

SUBSTITUTE FOR
HOUSE BILL NO. 4681

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 16204a (MCL 333.16204a), as added by 1994 PA
232.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16204a. (1) Subject to subsection (2), an
2 ~~interdisciplinary~~ advisory committee on pain and symptom man-
3 agement is created in the department. The committee shall con-
4 sist of the following members APPOINTED IN THE FOLLOWING MANNER:
5 (a) ~~Except as otherwise provided in this subdivision, each~~
6 ~~board created under this article, not including the Michigan~~
7 ~~board of sanitarians and the Michigan board of veterinary medi-~~
8 ~~cine, and the joint task force on physician's assistants created~~
9 ~~under this article shall appoint 1 member.~~ The Michigan board of
10 medicine created in part 170 and the Michigan board of

HB4681, As Passed House, December 10, 1997

House Bill No. 4681

2

1 osteopathic medicine and surgery created in part 175 each shall
2 appoint 2 members, 1 of whom is a physician specializing in pri-
3 mary care and 1 of whom is a physician ~~specializing in the~~
4 ~~treatment of patients with chronic pain or terminal illness, or~~
5 ~~both~~ CERTIFIED IN THE SPECIALTY OF PAIN MEDICINE BY 1 OR MORE
6 NATIONAL PROFESSIONAL ORGANIZATIONS APPROVED BY THE DEPARTMENT OF
7 CONSUMER AND INDUSTRY SERVICES, INCLUDING, BUT NOT LIMITED TO,
8 THE AMERICAN BOARD OF MEDICAL SPECIALISTS OR THE AMERICAN BOARD
9 OF PAIN MEDICINE. ~~The board of examiners of social workers cre-~~
10 ~~ated under section 1602 of Act No. 299 of the Public Acts of~~
11 ~~1980, being section 339.1602 of the Michigan Compiled Laws, shall~~
12 ~~appoint 1 member. A member appointed under this subdivision need~~
13 ~~not be a member of a licensing or registration board or task~~
14 ~~force.~~

15 (B) ONE PSYCHOLOGIST WHO IS ASSOCIATED WITH THE EDUCATION
16 AND TRAINING OF PSYCHOLOGY STUDENTS, APPOINTED BY THE MICHIGAN
17 BOARD OF PSYCHOLOGY CREATED IN PART 182.

18 (C) ONE INDIVIDUAL APPOINTED BY THE GOVERNOR WHO IS REPRE-
19 SENTATIVE OF THE GENERAL PUBLIC.

20 (D) ONE REGISTERED PROFESSIONAL NURSE WITH TRAINING IN THE
21 TREATMENT OF INTRACTABLE PAIN WHO IS ASSOCIATED WITH THE EDUCA-
22 TION AND TRAINING OF NURSING STUDENTS, APPOINTED BY THE MICHIGAN
23 BOARD OF NURSING CREATED IN PART 172.

24 (E) ONE DENTIST WITH TRAINING IN THE TREATMENT OF INTRACTA-
25 BLE PAIN WHO IS ASSOCIATED WITH THE EDUCATION AND TRAINING OF
26 DENTAL STUDENTS, APPOINTED BY THE MICHIGAN BOARD OF DENTISTRY
27 CREATED IN PART 166.

1 (F) ONE PHARMACIST WITH TRAINING IN THE TREATMENT OF
2 INTRACTABLE PAIN WHO IS ASSOCIATED WITH THE EDUCATION AND TRAIN-
3 ING OF PHARMACY STUDENTS APPOINTED BY THE MICHIGAN BOARD OF PHAR-
4 MACY CREATED IN PART 177.

5 (G) ONE INDIVIDUAL APPOINTED BY THE GOVERNOR WHO REPRESENTS
6 THE MICHIGAN HOSPICE ORGANIZATION OR ITS SUCCESSOR.

7 (H) ONE REPRESENTATIVE FROM EACH OF THE STATE'S MEDICAL
8 SCHOOLS, APPOINTED BY THE GOVERNOR.

[(I) ONE INDIVIDUAL APPOINTED BY THE GOVERNOR WHO HAS BEEN
DIAGNOSED AS A CHRONIC PAIN SUFFERER.]

9 [(J)] ~~-(b)-~~ The director of the department OF CONSUMER AND
10 INDUSTRY SERVICES or his or her designee, who shall serve as
11 chairperson.

12 [(K)] ~~-(c)-~~ The director of ~~public health~~ THE DEPARTMENT OF
13 COMMUNITY HEALTH or his or her designee.

14 (2) ~~Interdisciplinary advisory~~ ADVISORY committee members
15 appointed under subsection (1)(a) THROUGH (H) shall receive per
16 diem compensation as established by the legislature and shall be
17 reimbursed for expenses under section 1216.

18 (3) THE TERMS OF OFFICE OF THE MEMBERS OF THE INTERDISCI-
19 PLINARY ADVISORY COMMITTEE CREATED BY THE 1994 AMENDATORY ACT
20 THAT ADDED THIS SECTION EXPIRE ON THE EFFECTIVE DATE OF THE AMEN-
21 DATORY ACT THAT ADDED THIS SUBSECTION.

22 (4) ~~-(3)-~~ The ~~initial interdisciplinary~~ advisory committee
23 members appointed under subsection (1)(a) THROUGH (H) shall be
24 appointed within 45 days after the effective date of the amenda-
25 tory act that added ~~this section~~ SUBSECTION (3). The ~~initial~~
26 ~~interdisciplinary~~ advisory committee shall complete its duties
27 under this section within 9 months after completion of the

HB4681, As Passed House, December 10, 1997

House Bill No. 4681

4

1 appointment of ~~the~~ ITS initial members under subsection (1)(a)
2 THROUGH (H). ~~Beginning in January of the first odd numbered~~
3 ~~year after the year in which the initial interdisciplinary~~
4 ~~advisory committee completes its duties under this section, and~~
5 ~~biennially thereafter until January of 2003, a new interdisci-~~
6 ~~plinary advisory committee shall be created pursuant to subsec-~~
7 ~~tion (1) to review any changes occurring in pain and symptom man-~~
8 ~~agement standards and education since the recommendations of the~~
9 ~~previous interdisciplinary advisory committee. Each biennial~~
10 ~~interdisciplinary advisory committee shall complete its duties~~
11 ~~under this section within 180 days after completion of the~~
12 ~~appointment of members under subsection (1)(a).~~ A MEMBER OF THE
13 ADVISORY COMMITTEE SHALL SERVE FOR A TERM OF 2 YEARS OR UNTIL A
14 SUCCESSOR IS APPOINTED, WHICHEVER IS LATER. A VACANCY ON THE
15 ADVISORY COMMITTEE SHALL BE FILLED IN THE SAME MANNER AS THE
16 ORIGINAL APPOINTMENT.

17 (5) ~~(4)~~ The ~~initial interdisciplinary~~ advisory committee
18 shall do all of the ~~following and each subsequent biennial~~
19 ~~interdisciplinary advisory committee shall do all of the follow-~~
20 ~~ing, as necessary:~~

21 (a) ~~Provide a forum that is open to all human health care~~
22 ~~professions and to all hospices licensed under article 17 in~~
23 ~~developing~~ AT LEAST ONCE ANNUALLY CONSULT WITH ALL OF THE FOL-
24 LOWING BOARDS TO DEVELOP an integrated approach to understanding
25 and applying pain and symptom management techniques: ~~—~~

26 (i) ALL LICENSURE BOARDS CREATED UNDER THIS ARTICLE, EXCEPT
27 THE MICHIGAN BOARD OF VETERINARY MEDICINE.

HB4681, As Passed House, December 10, 1997

House Bill No. 4681

5

1 (ii) THE BOARD OF EXAMINERS OF SOCIAL WORKERS.

2 (b) Hold a public hearing in the same manner as provided for
3 a public hearing held under the administrative procedures act of
4 1969, within 90 days after the ~~initial~~ members OF THE ADVISORY
5 COMMITTEE are appointed under subsection ~~-(1)(a)~~ (1) to gather
6 information from the general public on issues pertaining to pain
7 and symptom management.

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

10 (d) Develop recommendations to the licensing and registra-
11 tion boards and the task force created under this article and to
12 the board of examiners of social workers on integrating pain and
13 symptom management into the customary practice of health care
14 professionals and identifying the role and responsibilities of
15 the various health care professionals in pain and symptom
16 management.

17 ~~-(e) Develop written materials explaining pain and symptom~~
18 ~~management and hospice care for distribution to health care pro-~~
19 ~~fessionals, health care payment and benefits plans, and the~~
20 ~~public.~~

21 (E) ~~-(f)~~ Advise the licensing and registration boards ~~and~~
22 ~~task force~~ created under this article on the duration and con-
23 tent of continuing education requirements for pain and symptom
24 management.

25 (F) ~~-(g) Report their~~ ANNUALLY REPORT ON THE activities OF
26 THE ADVISORY COMMITTEE and MAKE recommendations ON THE FOLLOWING
27 ISSUES to the ~~standing committees in the senate and the house of~~

HB4681, As Passed House, December 10, 1997

House Bill No. 4681

6

1 ~~representatives with jurisdiction over matters pertaining to~~
2 ~~public health. Each subsequent biennial interdisciplinary~~
3 ~~advisory committee shall include in the report information about~~
4 ~~the impact and effectiveness of the recommendations.~~ DIRECTOR OF
5 THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES AND TO THE
6 DIRECTOR OF THE DEPARTMENT OF COMMUNITY HEALTH:

7 (i) PAIN MANAGEMENT EDUCATIONAL CURRICULA AND CONTINUING
8 EDUCATIONAL REQUIREMENTS OF INSTITUTIONS PROVIDING HEALTH CARE
9 EDUCATION.

10 (ii) INFORMATION ABOUT THE IMPACT AND EFFECTIVENESS OF PRE-
11 VIOUS RECOMMENDATIONS, IF ANY, THAT HAVE BEEN IMPLEMENTED,
12 INCLUDING, BUT NOT LIMITED TO, RECOMMENDATIONS MADE UNDER SUBDI-
13 VISION (C).

14 (iii) ACTIVITIES UNDERTAKEN BY THE ADVISORY COMMITTEE IN
15 COMPLYING WITH THE DUTIES IMPOSED UNDER SUBDIVISIONS (C) AND (D).

16 (G) BEGINNING IN JANUARY OF THE FIRST YEAR AFTER THE EFFEC-
17 TIVE DATE OF SUBSECTION (3), ANNUALLY REVIEW ANY CHANGES OCCUR-
18 RING IN PAIN AND SYMPTOM MANAGEMENT.

19 (6) ~~—(5)—~~ In making recommendations and developing written
20 materials under subsection ~~—(4)—~~ (5), ~~each interdisciplinary~~
21 THE advisory committee shall review guidelines on pain and symp-
22 tom management issued by the United States department of health
23 and human services.

24 (7) AS USED IN THIS SECTION, "INTRACTABLE PAIN" MEANS A PAIN
25 STATE IN WHICH THE CAUSE OF THE PAIN CANNOT BE REMOVED OR OTHER-
26 WISE TREATED AND WHICH, IN THE GENERALLY ACCEPTED PRACTICE OF
27 ALLOPATHIC OR OSTEOPATHIC MEDICINE, NO RELIEF OF THE CAUSE OF THE

HB4681, As Passed House, December 10, 1997

House Bill No. 4681

7

1 PAIN OR CURE OF THE CAUSE OF THE PAIN IS POSSIBLE OR NONE HAS
2 BEEN FOUND AFTER REASONABLE EFFORTS, INCLUDING, BUT NOT LIMITED
3 TO, EVALUATION BY THE ATTENDING PHYSICIAN AND BY 1 OR MORE OTHER
4 PHYSICIANS SPECIALIZING IN THE TREATMENT OF THE AREA, SYSTEM, OR
5 ORGAN OF THE BODY PERCEIVED AS THE SOURCE OF THE PAIN.

6 Enacting section 1. This amendatory act takes effect
7 October 1, 1998.