

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bills 660, 661, and 662 (as introduced 9-20-01)

Sponsor: Senator Shirley Johnson (Senate Bill 660)

Senator Mike Goschka (Senate Bill 661)

Senator Dale L. Shugars (Senate Bill 662)

Committee: Health Policy

Date Completed: 10-23-01

CONTENT

The bills would amend several acts to delete references to "intractable" pain and, in some cases, refer instead to pain and symptom management. Senate Bill 660 would amend the Public Health Code, Senate Bill 661 would amend the Nonprofit Health Care Corporation Reform Act, and Senate Bill 662 would amend the Insurance Code.

Senate Bill 660

Under the Public Health Code, an Advisory Committee on Pain and Symptom Management is created within the Department of Community Health (DCH). The Code prescribes the membership of the committee, including several professionals with training in the treatment of intractable pain. These include a registered professional nurse, a dentist, a pharmacist, and a physician's assistant. Under the bill, these individuals would have to have training in pain and symptom management, instead of intractable pain.

The Code also requires the Department of Consumer and Industry Services, in consultation with the DCH, to develop, publish, and distribute an informational booklet on intractable pain. The bill, instead, would require a booklet on pain and symptom management.

In addition, the Code contains a number of legislative findings, including findings that the treatment of intractable pain is an appropriate issue for the Legislature to consider, and that the citizens of the State would be well served by the enactment of legislation that provides more and better information to health care consumers regarding the medical treatment of intractable pain, health care coverage and benefits for the treatment of intractable pain, and the education of health professionals in pain and symptom management. Additional findings state that the use of controlled substances is appropriate in the medical treatment of certain forms of intractable pain, and that some patients in this State with intractable pain are unable to obtain from their health care providers sufficient pain relief through the prescription of controlled substances. The bill would retain these findings but delete the term "intractable".

Further, the Code contains a legislative statement that the official prescription form program was created to prevent the abuse and diversion of Schedule 2 controlled substances and not to prevent or inhibit the legitimate, medically recognized use of those controlled substances to treat "patients with cases of intractable" pain. The bill would delete the quoted language. The Code also states that it is the intent of the Legislature to permit and facilitate adequate treatment for intractable pain by licensed health professionals. The bill would delete the term "intractable".

Senate Bills 661 & 662

The Nonprofit Health Care Corporation Reform Act requires Blue Cross and Blue Shield of Michigan (BCBSM) to give subscribers a form that describes the terms and conditions of the corporation's certificate. The Insurance Code also requires health insurers to give insureds a form that describes the terms and conditions of the insurers' policies and certificates. Both forms must describe, among other things, how the covered benefits apply in the evaluation and treatment of intractable pain.

The Act and the Code also require BCBSM and health insurers to provide upon request to members or insureds under prudent purchaser agreements, the professional credentials of participating health professionals, including those who are board certified in pain medicine and the evaluation and treatment of intractable pain.

The bills would delete the term "intractable" from these provisions.

MCL 333.16204a-333.16204d (S.B. 660)
550.1402a (S.B. 661)
500.2212a (S.B. 662)

Legislative Analyst: S. Lowe

FISCAL IMPACT

Senate Bill 660

The bill would have no fiscal impact on State or local government.

Senate Bills 661 & 662

Because the bills simply would revise the type of information that must be contained in an insurance certificate, as opposed to mandating specific services, the bills should not have any fiscal impact on State or local government. However, if the statutes were construed as requiring enhanced coverage of the "generic" state of pain, the fiscal landscape could be markedly changed.

Fiscal Analyst: D. Patterson (S.B. 660)
J. Walker (S.B. 661 & 662)

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.