

SUBSTITUTE FOR
SENATE BILL NO. 502

A bill to amend 1984 PA 323, entitled
"The health care false claim act,"
by amending section 4a (MCL 752.1004a), as added by 2004 PA 411.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4a. (1) **NEITHER OF THE FOLLOWING VIOLATES SECTION 4:**

2 **(A)** A rebate or discount from a drug manufacturer or from a
3 company that licenses or distributes the drugs of a drug
4 manufacturer to a consumer for ~~that~~**THE** consumer's use of a drug
5 manufactured or licensed or distributed by ~~that~~**THE** drug
6 manufacturer or company. ~~does not violate section 4.~~

7 **(B) A MONETARY PAYMENT FROM A DRUG MANUFACTURER TO A CONSUMER,**
8 **THE CONSUMER'S HEALTH PROFESSIONAL, OR A VENDOR THAT HAS A CONTRACT**
9 **WITH THE DRUG MANUFACTURER, FOR A HEALTH CARE SERVICE THAT THE**
10 **PRESCRIBING INFORMATION OF A QUALIFIED DRUG REQUIRES OR RECOMMENDS**

1 FOR INITIATING DRUG THERAPY.

2 (2) This section does not alter any copayment, deductible,
3 coinsurance, or other cost-sharing requirements under a contract,
4 certificate, or policy issued by a health care corporation or
5 health care insurer.

6 (3) AS USED IN THIS SECTION:

7 (A) "CONSUMER'S HEALTH PROFESSIONAL" MEANS A HEALTH
8 PROFESSIONAL WHO DID NOT PRESCRIBE THE QUALIFIED DRUG OR WHO DOES
9 NOT HAVE A FINANCIAL RELATIONSHIP TO THE HEALTH PROFESSIONAL WHO
10 PRESCRIBED THE QUALIFIED DRUG.

11 (B) "HEALTH CARE SERVICE" MEANS ANY OF THE FOLLOWING:

12 (i) MONITORING FOR BRADYCARDIA OR ATRIOVENTRICULAR CONDUCTION.

13 (ii) MONITORING BLOOD PRESSURE.

14 (iii) AN ELECTROCARDIOGRAM.

15 (iv) A CARDIAC EVALUATION BY A PHYSICIAN.

16 (v) A COMPLETE BLOOD COUNT TEST.

17 (vi) A LIVER FUNCTION TEST.

18 (vii) AN EYE EXAMINATION FOR MACULAR EDEMA.

19 (viii) A PULMONARY FUNCTION TEST, IF CLINICALLY INDICATED.

20 (ix) A VACCINATION.

21 (x) AN ADDITIONAL SERVICE INCLUDED IN THE PRESCRIBING
22 INFORMATION BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION.

23 (C) "HEALTH PROFESSIONAL" MEANS AN INDIVIDUAL WHO IS LICENSED
24 OR OTHERWISE AUTHORIZED TO ENGAGE IN A HEALTH PROFESSION UNDER
25 ARTICLE 15 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.16101 TO
26 333.18838.

27 (D) "PHYSICIAN" MEANS AN INDIVIDUAL LICENSED OR OTHERWISE

1 AUTHORIZED TO ENGAGE IN THE PRACTICE OF MEDICINE UNDER PART 170 OF
2 THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.17001 TO 333.17084, OR
3 TO ENGAGE IN THE PRACTICE OF OSTEOPATHIC MEDICINE AND SURGERY UNDER
4 PART 175 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.17501 TO
5 333.17556.

6 (E) "QUALIFIED DRUG" MEANS A DRUG THAT HAS A UNITED STATES
7 FOOD AND DRUG ADMINISTRATION APPROVED INDICATION TO TREAT MULTIPLE
8 SCLEROSIS.

9 Enacting section 1. This amendatory act takes effect 90 days
10 after the date it is enacted into law.