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State lawmakers take the lead on pain management issues

BY TIM RICHARD
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Jack Kevorkian should have fewer customers for aid in dying as Michigan's health care system uses more laws on pain management techniques.

"We've done more than any other state," said Rep. Gerald Law, R-Plymouth, on the state Senate Dec. 3 gave 38-0 approval to six House-passed bills. "We started on this four years ago."

Law took the legislative lead on sponsorship after an ailing David Honigman, R-West Bloomfield, died in the Senate in 1996. The House passed the bills earlier in the year, but the Senate Health Policy Committee went over the bills in excruciating detail until last week.

"I'm glad that after 11 months of testing in committee these bills have passed," said Sen. Dianne Byrum, D-Onondaga. She criticized the Senate panel's delay and on Sept. 24 had attempted to discharge the bills (force them out of committee for a full Senate vote). "One in five adults lives in pain; 16 percent of those say it dominates their lives," Byrum said.

"We have a clear policy that use of opiates is approved, of and physicians no longer have to be afraid to prescribe morphine," said Sen. John Schwarz, R-Battle Creek, the Legislature's only physician.

"Morphine has been around for centuries, and we're now getting around to using it as the most effective form of pain control. We (the state) will not look over every physician's shoulder and micro-manage how they treat pain," Schwarz said.

Law predicted the House this week would occur in Senate amendments, which he called "minor and technical," and send the bills to Gov. John Engler for signing before year's end. The bills are:

- 4681, sponsored by Law, setting up a state interdisciplinary advisory committee on pain and symptom management.
- 4682, sponsored by Penny Criseman, R-Rochester, setting standards and penalties for hospitals' comprehensive, multidisciplinary pain management programs.
- 4683, sponsored by Mike Griffin, D-Jackson, granting physicians limited immunity from liability when the prescribe morphine or other controlled substances to treat intractable pain.
- 4684, sponsored by Sharon Gire, D-Macomb County, requiring that health insurance policies clearly state whether pain management is covered.
- 4685, sponsored by Beverly Hammerstrom, R-Temperance, requiring that health policies clearly state whether treatment for intractable pain and hospice care for the terminally ill are covered.
- 4686, sponsored by Kirk Profit, D-Ypsilanti, requiring health care corporations to state clearly whether treatment for intractable pain and hospice are covered.

The bills aren't as exciting as the law the Legislature passed providing for five-year prison sentences for assisting a suicide. But Law and the less flamboyant colleagues insist they will do more to alleviate pain than Kevorkian's methods.

"It's not a perfect package," said Sen. Dale Shugart, R-Portage, who chaired the Health Policy committee, predicting that more fine-tuning must be done in 1999. Shugart said the new package "defines intractable pain; states a legislative intent to prescribe narcotics for pain, defined standards of care, and increased awareness of the need for interdisciplinary practice."

"When health care premiums are going up, we don't want to put another mandate on the system," Shugart said.

Law agreed that "we didn't get into reimbursement." Over the last four years, Law said, the Legislature has passed measures to: 1. Allow patients to sign "do not resuscitate" orders; 2. Prescribe "death with dignity" and the patient's bill of rights - requiring that a patient be given full knowledge of medical options; 3. Residential hospice licensing - done by Law at the request of Angela Hospice in Livonia.

In other health matters, the Senate unanimously passed Schwarz's SB 1231 to amend hospital certificate of needs rules to require two operating rooms in small hospitals with emergency rooms and obstetrical services. Schwarz said it would affect hospitals in Clinton and Eaton counties and the western side of the state.

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