

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5261**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 16315 (MCL 333.16315), as added by 1993
PA 138.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16315. (1) The health professions regulatory fund is
2 established in the state treasury. Except as otherwise provided
3 in this section, the state treasurer shall credit the fees col-
4 lected under sections 16319 to 16349 to the health professions
5 regulatory fund. The money in the health professions regulatory
6 fund shall be expended only as provided in subsection (5).
7 (2) The state treasurer shall direct the investment of the
8 health professions regulatory fund. Interest and earnings from
9 health professions regulatory fund investment shall be credited
10 to the health professions regulatory fund.

HB 5261, As Passed Senate, December 12, 2001

House Bill No. 5261

2

1 (3) The unencumbered balance in the health professions
2 regulatory fund at the close of the fiscal year shall remain in
3 the health professions regulatory fund and shall not revert to
4 the general fund.

5 (4) The health professions regulatory fund may receive gifts
6 and devises and other money as provided by law.

7 (5) The department OF CONSUMER AND INDUSTRY SERVICES shall
8 use the health professions regulatory fund only to carry out its
9 powers and duties under this article and article 7 including, but
10 not limited to, reimbursing the department of attorney general
11 for the reasonable cost of services provided to the department of
12 ~~commerce~~ CONSUMER AND INDUSTRY SERVICES under this article and
13 article 7.

14 (6) The nurse professional fund is established in the state
15 treasury. Of the money that is attributable to per-year license
16 fees collected under section 16327, the state treasurer shall
17 credit \$2.00 of each individual annual license fee collected to
18 the nurse professional fund. The money in the nurse professional
19 fund shall be expended only as provided in subsection (9).

20 (7) The state treasurer shall direct the investment of the
21 nurse professional fund, and shall credit interest and earnings
22 from the investment to the nurse professional fund. The nurse
23 professional fund may receive gifts and devises and other money
24 as provided by law.

25 (8) The unencumbered balance in the nurse professional fund
26 at the close of the fiscal year shall remain in the nurse
27 professional fund and shall not revert to the general fund.

HB 5261, As Passed Senate, December 12, 2001

House Bill No. 5261

3

1 (9) The department OF CONSUMER AND INDUSTRY SERVICES shall
2 use the nurse professional fund each fiscal year only as
3 follows:

4 (a) The department may use not more than 1/3 of the nurse
5 professional fund for the establishment and operation of a nurse
6 continuing education program.

7 (b) The department may use not more than 1/3 of the nurse
8 professional fund to perform research and development studies to
9 promote and advance the nursing profession.

10 (c) The department shall use not less than 1/3 of the nurse
11 professional fund to establish and operate a nursing scholarship
12 program.

13 ~~-(10) Within 2 years after the effective date of this sec-~~
14 ~~tion, the department shall promulgate rules to implement subsec-~~
15 ~~tion (9) including, but not limited to, rules governing the con-~~
16 ~~tinuing education program and rules to establish eligibility cri-~~
17 ~~teria for participation in the nursing scholarship program,~~
18 ~~application procedures, and maximum amounts for individual~~
19 ~~scholarships.~~

20 (10) ~~-(11)~~ The official prescription form program fund ~~is~~
21 ~~established in the state treasury and shall be administered by~~
22 ~~the department~~ BY THE AMENDATORY ACT THAT ADDED THIS SECTION IS
23 ABOLISHED. THE MONEY REMAINING IN THE OFFICIAL PRESCRIPTION FORM
24 PROGRAM FUND ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
25 ADDED SUBSECTION (11) SHALL BE TRANSFERRED BY THE STATE TREASURER
26 TO THE PAIN MANAGEMENT EDUCATION AND CONTROLLED SUBSTANCES

HB 5261, As Passed Senate, December 12, 2001

House Bill No. 5261

4

1 ELECTRONIC MONITORING AND ANTIDIVERSION FUND CREATED IN
2 SUBSECTION (11).

3 (11) THE PAIN MANAGEMENT EDUCATION AND CONTROLLED SUBSTANCES
4 ELECTRONIC MONITORING AND ANTIDIVERSION FUND IS ESTABLISHED IN
5 THE STATE TREASURY.

6 (12) THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE
7 PAIN MANAGEMENT EDUCATION AND CONTROLLED SUBSTANCES ELECTRONIC
8 MONITORING AND ANTIDIVERSION FUND. INTEREST AND EARNINGS FROM
9 INVESTMENT OF THE PAIN MANAGEMENT EDUCATION AND CONTROLLED SUB-
10 STANCES ELECTRONIC MONITORING AND ANTIDIVERSION FUND SHALL BE
11 CREDITED TO THE PAIN MANAGEMENT EDUCATION AND CONTROLLED SUB-
12 STANCES ELECTRONIC MONITORING AND ANTIDIVERSION FUND.

13 (13) THE UNENCUMBERED BALANCE IN THE PAIN MANAGEMENT EDUCA-
14 TION AND CONTROLLED SUBSTANCES ELECTRONIC MONITORING AND ANTIDI-
15 VERSION FUND AT THE CLOSE OF THE FISCAL YEAR SHALL REMAIN IN THE
16 PAIN MANAGEMENT EDUCATION AND CONTROLLED SUBSTANCES ELECTRONIC
17 MONITORING AND ANTIDIVERSION FUND AND SHALL NOT REVERT TO THE
18 GENERAL FUND. THE PAIN MANAGEMENT EDUCATION AND CONTROLLED SUB-
19 STANCES ELECTRONIC MONITORING AND ANTIDIVERSION FUND MAY RECEIVE
20 GIFTS AND DEVISES AND OTHER MONEY AS PROVIDED BY LAW. Twenty dol-
21 lars of the license fee received by the department OF CONSUMER
22 AND INDUSTRY SERVICES under section 16319 shall be deposited with
23 the state treasurer to the credit of the ~~official prescription~~
24 ~~form program~~ PAIN MANAGEMENT EDUCATION AND CONTROLLED SUBSTANCES
25 ELECTRONIC MONITORING AND ANTIDIVERSION fund. The department
26 shall use the PAIN MANAGEMENT EDUCATION AND CONTROLLED SUBSTANCES
27 ELECTRONIC MONITORING AND ANTIDIVERSION fund only in connection

HB 5261, As Passed Senate, December 12, 2001

House Bill No. 5261 as amended December 12, 2001

5

1 with programs relating to ~~the official prescription forms~~
2 ~~required under article 7. Any unexpended balance in the fund at~~
3 ~~the end of a fiscal year shall carry forward to the next fiscal~~
4 ~~year.~~ PAIN MANAGEMENT EDUCATION FOR HEALTH PROFESSIONALS, PRE-
5 VENTING THE DIVERSION OF CONTROLLED SUBSTANCES, AND DEVELOPMENT
6 AND MAINTENANCE OF THE ELECTRONIC MONITORING SYSTEM FOR CON-
7 TROLLED SUBSTANCES DATA REQUIRED BY SECTION 7333A.

8 Enacting section 1. This amendatory act does not take
9 effect unless all of the following bills of the 91st Legislature
10 are enacted into law:

(a) Senate Bill No. 827.

11 (b) House Bill No. 5260.

12 (c) House Bill No. 5262.