

Legislative Analysis



NONOPIOID DIRECTIVE FORM

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5261 as introduced
Sponsor: Rep. Abdullah Hammoud
Committee: Health Policy
Complete to 10-27-21

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

SUMMARY:

House Bill 5261 would amend the Public Health Code to allow an opioid to be administered to a patient who has a nonopioid directive form in cases of medical necessity and to require the form to be prominently displayed in the patient's medical record.

A nonopioid directive allows patients to notify health professionals that they do not want to be administered opioids—often because they are most at risk of misusing opioids, including those with a history of an opioid disorder.¹ The form was introduced by 2018 PA 554.²

However, the code allows a prescriber with a controlled substance license or a nurse acting on the order of the prescriber to administer an opioid to a patient with a nonopioid directive form if, in the prescriber's professional opinion, the administration is medically necessary.

The bill would add another exception under which an opioid could be administered: if the opioid is for intraoperative use—which means occurring or performed during the course of a surgical operation.

Additionally, the bill would provide that, in the rules regarding nonopioid directive forms, the Department of Health and Human Services (DHHS) would have to require that a patient's medical record clearly display whether the patient has executed a nonopioid directive form or had a form executed on his or her behalf in a manner similar to indicating whether the patient has any allergies.

MCL 333.9145

FISCAL IMPACT:

House Bill 5261 would not have a fiscal impact on the state or on local units of government.

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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.

¹ <https://www.michigan.gov/mdhhs/0,5885,7-339--493376--,00.html>

² House Fiscal Agency analysis of 2018 PA 554 (HB 5152): <http://www.legislature.mi.gov/documents/2017-2018/billanalysis/House/pdf/2017-HLA-5152-1D8A95CE.pdf>