



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

BILL ANALYSIS



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

House Bill 5152 (Substitute H-2 as reported by the Committee of the Whole)

House Bill 5153 (Substitute S-1 as reported by the Committee of the Whole)

Sponsors: Representative Sam Singh (H.B. 5152)

Representative Edward J. Canfield, D.O. (H.B. 5153)

House Committee: Health Policy

Senate Committee: Health Policy

CONTENT

House Bill 5152 (H-2) would amend the Public Health Code to do the following:

- Require the Department of Health and Human Services (DHHS) to develop a nonopioid directive form that would indicate that an individual who executed the form or who had a form executed on the individual's behalf could not be administered or offered a prescription for an opioid.
- Allow an individual, or his or her guardian or patient advocate, to execute a nonopioid directive form on the individual's behalf.
- Allow a prescriber, or a practical nurse or registered professional nurse acting on the order of the prescriber, to administer an opioid to an individual who had executed a form if he or she were being treated at a hospital or in a setting outside the hospital in the case of an emergency, and the administration of the opioid was medically necessary.
- Specify that certain entities would not be subject to civil or criminal liability or professional disciplinary action for failing to administer or prescribe an opioid, or for the inadvertent administration of an opioid, to an individual who had executed a form, if the failure to act or act were done reasonably and in good faith.
- Require the DHHS to promulgate rules to implement the bill's provisions, including procedures to record a nonopioid directive form in a medical record and procedures to revoke a form.

House Bill 5153 (S-1) would amend the Estates and Protected Individuals Code (EPIC) to do the following:

- Specify that a guardian would have the power to execute and revoke a nonopioid directive form on behalf of his or her ward.
- Require a guardian's report on the ward's condition to indicate whether the guardian had executed, reaffirmed, or revoked a form on behalf of the ward in the past year, and any mental health treatment received by a ward.
- Allow the guardian of an incapacitated individual to give consent or approval for a ward to receive mental health treatment.
- Prescribe the procedure a guardian would have to follow if a ward refused mental health treatment.

The bills are tie-barred.

Proposed MCL 333.9145 (H.B. 5152)
MCL 700.1106 & 700.5314 (H.B. 5153)

Legislative Analyst: Tyler VanHuyse

FISCAL IMPACT

House Bill 5152 (H-2) could have a small fiscal impact on the Department of Health and Human Services (DHHS) and no fiscal impact on local government. Fiscal costs could increase to the extent that rule promulgation and administration of the directive form proposed in the bill created additional costs relative to current operations.

House Bill 5153 (S-1) would have no fiscal impact on State or local government.

Date Completed: 12-19-18

Fiscal Analyst: Abbey Frazier
John Maxwell