



HOUSE BILL No. 5944

June 6, 1996, Introduced by Reps. Law, Griffin, Crissman, Jamian, Hammerstrom, Profit, Yokich, Fitzgerald, Cropsey, Walberg, Gire, Porreca, Hill, Palamara, Freeman, Llewellyn, Martinez, Goschka, Rocca, Bodem, Bryant, Lowe, Jellema, Bullard, Rhead, McNutt, Schroer, Gernaat, Dalman, Gagliardi, Randall, McBryde, Bush, Emerson, Pitoniak, Weeks, DeHart, Sikkema, Kukuk, Mathieu, Tesanovich, Alley, Ciaramitaro, Nye, Geiger, Bankes, LaForge, Brackenridge, McManus, London, Middleton, Voorhees, Perricone, Ryan, 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 part 189.

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 part 189 to read as follows:

4 PART 189 PAIN MANAGEMENT

5 SEC. 18901. AS USED IN THIS PART:

6 (A) "CENTER FOR ADVANCED CARE" MEANS A HOSPITAL OR HEALTH
7 CARE FACILITY THAT DOES ALL OF THE FOLLOWING:

1 (i) OBTAINS ACCREDITATION BY THE JOINT COMMISSION ON
2 ACCREDITATION OF HEALTH CARE ORGANIZATIONS (JCAHO) OR THE
3 COMMISSION ON ACCREDITATION OF REHABILITATION FACILITIES (CARF).

4 (ii) RETAINS A FULL-TIME MEDICAL DIRECTOR CERTIFIED IN PAIN
5 MEDICINE BY THE AMERICAN BOARD OF MEDICAL SPECIALISTS OR THE
6 AMERICAN BOARD OF PAIN MEDICINE.

7 (iii) PERFORMS RESEARCH ON PAIN-RELATED ISSUES AND PUBLISHES
8 THE STATUS OR RESULTS OF THAT RESEARCH AT LEAST ONCE ANNUALLY IN
9 A PUBLICATION APPROVED BY THE MICHIGAN COMMISSION ON PAIN.

10 (iv) PROVIDES COMMUNITY PAIN-MANAGEMENT EDUCATIONAL
11 SERVICES.

12 (v) PROVIDES PAIN-MANAGEMENT EDUCATION FOR PHYSICIANS.

13 (B) "CONTROLLED SUBSTANCE" MEANS THAT TERM AS DEFINED IN
14 SECTION 7104.

15 (C) "INTRACTABLE PAIN" MEANS SEVERE, PERSISTENT, OR RECUR-
16 RING PAIN THAT IS ALL OF THE FOLLOWING:

17 (A) USUALLY DISABLING AND ACCOMPANIED BY VARIOUS DEGREES OF
18 SUFFERING.

19 (B) AN IMPAIRMENT TO THE ACTIVITIES OF DAILY LIVING.

20 (C) ATTRIBUTABLE TO A NUMBER OF CAUSES, INCLUDING BUT NOT
21 LIMITED TO CANCER, TRAUMA, MIGRAINE, AND OTHER DISEASE STATES.

22 (D) INCAPABLE OF BEING SIGNIFICANTLY REDUCED OR AMELIORATED,
23 DESPITE REASONABLE TREATMENT EFFORTS BY PERSONS LICENSED UNDER
24 THIS ACT, DURING A PERIOD OF 6 OR MORE MONTHS.

25 (E) "MICHIGAN COMMISSION ON PAIN" MEANS THE COMMISSION
26 ESTABLISHED UNDER SECTION 18902.

1 SEC. 18902. (1) THE MICHIGAN COMMISSION ON PAIN IS CREATED
2 WITHIN THE DEPARTMENT OF COMMUNITY HEALTH.

3 (2) THE MICHIGAN COMMISSION ON PAIN SHALL CONSIST OF THE
4 FOLLOWING 22 VOTING MEMBERS, APPOINTED BY THE GOVERNOR WITH THE
5 ADVICE AND CONSENT OF THE SENATE:

6 (A) FOUR PHYSICIANS LICENSED UNDER THIS ARTICLE AND CERTI-
7 FIED IN PAIN MANAGEMENT BY THE AMERICAN BOARD OF MEDICAL SPECIAL-
8 ISTS OR THE AMERICAN BOARD OF PAIN MANAGEMENT.

9 (B) ELEVEN INDIVIDUALS REPRESENTING PROFESSIONS LICENSED
10 UNDER THIS ARTICLE, INCLUDING AT LEAST 1 INDIVIDUAL LICENSED BY
11 AND REPRESENTATIVE OF THE BOARDS OF EACH OF THE FOLLOWING
12 LICENSED PRACTICES:

13 (i) MEDICINE UNDER PART 170.

14 (ii) OSTEOPATHIC MEDICINE UNDER PART 175.

15 (iii) CHIROPRACTIC UNDER PART 164.

16 (iv) COUNSELING UNDER PART 181.

17 (v) DENTISTRY UNDER PART 166.

18 (vi) NURSING UNDER PART 172.

19 (vii) PHARMACY UNDER PART 177.

20 (viii) PHYSICAL THERAPY UNDER PART 178.

21 (ix) PSYCHOLOGY UNDER PART 182.

22 (C) FOUR INDIVIDUALS REPRESENTATIVE OF THE INSURANCE AND
23 MANAGED CARE INDUSTRIES.

24 (D) ONE INDIVIDUAL REPRESENTATIVE OF VOLUNTARY HEALTH
25 GROUPS.

26 (E) TWO INDIVIDUALS REPRESENTATIVE OF THE GENERAL PUBLIC.

1 (3) IN ADDITION TO MEMBERS APPOINTED UNDER SUBSECTION (2),
2 THE MICHIGAN COMMISSION ON PAIN SHALL CONSIST OF THE FOLLOWING 3
3 NONVOTING MEMBERS:

4 (A) THE DIRECTOR OF THE DEPARTMENT OF COMMUNITY HEALTH WHO
5 SHALL SERVE AS AN EX OFFICIO MEMBER.

6 (B) ONE MEMBER APPOINTED BY THE SENATE MAJORITY LEADER.

7 (C) ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF
8 REPRESENTATIVES.

9 (4) THE MEMBERS FIRST APPOINTED TO THE MICHIGAN COMMISSION
10 ON PAIN SHALL BE APPOINTED WITHIN 60 DAYS AFTER THE EFFECTIVE
11 DATE OF THIS SECTION.

12 (5) A VOTING MEMBER OF THE MICHIGAN COMMISSION ON PAIN SHALL
13 SERVE FOR A TERM OF 3 YEARS OR UNTIL A SUCCESSOR IS APPOINTED,
14 WHICHEVER IS LATER, EXCEPT THAT OF THE MEMBERS FIRST APPOINTED, 7
15 SHALL SERVE FOR 1 YEAR, 7 SHALL SERVE FOR 2 YEARS, AND 8 SHALL
16 SERVE FOR 3 YEARS. A MEMBER APPOINTED UNDER SUBSECTION (3)(B) OR
17 (C) SHALL SERVE FOR 1 YEAR AND MAY BE REAPPOINTED IN ACCORDANCE
18 WITH SUBSECTION (3).

19 (6) IF A VACANCY OCCURS ON THE MICHIGAN COMMISSION ON PAIN,
20 THE MICHIGAN COMMISSION ON PAIN SHALL MAKE AN APPOINTMENT FOR THE
21 UNEXPIRED TERM IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

22 (7) THE MICHIGAN COMMISSION ON PAIN MAY REMOVE A MEMBER OF
23 THE MICHIGAN COMMISSION ON PAIN FOR INCOMPETENCY, DERELICTION OF
24 DUTY, MALFEASANCE, MISFEASANCE, OR NONFEASANCE IN OFFICE, OR ANY
25 OTHER GOOD CAUSE.

26 (8) THE FIRST MEETING OF THE MICHIGAN COMMISSION ON PAIN
27 SHALL BE CALLED BY THE DIRECTOR OF THE DEPARTMENT OF COMMUNITY

1 HEALTH. AT THE FIRST MEETING, THE MICHIGAN COMMISSION ON PAIN
2 SHALL ELECT FROM AMONG ITS MEMBERS DESCRIBED IN SUBSECTION (2)(A)
3 A CHAIRPERSON AND OTHER OFFICERS AS IT CONSIDERS NECESSARY OR
4 APPROPRIATE. AFTER THE FIRST MEETING, THE MICHIGAN COMMISSION ON
5 PAIN SHALL MEET AT LEAST QUARTERLY, OR MORE FREQUENTLY AT THE
6 CALL OF THE CHAIRPERSON OR IF REQUESTED BY 2 OR MORE MEMBERS.

7 (9) A MAJORITY OF THE MEMBERS OF THE MICHIGAN COMMISSION ON
8 PAIN CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS AT A
9 MEETING OF THE MICHIGAN COMMISSION ON PAIN. A MAJORITY OF THE
10 MEMBERS PRESENT AND SERVING ARE REQUIRED FOR OFFICIAL ACTION OF
11 THE MICHIGAN COMMISSION ON PAIN.

12 (10) THE BUSINESS THAT THE MICHIGAN COMMISSION ON PAIN MAY
13 PERFORM SHALL BE CONDUCTED AT A PUBLIC MEETING OF THE COMMISSION
14 HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT, ACT NO. 267 OF THE
15 PUBLIC ACTS OF 1976, BEING SECTIONS 15.261 TO 15.275 OF THE
16 MICHIGAN COMPILED LAWS.

17 (11) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF,
18 OR RETAINED BY THE MICHIGAN COMMISSION ON PAIN IN THE PERFORMANCE
19 OF AN OFFICIAL FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION
20 ACT, ACT NO. 442 OF THE PUBLIC ACTS OF 1976, BEING SECTIONS
21 15.231 TO 15.246 OF THE MICHIGAN COMPILED LAWS.

22 (12) MEMBERS OF THE MICHIGAN COMMISSION ON PAIN SHALL SERVE
23 WITHOUT COMPENSATION. HOWEVER, MEMBERS OF THE MICHIGAN COMMISS-
24 SION ON PAIN MAY BE REIMBURSED FOR THEIR ACTUAL AND NECESSARY
25 EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES AS
26 MEMBERS OF THE MICHIGAN COMMISSION ON PAIN.

1 (13) THE MICHIGAN COMMISSION ON PAIN SHALL ADVISE AND
2 CONSULT WITH THE DIRECTOR OF THE DEPARTMENT OF COMMUNITY HEALTH
3 AND THE LEGISLATURE ON INTRACTABLE PAIN TREATMENT POLICIES, AND
4 MAKE RECOMMENDATIONS ON BOTH OF THE FOLLOWING ISSUES:

5 (A) PAIN MANAGEMENT PRIORITIES.

6 (B) SHORT-TERM AND LONG-TERM PAIN MANAGEMENT PROGRAMS AND
7 POLICIES.