting and equally safe agonist or partial
13 agonist drug approved by the United States Food and Drug
14 Administration as a treatment for opioid use disorder.

15 (e) "Opioid use disorder" means a substance use disorder as
16 that term is defined in section 100d of the mental health code,
17 1974 PA 258, MCL 330.1100d, that involves the use of opioids.

18 (f) "Treating health professional" means an individual who is
19 licensed, registered, or otherwise authorized to engage in a health
20 profession under article 15 and who is authorized to treat an
21 emergency patient in an emergency.