

Legislative Analysis



MEDICATION-ASSISTED TREATMENT PROGRAM FOR ALCOHOL DEPENDENCE

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House Bill 5372 (H-2) as reported from committee

Sponsor: Rep. Joseph N. Bellino, Jr.

Committee: Judiciary

Complete to 12-3-18

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 657 of 2018)

SUMMARY:

House Bill 5372 would amend section 625 of the Michigan Vehicle Code to require an individual convicted of certain violations to undergo an assessment to determine whether he or she would benefit from a medication-assisted treatment for alcohol dependence program.

Currently, a court must order screening to determine if an individual is likely to benefit from rehabilitation services before the court imposes a sentence for operating a vehicle while under the influence of alcohol and/or a controlled or intoxicating substance, while visibly impaired, or with an unlawful bodily amount of alcohol or certain controlled substances.¹

Under the bill, if a person had two or more prior convictions, the court would have to order that person to undergo an assessment that uses a standardized evidence-based instrument performed by a ***provider or other licensed or certified substance use disorder professional*** to determine whether the person has a diagnosis for alcohol dependence and would likely benefit from a medication-assisted treatment for alcohol dependence program approved United States Food and Drug Administration (FDA) that is indicated for the treatment of alcohol dependence, as specified in the most recent Diagnostic and Statistical Manual of Mental Disorders (DSM) published by the American Psychiatric Association (APA).

Provider would mean an individual with prescribing authority under the Public Health Code who regularly communicates with the treatment team during the defendant's recovery and who has training or experience that demonstrates the provider's ability to treat and manage patients with alcohol dependency.

Other licensed or certified substance use disorder professional would mean an individual or organization licensed or credentialed in Michigan to treat substance use disorders, including individuals certified by the Michigan Certification Board for addiction professionals and individuals who have training in providing assessments for alcohol dependency.

A person could request an independent assessment that uses a standardized evidence-based instrument and is performed by a provider or other licensed or certified substance use disorder professional to determine whether he or she has a diagnosis for alcohol dependence and would likely benefit from an FDA-approved medication-assisted treatment that is indicated for the treatment of alcohol dependence, as specified in the most recent DSM published by the APA.

¹ Specifically, before the court imposes sentence for violation of section 625(1), (3), (4), (5), (6), (7), or (8) of the Vehicle Code. See <http://legislature.mi.gov/doc.aspx?mcl-257-625>

A court would have to grant a request for an independent assessment and consider the results of the independent assessment along with the required first assessment when determining if the court will refer the person to a rehabilitative program that offers one or more forms of FDA-approved medication-assisted treatment of alcohol dependence.

Only a provider could recommend that a person take medication-assisted treatment and determine the type, dosage, and duration of the medication-assisted treatment. A person would always maintain the right to refuse ingestion or injection of medication. If the person refuses to take the treatment, the court could not hold that person in contempt.

The person would pay the costs of the screening, assessments, and rehabilitative services only if no other identified funding source were available. (Under the bill, this would also apply to the existing screening, assessment, and rehabilitative services required by this section. Under current law, the person is unconditionally required to pay those costs.)

The bill would take effect 90 days after enactment.

MCL 257.625b

FISCAL IMPACT:

House Bill 5372 could have an indeterminate fiscal impact on state and local units of government. The bill allows for the use of an “identified funding source” to pay for the screening, assessment, and rehabilitative services proposed by the bill, as well as those currently required under section 625b(5) of the Vehicle Code. The current state budget does not include funding for the cost of screenings, assessments, and rehabilitative services. Without a designated fund source, the bill would require the person to pay these costs.

POSITIONS:

The following entities indicated support for the bill (10-2-18):

- Probate Section of the State Bar of Michigan
- Growth Works
- Michigan Primary Care Association

The State Court Administrative Office indicated a neutral position regarding the bill. (11-27-18)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.