

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4683**

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding sections 16204c, 16204d,
and 16228.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 16204C. (1) THE LEGISLATURE FINDS THAT THE USE OF CON-
2 TROLLED SUBSTANCES IS APPROPRIATE IN THE MEDICAL TREATMENT OF
3 CERTAIN FORMS OF INTRACTABLE PAIN, AND THAT EFFORTS TO CONTROL
4 DIVERSION OR IMPROPER ADMINISTRATION OF CONTROLLED SUBSTANCES
5 SHOULD NOT INTERFERE WITH THE LEGITIMATE, MEDICALLY RECOGNIZED
6 USE OF THOSE CONTROLLED SUBSTANCES TO RELIEVE PAIN AND
7 SUFFERING.

8 (2) THE LEGISLATURE FINDS ALL OF THE FOLLOWING:

9 (A) THAT SOME PATIENTS IN THIS STATE WITH INTRACTABLE PAIN
10 ARE UNABLE TO OBTAIN FROM THEIR HEALTH CARE PROVIDERS SUFFICIENT

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1 PAIN RELIEF THROUGH THE PRESCRIPTION OF CONTROLLED SUBSTANCES,
2 ESPECIALLY CONTROLLED SUBSTANCES INCLUDED IN SCHEDULE 2 UNDER
3 SECTION 7214, DUE TO THE CIRCUMSTANCES DESCRIBED IN SUBDIVISION
4 (B).

5 (B) THE REGULATORY SCHEME OF OFFICIAL PRESCRIPTION FORMS
6 CREATED IN SECTIONS 7333 AND 7334 IS PERCEIVED IN SOME CASES TO
7 DISCOURAGE THE APPROPRIATE USE OF OPIOIDS IN THE TREATMENT OF
8 PATIENTS DESCRIBED IN SUBDIVISION (A).

9 (3) BASED ON THE FINDINGS DESCRIBED IN SUBSECTIONS (1) AND
10 (2), THE LEGISLATURE STATES THAT THE OFFICIAL PRESCRIPTION FORM
11 PROGRAM ENACTED IN SECTIONS 7333 AND 7334 WAS CREATED TO PREVENT
12 THE ABUSE AND DIVERSION OF CONTROLLED SUBSTANCES INCLUDED IN
13 SCHEDULE 2 UNDER SECTION 7214 AND NOT TO PREVENT OR INHIBIT THE
14 LEGITIMATE, MEDICALLY RECOGNIZED USE OF THOSE CONTROLLED SUB-
15 STANCES TO TREAT PATIENTS WITH CASES OF INTRACTABLE PAIN, ESPE-
16 CIALY LONG-TERM TREATMENT. IT IS THE INTENT OF THE LEGISLATURE
17 TO PERMIT AND FACILITATE ADEQUATE TREATMENT FOR INTRACTABLE PAIN
18 BY LICENSED HEALTH PROFESSIONALS, INCLUDING, BUT NOT LIMITED TO,
19 THE PRESCRIPTION OR DISPENSING OF CONTROLLED SUBSTANCES INCLUDED
20 IN SCHEDULE 2 UNDER SECTION 7214, WHEN MEDICALLY APPROPRIATE.

21 (4) AS USED IN THIS SECTION:

22 (A) "CONTROLLED SUBSTANCE" MEANS THAT TERM AS DEFINED IN
23 SECTION 7104.

24 (B) "INTRACTABLE PAIN" MEANS THAT TERM AS DEFINED IN SECTION
25 16204A.

26 (C) "OFFICIAL PRESCRIPTION FORM" MEANS THAT TERM AS DEFINED
27 IN SECTION 7107.

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1 SEC. 16204D. (1) THE DEPARTMENT OF CONSUMER AND INDUSTRY
2 SERVICES, IN CONSULTATION WITH THE DEPARTMENT OF COMMUNITY
3 HEALTH, SHALL DEVELOP, PUBLISH, AND DISTRIBUTE AN INFORMATIONAL
4 BOOKLET ON INTRACTABLE PAIN. THE DEPARTMENT OF CONSUMER AND
5 INDUSTRY SERVICES SHALL INCLUDE AT LEAST ALL OF THE FOLLOWING IN
6 THE INFORMATIONAL BOOKLET:

7 (A) THE DEFINITION OF INTRACTABLE PAIN CONTAINED IN SECTION
8 16204A.

9 (B) PAIN MANAGEMENT EDUCATIONAL CURRICULA AND CONTINUING
10 EDUCATIONAL REQUIREMENTS OF INSTITUTIONS PROVIDING HEALTH CARE
11 EDUCATION RECOMMENDED BY THE ADVISORY COMMITTEE ON PAIN AND SYMP-
12 TOM MANAGEMENT UNDER SECTION 16204A.

13 (C) OTHER INFORMATION CONSIDERED RELEVANT OR USEFUL BY THE
14 DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES.

15 (2) THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, IN
16 CONJUNCTION WITH THE CONTROLLED SUBSTANCES ADVISORY COMMISSION
17 CREATED IN ARTICLE 7, SHALL DEVELOP AND CONDUCT AN EDUCATIONAL
18 PROGRAM FOR HEALTH PROFESSIONALS WHO ARE LICENSED UNDER PART 73
19 TO PRESCRIBE OR DISPENSE, OR BOTH, CONTROLLED SUBSTANCES. THE
20 DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES SHALL INCLUDE, AT A
21 MINIMUM, ALL OF THE FOLLOWING IN THE EDUCATIONAL PROGRAM:

22 (A) INFORMATION ON THE HISTORY AND PURPOSE OF THE OFFICIAL
23 PRESCRIPTION FORM PROGRAM CREATED IN SECTIONS 7333 AND 7334.

24 (B) INFORMATION ON HOW THE DEPARTMENT OF CONSUMER AND INDUS-
25 TRY SERVICES COLLECTS, PROCESSES, AND COMPILES OFFICIAL PRESCRIP-
26 TION FORM INFORMATION.

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1 (C) INFORMATION ON HOW THE DEPARTMENT OF CONSUMER AND
2 INDUSTRY SERVICES PROCESSES ALLEGATIONS OF WRONGDOING AGAINST
3 LICENSEES UNDER THIS ARTICLE AND ARTICLE 17, INCLUDING, BUT NOT
4 LIMITED TO, HOW THE PERMANENT HISTORICAL RECORD IS MAINTAINED FOR
5 EACH LICENSEE, HOW AND WHY A REVIEW OF THE PERMANENT HISTORICAL
6 RECORD IS DONE, AND HOW THE DECISION IS MADE TO ISSUE A FORMAL
7 COMPLAINT AGAINST A LICENSEE.

8 (D) INFORMATION ON THE DISCIPLINARY PROCESS, INCLUDING A
9 LICENSEE'S RIGHTS AND DUTIES IF AN ALLEGATION OF WRONGDOING IS
10 FILED AGAINST THE LICENSEE OR IF SOME OTHER CIRCUMSTANCE OCCURS
11 THAT CAUSES OR REQUIRES THE DEPARTMENT OF CONSUMER AND INDUSTRY
12 SERVICES TO REVIEW A LICENSEE'S INDIVIDUAL HISTORICAL RECORD.

13 (E) OTHER INFORMATION CONSIDERED RELEVANT OR USEFUL BY THE
14 DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES OR THE CONTROLLED
15 SUBSTANCES ADVISORY COMMISSION, ESPECIALLY INFORMATION THAT WOULD
16 ADDRESS THE FINDINGS AND STATEMENTS OF INTENT CONTAINED IN SEC-
17 TION 16204C.

18 SEC. 16228. (1) FOR AN INVESTIGATION INVOLVING THE PRE-
19 SCRIPTION OF A CONTROLLED SUBSTANCE, THE DEPARTMENT MAY ESTABLISH
20 AN AD HOC REVIEW PANEL TO PROVIDE THE DEPARTMENT WITH EXPERT
21 INFORMATION REGARDING A SPECIFIC HEALTH PROFESSION OR HEALTH SPE-
22 CIALTY OR A SPECIFIC HEALTH CARE TREATMENT OR PROCEDURE AS IT
23 RELATES TO THE INVESTIGATION. THE DEPARTMENT SHALL ESTABLISH AN
24 AD HOC REVIEW PANEL UNDER THIS SUBSECTION AS FOLLOWS:

25 (A) THE DEPARTMENT SHALL TRIENNIALLY ESTABLISH A POOL OF 10
26 PHYSICIANS, 5 OF WHOM ARE ALLOPATHIC PHYSICIANS LICENSED UNDER

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1 PART 170 AND 5 OF WHOM ARE OSTEOPATHIC PHYSICIANS LICENSED UNDER
2 PART 175.

3 (B) FOR EACH AD HOC REVIEW PANEL, THE DEPARTMENT SHALL
4 APPOINT 3 PHYSICIANS FROM THE POOL ESTABLISHED UNDER
5 SUBDIVISION (A).

6 (2) THE AD HOC REVIEW PANEL SHALL PROVIDE THE INFORMATION
7 DESCRIBED IN SUBSECTION (1) TO THE DEPARTMENT DURING THE INVESTI-
8 GATION PROCESS AND BEFORE A FORMAL COMPLAINT IS ISSUED.

9 Enacting section 1. This amendatory act takes effect
10 April 1, 1999.