



HOUSE BILL No. 5940

June 6, 1996, Introduced by Reps. Griffin, Crissman, Jamian, Hammerstrom, Profit, Yokich, Fitzgerald, Cropsey, Walberg, Gire, Porreca, Hill, Palamara, Freeman, Llewellyn, Martinez, Goschka, Rocca, Bodem, Bryant, Lowe, Jellema, Bullard, Gernaat, Dalman, Schroer, Rhead, Gagliardi, Randall, McBryde, Bush, Emerson, Pitoniak, Weeks, DeHart, Sikkema, Kukuk, Dolan, Nye, Mathieu, Alley, Bankes, LaForge, Tesanovich, Geiger, London, Ciaramitaro, McManus, Brackenridge, Voorhees, Middleton, Perricone, Ryan, McNutt, Horton, Green and Middaugh and referred to the Committee on Health Policy.

A bill to amend Act No. 368 of the Public Acts of 1978,
entitled as amended
"Public health code,"
as amended, being sections 333.1101 to 333.25211 of the Michigan
Compiled Laws, by adding sections 17016 and 17516.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 368 of the Public Acts of 1978, as
2 amended, being sections 333.1101 to 333.25211 of the Michigan
3 Compiled Laws, is amended by adding sections 17016 and 17516 to
4 read as follows:

5 SEC. 17016. (1) A PHYSICIAN WHO IS TREATING A PATIENT WHO
6 HAS BEEN DIAGNOSED WITH INTRACTABLE PAIN SHALL, IN ADDITION TO
7 OTHER TREATMENT PROVIDED, ADVISE THE PATIENT THAT HE OR SHE MAY
8 WANT TO CONSIDER INDEPENDENTLY CONSULTING OR BEING REFERRED TO A
9 CENTER FOR ADVANCED CARE.

1 (2) A PHYSICIAN WHO, AS PART OF A TREATMENT PLAN FOR A
2 PATIENT WHO HAS BEEN DIAGNOSED WITH INTRACTABLE PAIN, PRESCRIBES
3 A CONTROLLED SUBSTANCE THAT IS INCLUDED IN SCHEDULES 2 TO 5 UNDER
4 PART 72 AND IS A NARCOTIC DRUG IS IMMUNE FROM ADMINISTRATIVE,
5 CIVIL, AND CRIMINAL LIABILITY IF THE PRESCRIPTION IS FOR A LEGIT-
6 IMATE AND PROFESSIONALLY RECOGNIZED THERAPEUTIC PURPOSE AND IS
7 WITHIN THE SCOPE OF PRACTICE OF THE PHYSICIAN.

8 (3) AS USED IN THIS SECTION, "CENTER FOR ADVANCED CARE" AND
9 "INTRACTABLE PAIN" MEAN THOSE TERMS AS DEFINED IN SECTION 18901.

10 SEC. 17516. (1) A PHYSICIAN WHO IS TREATING A PATIENT WHO
11 HAS BEEN DIAGNOSED WITH INTRACTABLE PAIN SHALL, IN ADDITION TO
12 OTHER TREATMENT PROVIDED, ADVISE THE PATIENT THAT HE OR SHE MAY
13 WANT TO CONSIDER INDEPENDENTLY CONSULTING OR BEING REFERRED TO A
14 CENTER FOR ADVANCED CARE.

15 (2) A PHYSICIAN WHO, AS PART OF A TREATMENT PLAN FOR A
16 PATIENT WHO HAS BEEN DIAGNOSED WITH INTRACTABLE PAIN, PRESCRIBES
17 A CONTROLLED SUBSTANCE THAT IS INCLUDED IN SCHEDULES 2 TO 5 UNDER
18 PART 72 AND IS A NARCOTIC DRUG IS IMMUNE FROM ADMINISTRATIVE,
19 CIVIL, AND CRIMINAL LIABILITY IF THE PRESCRIPTION IS FOR A LEGIT-
20 IMATE AND PROFESSIONALLY RECOGNIZED THERAPEUTIC PURPOSE AND IS
21 WITHIN THE SCOPE OF PRACTICE OF THE PHYSICIAN.

22 (3) AS USED IN THIS SECTION, "CENTER FOR ADVANCED CARE" AND
23 "INTRACTABLE PAIN" MEAN THOSE TERMS AS DEFINED IN SECTION 18901.

24 Section 2. This amendatory act shall not take effect unless
25 Senate Bill No. _____ or House Bill No. 5944 (request
26 no. 07695'96) of the 88th Legislature is enacted into law.