

Dr Kumar Singh

Dear Sir,

I have reviewed the Medical Marijuana Proposed Amendment changes. I want to provide my opinion on this specific proposed change-

"The physician reviewed the patient's relevant medical records and completed a full assessment of the patient's medical history and current medical and psychological condition, including a relevant, in-person, physical examination of the patient."

Some qualifying patients do not have medical records and this change would stop many qualified patients from receiving their certification. Many people make too much money for Medicaid and not enough to purchase insurance. In this case the certifying physician should be able to establish the diagnosis. Some patients had surgery 20 years ago and do not know where to get their medical records--but the certifying doctor can see the surgical scar at the physical exam and observe for somatic changes that can cause pain. A 55 year old factory worker that has performed repetitive motions with their limbs all their life and complaints of joint pain has arthritis and shouldn't have to go through a \$1000 work up to prove this.

This would be a good change-

Medical Records REQUIRED for the following- (these conditions can only be diagnosed from medical testing, therefore records HAVE to be available)----

Cancer
Glaucoma
HIV or AIDS Positive
Hepatitis C
Amyotrophic Lateral Sclerosis
Crohns Disease
Agitation of Alzheimer's Disease
Nail Patella
Seizures (Including but not limited to those characteristic of Epilepsy.)

Medical Records NOT REQUIRED for the following-(the certifying physician has to establish from history and physical exam that the patient suffers from the complaint)----

Cachexia or Wasting Syndrome
Severe and Chronic Pain
Severe Nausea
Severe and Persistent Muscle Spasms (Including but not limited to those characteristic of Multiple Sclerosis.)

Please consider my opinion on this. The way the proposed legislation is written, I wont be able to certify patients if they have no medical records, even though they qualify. Many qualified patients will not be able to get this safe non-opiate treatment.

Sincerely,

Dr Kumar Singh
www.rochestermedicalcard.com
248-390-0574

To our honorable representatives

Hello, I am a 30 year old man that has cared for developmentally disabled children, and adults in Michigan for 11 years. I love this state, and will most likely live here for the rest of my life.

I was injured a few years ago in a bad street hockey accident. I was injured in a way that has made my discs crush the nerves in my neck. I live in constant pain. It is kind of like having your neck hooked up to a car battery all day. The nerve damage is getting so bad I can not even feel my hands anymore, save for the burning pain that washes through them. I will need surgery to repair it but I will not be able to get insurance that will cover it, but that is another issue. Today I am writing you about what is happening with our medical marihuana law.

About 12 months ago I tried medical marihuana on my family doctors recommendation. She had me on Vicodin for about a year and it was not working. She said to me, "Before we try Oxycontin I want to ask how you feel about medical marihuana." Keep in mind here please that this woman is a family doctor. Has been mine for years. She knew we had to do something, I was missing work, and my performance while on the job was not to the high standard that I like to keep, this also caused me a great amount of depression.

Now all I use for medicine is Ibuprofen, and medical marihuana, a natural plant that I can grow out of the ground if I choose. I am relieved that this is the case as I was getting hooked on those nasty pills. Also as a man with no insurance and that is un-able to qualify for private or public plans it is perfect for me as I can get it for free under the current law.

With my medicine I can function as a productive member of society rather than getting on disability. This is also very important to me as I suffer from Treatment Resistant Depression and PTSD, staying active is important in managing these illnesses as well. I also no longer take anti-depressants either, because in my case they never worked. Marihuana helps with my Depression as well, more so than any other medication I have tried, and believe me, I have tried them all.

We need your help and support. Please don't force us back on pills or into jail cells. We have done nothing to deserve it. All we wish for is our liberty, the pursuit of health and happiness, and to be left alone so that we may live our lives and serve our communities. We are not criminals and do not deserve to be treated as such. 63% of Michiganders voted on this law, and it should stay the way it is.

I wish you all well, and hope to hear some good news from you all soon, thank you for your time.

Sincerely Dustin L, from District 12

To whom it may concern,

I was asked the question of what has the Medical Marijuana Act has done for me? It has caused me a lot of headaches but cured a lot of pain for me and done to my family. To start with the headaches, the laws constantly changing, and the miss interpretation of the laws by law officials. Another is the possibility of the loss of my lively hood, my job! Not that I use while on way to, during, or on way back from work. But because it stays in the system for 30 days and any by my employer is not accepted to the use by it. So there are the headaches.

The benefits, I am a 39yr old male that works 50+ hrs a week, run a farm at home, and my wife and I are caregivers for myself and 4 other working patients. I have arthritis in both shoulders and the drâ€™s want surgery, lower back problems, and bipolar. Growing helps deal with the stress but the medication made helps better to control the every day pain and when I have a bipolar attach. Everyday pain was mostly inflammatory pain on a daily bases and lack of sleep. I have noticed that one smoke a day before bed, helps keep the inflammation down and allows me to sleep without pain keeping me up. Not to mention our kids prefer me to use, it helps with the bipolar attacks and now I donâ€™t have to drink for the pain so I am more pleasant to be around.

I have also seen the difference in my patients, mood attitude as well as peace of mind for not being arrested for doing now what they knew worked then.

There you have it,

Thanks, Joe

My name is Marty Starliper and I reside in Alcona county Iâ€™m retired military and a disabled veteran. While on active duty I develop epilepsy This ailment had changed my life to a dark deep world Doctors always seem to have another pill or a mixed cocktail of several pills in attempt to control my seizures

Problem was once you take any pills there are always side effects so you have to take more At one time I ingested 23 pills everyday for many years and still couldn't get good control over my episodes

My daily life was between 15=20 small seizures . These were called petite type. In addition I had between

5-7 grandmal seizure monthly These type were life-threatening and lasted a longer duration Many times I woke up with a pillow soaked with blood or have teeth knocked out of my head

After a severe episode I was given marijuana to try and the results were immediate. I could function and do things that others just take for granted. Best thing is that I was able to dumped all those pills ..Some that are now being showed on TV as bad drugs, with all the side effects such as internal organs being destroyed and shut down.

Now since using medical marijuana my life is good . I have great control over my seizures but what I have is my life back .Simple things like riding a bike or throwing a ball to the kids. I can say that marijuana has saved me To medicated I use a oil in a tincture ..If I do get an aura before the seizure I can get my oil and stop it right away No way could I have done that with pills Best part is my seizures are under control

Most days I stay seizure free and that works well for me and my family

As a veteran who wore the uniform proudly I respectfully ask that the MMMA of 2008 not be changed Instead work to insure the will of the people is carried out as we voted for.

Martin Starliper Tsgt USAF Ret

Michigan Medical Marijuana Program Testimony

Lansing Michigan, Thursday, March 8th, 2012

Firstly I would like to thank representative Walsh and the committee for having this dialog today.

My name is Scott VanDyke, I am 51 years old and I have been married for 32 years.

I am a licensed Michigan Medical Marijuana patient and have been so since November of 2010. I suffer from chronic pain due to injuries and multiple surgeries to both shoulders as well as from painful tumors inside of my mouth. I also suffer from hearing impairment, bipolar disorder, panic attacks and depression which doesn't make my life any easier.

I take my health and my personal choice to health care seriously. My choice to enter the Michigan Medical Marijuana Program was due to the proven reduction of prescription opiate and petroleum based medications. The pharmaceutical cocktail I had been taking for years was sucking the life out of me, causing my kidneys and liver damage I would of otherwise not had. With the support of my friends and family, I seen that a change was needed.

At the time of inception into the program I was taking oxycontin, percocet, norco and flexeril constantly thru a day just to be able to move my arms, and help with the tumors in my mouth so I was be able to eat. That is if I was fortunate to have an appetite due the side effects of the prescription medications.

Today, 17 months later, I am ecstatic to report that I have in fact reduced my need for nearly all Doctor prescribed medications by over 99% in most cases. What use to be 90 20mg Oxycontin tablets a month, was reduced to about 30 5mg Oxycontin tables in the last 15 months. I was prescribed 90 .5mg Xanax tablets per month, but was taking up to 120 in the worst times. Xanax use has dropped also to about 30 tablets over the course of the same time period. Due to the negative stigma of medical cannabis, I feel if I were to inform my pain Doctor about this accomplishment, I, like so

many, would be terminated from my Physicians clinic even though he is very aware of my reduction in all medications, just not the reasons behind it.

Little did I know the price of entering this program. It is not the expense of the Doctor's certification, nor the cost of the state license. For me, the actual cost of entering the Michigan Medical Marihuana Program has shown to be a valid concern of my family's safety and our freedom from the Medical Prosecution due mostly from the States refusal to properly administer, and subsequently, fully implement the 2008 MMM Act.

I, my family, and the Michigan Voters had the good faith that Michigan Medical Patients and their families would be safe from prosecution, upon entering the MMMP, for using cannabis medically with a Doctors recommendation. The Michigan Medical Marijuana Act was passed as a shield for that medical use of cannabis, but since passing, it has been used as a sword for prosecution. Patients should not be forced through the judicial system to test where the legal limits are, or to determine ways to fill the proposed holes of Swiss cheese. The Act has been sparsely implemented by the State in three years and counting, and the protections offered with it have been withheld from those patients being used at test subjects by the Attorney General, Yet here we are today speaking of changes that inevitably result in more Michigan Patients as test cases. The State has the ability to address any of the perceived issues without the need for additional legislation we are here discussing today.

The recent efforts to amend the Michigan Medical Marihuana Act as well as recent opinions by our attorney general have taken away what little trust I had in our current Governmental Body. Myself, as well as my family live in fear, and our lives and freedom are put at risk each and every day this law is not fully implemented.

I have days I now go without sleep, for fear of being raided by para-military drug enforcement squads. This used to be caused by the interactions of many of the pharmaceutical medications I was prescribed, and has since been replaced by the fear of losing my freedom, and my family being subjected to this traumatic event.

I fear that my next trip to the grocery store will put me in jail because some over zealous law enforcement officer decides on a traffic stop that red eyes

from no sleep in months and slurred speech from oral tumors are probable cause for a DUID arrest.

I fear that every possession my wife and I have worked all of our married lives for will be seized in the blink of an eye by the state of Michigan because lawmakers failed to implement our law and law enforcement failed to follow it.

What I fear the most is this committee, I fear you will make decisions based on false or inaccurate information given to you by groups whom wish to profit monetarily from our law and no consideration given to the sick people of Michigan and their families.

In finishing, the Michigan Medical Marijuana Act was voted on and approved by two thirds of the State of Michigan. Without immediate and full implementation of the Michigan Medical Marijuana Act as written, these proposed bills are redundant, and unneeded, and do nothing whatsoever to protect patients. If this committee is serious in its "commitment" to being fair and just, you must table all bills and implement the Michigan Medical Marijuana Act as it is written, to not implement it is not only a violation of your oath of office but a violation of the Michigan and United States Constitution.

Good Morning Ladies and Gentlemen. I am a bona fide life long Michigan resident. I am also a bona fide patient of the Michigan Medical Marihuana Program voted into law in 2008. In case you are unsure still what the term Bona Fide means, Per Black Legal Dictionary, 2 of the definitions are Innocent and Honest. Black's also says factual and not false. Webster's says nearly the same thing. Perhaps Legislation needs to further get into our Educational System, but I somehow don't believe even Legislation has the capacity to redefine what an adjective is, literally speaking.

I have chronic pain due to bona fide boney growths on my spine. I do alright with living a pretty normal life, though it is with moderate, and often severe stabbing type pain since my early teens. At the age of 14, I had some choices to make. Opt for an operation, as the Doctor so gingerly phrased it, "That had a Slight 50/50 chance I may end up partially immobilized or perhaps some form of paralyzed as a result, though it should reduce my pain". Though it would be with a lifetime of pain meds to go along with other tasks such as breathing and eating ect.. I'm sure with a lifetime of pain meds, I would have reduced pain, but I was more concerned about the pain reduction from the surgery itself I was supposed to get. And to be honest, Bona Fide if you will, at the times, dealing with the medical issue I was going thru was far less painful sounding, and certainly less frightening an outlook for the rest of my life.

As any good Surgeon does, he explained how they would open up my spinal column, and for lack of a better medical term, use a sterilized hammer and chisel, and would shave (chisel) off the boney growths that were causing my spinal column to get locked in place for a various duration of time, and often would lead to pinched nerves. I understand the doctors could not guarantee I would not end up minimally, partially or even fully paralyzed as a result of the procedure, but a 50/50 option was a bit beyond the scope of the adjective "Slight" to me, and while I had pain, it was far less scary than the option I was given of surgery.

You can imagine how this sounded to a physically active and socially involved 14 yr old. I had lost my father to a heart attack a few years prior, and this was a choice I and my mother had to make. With the blessing of her and the rest of my family, I took my Inalienable Right to choose my own course of health care. My body, My Choice, My outcome, is what my parents taught me. "It's your bed, you sleep in it." was, and still is a common phrase used by my 77 year old mother today. She has always supported her children's choices, even if she didn't always agree with it. Thankfully, this was not one of those circumstances. My choice then, and now was to utilize Chiropractic Care, and treat my pain with cannabis, opposed to having the vertebrae on my back "hammer and chissled" off, and spend a lifetime taking opiate and other often dangerous types of drugs the FDA says are safe. To say I was then, and still am today, uncertain about having that surgery is an understatement.

Imagine my relief in 2007, when Michigan finally took the forward steps to take away the criminal penalties associated with my personal healthcare choice of using a much safer medical cannabis over the far more addictive and dangerous more popular prescription

pills. My body is not a night club hotspot where all the cool and popular drugs go to hang out. The right to use a natural and healthy alternative medicine, that would not pollute my body, nor worry about arrest or other penalty for a personal healthcare choice seemingly, was just "What the Dr. Ordered".

There are a number of current House and Senate Bills aimed at weakening the Medical Marihuana Act. These bills are in direct opposition to the will of the people. I have read the 2008 MMM Act many times, I can see the MMM Act is very clearly written, and was simply and easily understood by the Michigan Voters. Claims that the law needs to be fixed, or is more "Holey than Swiss Cheese" are simply false. These are mostly Government made problems, and these bills are given as finale solutions, meant to weaken, rather than strengthen the 2008 MMM Act and protect all Michigan Citizens from the Medical Prosecution by the Attorney General and his Prosecution Crew.

A few that wish to control our personal healthcare choices for its lucrative fortunes are said to be the Democrats in lockstep with Obamacare. But from the perspective of the general Michigan Citizen here in the State, they are not the only ones. The Republicans that want to control my health care choices just as badly as Mr. Obama does, just differently than Obama does. Where Medical use of cannabis is concerned, to us on this side of the isle, it appears the republicans would not only make me a criminal for making a personal health care choice by using medical cannabis, but also degrade and chastise my daughter, and label her a Slut, or a harlett, for having the medical need for birth control to control a hormonal imbalance she has had since birth. Should she just get in line to go to jail now, behind me?

You either stand on the side of Government, and say the Government has Finale say in a persons health choice options, or you stand on the side of the people to keep that an Inalienable Right of all Citizens of Michigan. It can not be both.

Since this law came into being, the State has failed to properly implement it. I.D. cards are +7 months behind, not 21 days per the Act. Though this is rumored to be all be a mute point now. Hopfully, the rest of the bills being presented will be allowed to be solved by the bodies that are incharge of solving them.

The Board of Medicine has cleared the grey area of bona fide, and the MMM Program has got a new high dollar printer said to be capable of 4000 cards a day. Sounds like the MMMP is expecting quite alot of work in the coming years. Perhaps a few more weeks and the Supreme Court can deliver their ruling on the current cases that will effect much of these proposed bills. Are we not putting the cart before the horse a bit here with these bills?

The Citizens of Michigan passed the MMM Act to ensure those who decided to chose this medicine, now or at anytime in the future that ability, and to do so with out persecution or Medical Prosecution.

This law is currently being used to punish anyone the makes this personal healthcare

choice and happens to be unlucky enough to be visited or approached by those that were indoctrinated to the Bill Shuette Opine. Those that do not like this law, or see this law as easy pickings to bolster bottom lines in many of the states law enforcement districts via Seizures and filled court dockets. This Act was supposed to Lower the Arrest rates for those medically using cannabis, but they have astonishingly increased. More people are being arrested instead of less. This is not what I, nor the voters intended.

You Must vote against these bills if you believe in Personal Freedom, especially those choices that are medical in nature. I hope you will remember that the majority of your constituents voted for this law. Please take the time to learn the honest facts about these issues, and question the accusations made against your constituents for their personal medical choice. The People has spoke, the question now is how well you were listening. Guess we will all find out come November 8th.

Timothy L. Locke

P.S. In a Follow up letter I Sent as a Reply to Senator Rick Jones I further submit to Legislation:

My health care choice is just that, mine, just as yours is to you. Where would it be my right to demand you do anything in the course of your medical history, if you would never even consider it otherwise. Your Health, Your Choice. Our Founding Fathers knew this.

My health care choice has allowed me to be a functional, tax paying citizen for the majority of my life. I was and am a functioning member of my community, and have always held it is My responsibility to care for myself, not that of the government nor the people.

I am not now, nor ever been, a menace to society.

My medical choice has allowed for me to work a decent 30 yrs. at 45, I can no longer do the manual labor I was fortunate and happy to do for the majority of my work history, because of the health care path I chose. But, it has come time to look for a desk to drive... as much as I prefer to work with my hands, it seems even they are telling me its desk duty time..

Had I made the other option of surgery, I would of certainly had a lifetime of prescription medications to take, additional operations, and if I were lucky, a lifetime of sores on my legs and keister had things went bad, and left me in any form of not fully functional. And say I did not have any adverse issues, ie no issues of paralyzation ect... lets face it-back surgery in the early 80s was not pretty, and it still really isn't that great, but has improved, my best prognosis was a life of minimal activity, and possibly partial or permanent disability. Add to that 4 yrs of prescription drug use and therapy, and to think I missed that all before graduation of high school. We'll never know how my life would of turned out had I took the other option, but I hope you would agree, the

probability of a decent life addicted to prescription pain medications, with extensive back surgery, is pretty nil even today.

Sen. Jones, I ask you, how much of a gainful and useful American would I of have been had I had took the preferred option of the day? Apparently, we as a society would prefer people use traditional thoughts of medical care, even if the long term prognosis is not good for the Patient, or those that will eventually care for them.

My point Senator Jones, many in Senate and Congress would happily remove my ability to use cannabis for any nature, but specifically for a medical nature. I am being as blunt as I can be, when I say, cannabis in combination with often weekly chiropractic care, has allowed me to work, be a welcomed and contributing member of society. These 2 Medical Choices, that's what using Cannabis for medical reasons is, a Medical Choice, have allowed for me to not have to suckle up to the taxpayer teet to live on disability for having a bitch of a condition. Fortunately, I have not had to lend to our tax burden by becoming a criminal in our court system, for trying to NOT become a burden on our society, and live a simply normal of a life as I could. I continue to hope that remains true, with my personal and direct correspondence with you, and the rest of legislation. Like you, I enjoy my Privacy and my Freedom, but there comes a time when we all need to speak up, and it seems this is mine.

The Act is quite clear. Very black and white in fact. And when taken as any law is, in its full context, there is very little left open for debate. Anything not currently addressed, would simply be handled by specific details handling them, for instance, Specific legislation on how to regulate Dispensaries, as they are not detailed in the Act itself. If the State would in good faith, fully implement the Act as currently written, the few issue left, would and could be easily resolved.

Sen. Jones, when and where does our government start and stop on personal medical choices, and dictating how when where we must make them.

I question Who, and how this act, and these proposed changes, will effect the people of Michigan, your family and mine, and most importantly, those people that it effects the most, the patients that

- 1, get relief from the medical properties of cannabis
2. are arrested, put on trial, called criminals, due to being sick and using a medicine that is more safe than anything a doctor can prescribe for any ailment currently being sold on the market. How helpful to society at large are people in prison that would otherwise be productive, working class citizens?
3. even with Bill Schuettes Opines, why are court cases still being dismissed due to the judges finding nothing illegal being perpetrated, contrary to BS' opines. Judges are dismissing cases due to no violations being found in trial. This is just a continued waste of limited State Finances, and must come to an end.

In closing Senator Jones, I will leave you with a few of my thoughts. I sincerely hope

you truly ponder them, and muse on the deeper issues at stake.

1. If Dispensaries (I was not for them prior to the passage of the Act myself, but have been shown why they are a needed source) are Illegal and Criminal, then why are they being closed in Civil Court on Public Nuisance issues? If they are criminal, they should be charged as such?

If you Murder someone, are you charged as a public nuisance instead of a Murder?

2. Obama Care. Michigan Medical Marihuana Act. Does Federal Law Pre Emp state law or not? it can not be ok to take the stage in Medical use of Cannabis, but not applicable in Federal Health care. Both are in the end. a Personal Health Care choice, would you not agree? Either Federal Law Trumps State Law, or it does not. Also, Why is the Federal Supreme Court refusing to here cases of Medical Cannabis Patients, having their property, including their medical cannabis returned to them? TSA employees will daily return medical cannabis to those that Fly in the USA. Even in NON medical States, the Federal TSA employees Return Cannabis to passengers?

3. If I were dying from my ailment, where would it be any differnt that Living with my ailment, using a medicine that actually allowed me to be a functional member of society, opposed to a burden on society due to an illness and lifetime of life debilitating prescription medication. Again, the focus is what I was not, and that was a drain on society, even with a not so enjoyable condition, I was able to manage, with minimal assistance, While making a medical choice, that had I had a Problem, would of made be a burden of the tax payer by making me a ward of the State's Industrial Prison Complex.

One last thought from a man I think we can both agree was a great American

“If people let the government decide what foods they eat and what medicines they take, their bodies will soon be in as a sorry state as the souls who live under tyranny.”
— Thomas Jefferson

Thank you again for your time spent with me on this most important state issue.
It is truly appreciated.

Timothy Locke



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF HEALTH PROFESSIONS
RAE RAMSDELL
DIRECTOR

STEVEN H. HILFINGER
DIRECTOR

MEMORANDUM

TO: Licensed Medical Doctors and Osteopathic Physicians

FROM: Rae Ramsdell, Director *RR*
Bureau of Health Professions

DATE: January 13, 2012

SUBJECT: Certification for the Medical Use of Marijuana by Michigan Physicians – A Statement by the Michigan Board of Medicine and the Michigan Board of Osteopathic Medicine and Surgery

The Bureau of Health Professions in the Michigan Department of Licensing and Regulatory Affairs is responsible for the Michigan Medical Marijuana Program (MMMP) as a result of the Michigan Medical Marijuana ballot proposal that was passed by voters in November 2008.

Since the inception of the MMMP, there has been uncertainty among physicians and patients alike regarding what constitutes an established physician-patient relationship. In an effort to provide clarification, the Bureau of Health Professions formally requested that the Michigan Boards of Medicine and Osteopathic Medicine and Surgery provide written expectations defining what constitutes a bona fide physician-patient relationship.

Attached for your information is a document titled "Statement of the Board of Medicine and Board of Osteopathic Medicine and Surgery Regarding Certification for Medical Use of Marijuana by Michigan Physicians." While the standards of conduct contained in this document are the same standards that would be anticipated in any physician-patient relationship, the Boards of Medicine and Osteopathic Medicine and Surgery felt that their expectations needed to be clarified since Medical Marijuana physician certifications are quite different from other types of medical certifications a physician may routinely complete.

In addition to mailing this statement to all medical doctors and osteopathic physicians who hold Michigan licensure, it will also be posted on the Bureau of Health Professions' website at www.michigan.gov/healthlicense.

Please feel free to contact me at (517) 373-8068 with any concerns or questions you may have.

Attachment

**Statement of the Board of Medicine and Board of Osteopathic Medicine
and Surgery Regarding Certification for Medical Use of Marihuana
by Michigan Physicians**

The Bureau of Health Professions (BHP) located in the Department of Licensing and Regulatory Affairs is charged with protecting the health, safety and welfare of the people of Michigan. The BHP administers boards for each licensed health profession in Michigan. The boards are charged by statute with establishing standards for education and training, issuing licenses and identifying the standard of care that is expected of those regulated by the law.

In November 2008 the majority of the voters in Michigan approved the Michigan Medical Marihuana Act (MMA) by ballot initiative to protect persons with specific medical conditions from penalties under state law so that they may use marihuana for medical purposes without fear of prosecution. Marihuana remains a Schedule I controlled substance under federal law. The Department and the Boards of Medicine and Osteopathic Medicine and Surgery in Michigan have taken no position on the suitability of marihuana in the treatment of medical disorders.

The MMA is intended to apply to patients with complex, chronic, serious and debilitating medical conditions. It is expected that such patients would require careful and complete evaluation and regular follow-up. The Boards believe that they have an obligation to ensure that members of the public receive proper medical evaluation and advice meeting generally accepted standards of care when seeking certification for use of marihuana for medical purposes.

Both the Department and the Boards are troubled by reports and advertisements of physicians scheduling patient evaluations in clinically inappropriate or inadequate settings and/or within timeframes that do not enable a full and adequate medical assessment to be done. In some instances physicians have conducted certifying evaluations solely through Internet interactions, which are clearly inadequate and inappropriate for the examination of patients for certification for marihuana use. The Boards are concerned that in such instances the public may not be receiving an adequate level of evaluation and treatment as specified by the Public Health Code.

The MMA states:

A physician shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by the Michigan board of medicine, the Michigan board of osteopathic medicine and surgery, or any other business or occupational or professional licensing board or bureau, solely for providing written certifications, in the course of a bona fide physician-patient relationship and after the physician has completed a full assessment of the qualifying patient's medical history, or for otherwise

stating that, in the physician's professional opinion, a patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's serious or debilitating medical condition or symptoms associated with the serious or debilitating medical condition, provided that nothing shall prevent a professional licensing board from sanctioning a physician for failing to properly evaluate a patient's medical condition or otherwise violating the standard of care for evaluating medical conditions. MCL 333.26424 (4)(f)

The standard of care that applies when certifying individuals as candidates for use of medical marijuana is the same as that expected in any other situation in which an individual is being evaluated for medical services. A special standard, higher or lower, is not called for in certifying patients for use of marijuana.

~~Experts in the field agree with this opinion. Among the advisory recommendations issued by the American Society of Addiction Medicine in September 2010 are the following statements:~~

Physicians... in the gatekeeping role have an obligation to help licensing authorities assure that physicians who choose to discuss the medical use of cannabis and cannabis-based products with patients:

Adhere to the established professional tenets of proper patient care including:

- History and good faith examination of the patient
- Development of a treatment plan with objectives
- Provision of informed consent, including discussion of risks, side effects and potential benefits
- Periodic review of the treatment's efficacy
- Consultation, as necessary; and
- Proper record keeping that supports the decision to recommend the use of cannabis

~~Have a bona fide physician-patient relationship with the patient, i.e., should have a pre-existing and ongoing relationship with the patient as a treating physician;~~

Ensure that the issuance of 'recommendations' is not a disproportionately large (or even exclusive) aspect of their practice;

Have adequate training in identifying substance abuse and addiction.

The Board of Medicine and the Board of Osteopathic Medicine and Surgery has adopted the following statement to clarify the standard of care applicable to the evaluation of an individual for the purpose of certification to use marihuana for any medical condition:

Generally accepted components of a full medical evaluation to determine suitability and appropriateness for recommending treatment of any kind, including certification for medical marihuana, include:

- a hands-on physician patient encounter
- full assessment and recording of patient's medical history
- relevant physical examination
- review of prior records of relevant examinations, treatments and treatment response including substance abuse history
- receipt and review of relevant diagnostic test results
- discussion of advantages, disadvantages, alternatives, potential adverse effects and expected response to treatment
- development of plan of care with state goals of therapy
- monitoring of the response to treatment and possible adverse effects
- creation and maintenance of patient records documenting the information above
- communication with patient's primary care physician when applicable

The Boards expect that these medical encounters would be completed at permanent locations that enable the patient to return for follow-up, consultation or assistance as needed.

A physician failing to meet generally accepted standards of practice when certifying a patient to use marihuana for a medical condition may be found to be practicing below the acceptable standard of care and therefore may be subject to disciplinary action.

My Story for Legislation Speak

Ladies and Gentlemen,

My name is Vicki Nicholls. I am a lifetime resident of Macomb County, Michigan. I am a taxpayer and homeowner. I am also a Michigan Medical Marijuana Patient Cardholder.

I was diagnosed with Juvenile Rheumatoid Arthritis at the age of eighteen months old. Rheumatoid Autoimmune Disease, as it has been re-named, is a progressive, often fatal disease in which the immune system attacks the body's healthy tissue. Along with destroying the body's joints, it also attacks the heart, lungs and digestive track and causes severe chronic fatigue. I am so grateful to still be here to speak to you today.

As a two-year old, the doctors had me taking seventeen baby aspirin per day. The dose continued to increase throughout my early years. By the time I was twelve years old, Naproxen was the "new" drug on the market. I was on Naproxen for the next fifteen years. I excelled in school despite my agonizing pain. I was determine to graduate from college, and I did, from Oakland University. I got my Certified Public Accountant license and had a great career for eight years. After having bi-lateral hip replacement surgery at the young age of twenty-seven, I continued to work full-time.

My disease kept progressing. By the age of thirty, I developed Degenerative Disc Disease and Colitis, which are a direct result of the Rheumatoid Autoimmune Disease. This was the final straw. My doctor put me on disability. I was crushed. During the last ten years I have been on chemotherapy and biologic treatments for the Rheumatoid Autoimmune Disease and Colitis. The Colitis finally went into remission about three years ago, but the Rheumatoid Autoimmune Disease is still progressing.

About a year ago, I was in dire straits. I could no longer afford the skyrocketing co-pays for all the prescriptions I had to take. The co-pay for my biologic medicine was one thousand dollars per month. Along with have to get epidurals in my cervical spine, I was on twelve prescriptions including the painkiller Fetynel. My hands were so swollen, I could no longer drive or even hold a cup. My neck felt like someone was stabbing me over and over again. I was then introduced to cannibis oil at a local dispensary. After using the cannibis oil on my hands for only a few days, the swelling disappeared. My doctor was amazed. He actually called my fingers, "skinny". I also use cannibis orally for pain control. I have reduced my prescriptions needed from twelve to five. I am happy to report I have not had a major flare in months.

I do not use medical marijuana to get "high". I am not a "stoner". This plant is a miracle for me, not an illicit drug. Please consider my story for any legislative changes to the Michigan Medical Marijuana Act.

Vicki Nicholls
Michigan Medical Marijuana Patient Cardholder

586-212-8720
vicbonicholls@gmail.com