

SENATE 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

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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.

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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.

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

11 (J) ONE PHYSICIAN'S ASSISTANT WITH TRAINING IN THE TREATMENT
12 OF INTRACTABLE PAIN APPOINTED BY THE MICHIGAN TASK FORCE ON
13 PHYSICIAN'S ASSISTANTS.

14 (K) ~~-(b)-~~ The director of the department OF CONSUMER AND
15 INDUSTRY SERVICES or his or her designee, who shall serve as
16 chairperson.

17 (1) ~~-(c)-~~ The director of ~~public health~~ THE DEPARTMENT OF
18 COMMUNITY HEALTH or his or her designee.

19 (2) ~~Interdisciplinary advisory~~ ADVISORY committee members
20 appointed under subsection (1)(a) THROUGH (J) shall receive per
21 diem compensation as established by the legislature and shall be
22 reimbursed for expenses under section 1216.

23 (3) THE TERMS OF OFFICE OF THE MEMBERS OF THE INTERDISCI-
24 PLINARY ADVISORY COMMITTEE CREATED BY THE 1994 AMENDATORY ACT
25 THAT ADDED THIS SECTION EXPIRE ON THE EFFECTIVE DATE OF THE AMEN-
26 DATORY ACT THAT ADDED THIS SUBSECTION.

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1 (4) ~~-(3)- The initial interdisciplinary advisory committee~~
2 members appointed under subsection (1)(a) THROUGH (J) shall be
3 appointed within 45 days after the effective date of the amenda-
4 tory act that added ~~this section~~ SUBSECTION (3). ~~The initial~~
5 ~~interdisciplinary advisory committee shall complete its duties~~
6 ~~under this section within 9 months after completion of the~~
7 ~~appointment of the initial members under subsection (1)(a).~~
8 ~~Beginning in January of the first odd numbered year after the~~
9 ~~year in which the initial interdisciplinary advisory committee~~
10 ~~completes its duties under this section, and biennially thereaf-~~
11 ~~ter until January of 2003, a new interdisciplinary advisory com-~~
12 ~~mittee shall be created pursuant to subsection (1) to review any~~
13 ~~changes occurring in pain and symptom management standards and~~
14 ~~education since the recommendations of the previous interdisci-~~
15 ~~plinary advisory committee. Each biennial interdisciplinary~~
16 ~~advisory committee shall complete its duties under this section~~
17 ~~within 180 days after completion of the appointment of members~~
18 ~~under subsection (1)(a).~~ A MEMBER OF THE ADVISORY COMMITTEE
19 SHALL SERVE FOR A TERM OF 2 YEARS OR UNTIL A SUCCESSOR IS
20 APPOINTED, WHICHEVER IS LATER. A VACANCY ON THE ADVISORY COMMIT-
21 TEE SHALL BE FILLED IN THE SAME MANNER AS THE ORIGINAL
22 APPOINTMENT.

23 (5) ~~-(4)- The initial interdisciplinary advisory committee~~
24 shall do all of the ~~following and each subsequent biennial~~
25 ~~interdisciplinary advisory committee shall do all of the follow-~~
26 ing, as necessary:

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

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

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

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

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

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

24 ~~-(e) Develop written materials explaining pain and symptom~~
25 ~~management and hospice care for distribution to health care pro-~~
26 ~~fessionals, health care payment and benefits plans, and the~~
27 ~~public.~~

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1 (E) ~~-(f)-~~ Advise the licensing and registration boards ~~and~~
2 ~~task force~~ created under this article on the duration and con-
3 tent of continuing education requirements for pain and symptom
4 management.

5 (F) ~~-(g) Report their~~ ANNUALLY REPORT ON THE activities OF
6 THE ADVISORY COMMITTEE and MAKE recommendations ON THE FOLLOWING
7 ISSUES to the ~~standing committees in the senate and the house of~~
8 ~~representatives with jurisdiction over matters pertaining to~~
9 ~~public health. Each subsequent biennial interdisciplinary~~
10 ~~advisory committee shall include in the report information about~~
11 ~~the impact and effectiveness of the recommendations.~~ DIRECTOR OF
12 THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES AND TO THE
13 DIRECTOR OF THE DEPARTMENT OF COMMUNITY HEALTH:

14 (i) PAIN MANAGEMENT EDUCATIONAL CURRICULA AND CONTINUING
15 EDUCATIONAL REQUIREMENTS OF INSTITUTIONS PROVIDING HEALTH CARE
16 EDUCATION.

17 (ii) INFORMATION ABOUT THE IMPACT AND EFFECTIVENESS OF PRE-
18 VIOUS RECOMMENDATIONS, IF ANY, THAT HAVE BEEN IMPLEMENTED,
19 INCLUDING, BUT NOT LIMITED TO, RECOMMENDATIONS MADE UNDER SUBDI-
20 VISION (D).

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

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

26 (6) ~~-(5)-~~ In making recommendations and developing written
27 materials under subsection ~~-(4)-~~ (5), ~~each interdisciplinary~~

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1 THE advisory committee shall review guidelines on pain and
2 symptom management issued by the United States department of
3 health and human services.

4 (7) AS USED IN THIS SECTION, "INTRACTABLE PAIN" MEANS A PAIN
5 STATE IN WHICH THE CAUSE OF THE PAIN CANNOT BE REMOVED OR OTHER-
6 WISE TREATED AND WHICH, IN THE GENERALLY ACCEPTED PRACTICE OF
7 ALLOPATHIC OR OSTEOPATHIC MEDICINE, NO RELIEF OF THE CAUSE OF THE
8 PAIN OR CURE OF THE CAUSE OF THE PAIN IS POSSIBLE OR NONE HAS
9 BEEN FOUND AFTER REASONABLE EFFORTS, INCLUDING, BUT NOT LIMITED
10 TO, EVALUATION BY THE ATTENDING PHYSICIAN AND BY 1 OR MORE OTHER
11 PHYSICIANS SPECIALIZING IN THE TREATMENT OF THE AREA, SYSTEM, OR
12 ORGAN OF THE BODY PERCEIVED AS THE SOURCE OF THE PAIN.

13 Enacting section 1. This amendatory act takes effect April
14 1, 1999.