

REPORT ON ALL POLICY CHANGES IMPLEMENTED

(FY2010 Appropriation Bill - Public Act 131 of 2009)

April 1, 2010

Section 215: (1) The department shall report to the house and senate appropriations subcommittees on the budget for the department, the joint committee on administrative rules, and the senate and house fiscal agencies by no later than April 1, 2010 on each specific policy change made by the department to implement a public act affecting that department that took effect during the preceding calendar year. (2) Funds appropriated in part 1 shall not be used by the department to adopt a rule that will apply to a small business and that will have a disproportionate economic impact on small businesses because of the size of those businesses if the department fails to reduce the disproportionate economic impact of the rule on small businesses as provided under section 40 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.240. (3) As used in this section: (a) "Rule" means that term as defined under section 7 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207. (b) "Small business" means that term as defined under section 7a of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207a.

*Michigan Department
of Community Health*



Jennifer M. Granholm, Governor
Janet Olszewski, Director

**MDCH REPORT TO THE LEGISLATURE
PURSUANT TO SECTION 215 OF P.A. 131 OF 2009**

Accordingly, DCH policy changes undertaken to implement 2009 Public Acts include the following:

P.A. 150 of 2009 (HB 4161) **CONTROLLED SUBSTANCE PRESCRIPTIONS** Amends 333.7405 et seq. to remove prohibition on dispensing a prescription for a controlled substance received via electronic means from a physician prescriber in a state other than Michigan.

Activities to Date: NO POLICY CHANGE REQUIRED BY THE DEPARTMENT. Through the Michigan Automated Prescription System (MAPS), the Department currently monitors controlled substances prescriptions that are written and dispensed. P.A. 150 of 2009 has increased the ability to track these prescriptions.

P.A. 188 of 2009 (HB 4377) **effective May 1, 2010 SMOKING BAN** Requires a smoke-free workplace and food service establishments. Partial ban would not include casino gaming floors, tobacco specialty stores and home offices. Expands smoking prohibitions under the Public Health Code to include any place of employment or public places with the following exceptions: private residences, cigar bars (10% gross sales tobacco-related), tobacco specialty retail stores (75% gross sales tobacco-related, casino game room floors (unless tribal casinos ban smoking), and collectively bargained agreements negotiated before enactment.

NO POLICY CHANGE REQUIRED BY THE DEPARTMENT. The Department has statutory responsibility for enforcing the Michigan Clean Indoor Air Act (MCIAA). Upon the effective date of May 1, 2010, DCH or local health departments will assume responsibility - with existing resources - to enforcing and reporting on the prohibition of smoking in all areas designated in section 21603 of the Act.

P.A. 57 of 2009 (HB 4450) **CHILD SAFETY SEAT** Amended the Motor Vehicle Code at 257.710d to require child safety seat to be in rear seat if vehicle has a rear seat and removed the nursing child exemption. Under the current child passenger safety law, Michigan is now eligible to receive federal funding to help current efforts in providing education and free booster seats to low-income families. NO POLICY CHANGE REQUIRED BY THE DEPARTMENT.

P.A. 103 of 2009 (HB 5126) **MENTAL HEALTH SUNSET OF CARRYFORWARD** Amends the Mental Health Code at 330.1226 to eliminate the sunset on provision for community mental health regarding carry forward of operating margin. Financing Strategy only: NO POLICY CHANGE REQUIRED BY THE DEPARTMENT.

P.A. 216 of 2009 (HB 5593) INCREASE TO NURSE LICENSE FEE Amends 333.16315 and 333.16327 to increase the licensing fees for nursing profession. The increase to the application fee by \$4, the license fee by \$10 and the specialty certification fee by \$14 began with the January 2010 application/renewal cycle.

P.A. 235 of 2009 (SB 106) **Effective 1/8/10** Amends the Paternity Act to apportion medical expenses for unwed births between parents, and recover Medicaid payments. If Medicaid had paid a medical expense connected to the mother's pregnancy or the birth of the child, on request from the Office of Child Support or its designee, the court in a paternity action will 1) Determine the expense paid by the DCH (or the amount of the expense that was reasonable and necessary by using the established and certified actuarially based case), 2) Apportion that amount to the father using the method established under the OCS Act, and 3) Require the father to pay the amount apportioned to him to the Medicaid agency through the State Disbursement Unit. NO POLICY CHANGE REQUIRED BY THE DEPARTMENT

Licensing

P.A. 55 of 2009 (SB 151) PHYSICAL THERAPIST ASSISTANTS Defines physical therapy assistants as a subfield of the practice of physical therapy. Provides general amendments to physical therapists act; amends and adds sections to license physical therapy assistants.

Activities to Date: The Department, in consultation with the Board of Physical Therapy, is in the process of promulgating rules requiring professional development.

P.A. 221 of 2009 (HB 5091) CHIROPRACTORS Amends 333.16401, 333.16423, and 333.16431 to revise scope of practice for chiropractors.

P.A. 223 of 2009 (SB 968) CHIROPRACTORS amends 333.16401 to revise scope of practice for chiropractors.

Activities to Date: The Department, in consultation with the Board of Chiropractic, is in the process of promulgating rules requiring professional development.