

SENATE BILL NO. 809

March 03, 2020, Introduced by Senators STAMAS, BARRETT, WOJNO, POLEHANKI, CHANG, VANDERWALL, SCHMIDT and HOLLIER and referred to the Committee on Health Policy and Human Services.

A bill to amend 1984 PA 323, entitled
"The health care false claim act,"
by amending section 4a (MCL 752.1004a), as amended by 2016 PA 80.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4a. (1) Neither of the following violates section 4:
2 (a) A rebate or discount from a drug manufacturer or from a
3 company that licenses or distributes the drugs of a drug
4 manufacturer to **or for the benefit of** a consumer for the
5 **administration or the** consumer's use of a drug manufactured or

1 licensed or distributed by the drug manufacturer or company,
2 including for consumer cost-sharing requirements for the
3 administration or drug. As used in this subdivision,
4 "administration" means injection, infusion, or similar means of
5 application.

6 (b) A monetary payment from a drug manufacturer to a consumer,
7 the consumer's health professional, or a vendor that has a contract
8 with the drug manufacturer, for a health care service that the
9 prescribing information of a qualified drug requires or recommends
10 for initiating drug therapy.

11 (2) This section does not alter any copayment, deductible,
12 coinsurance, or other cost-sharing requirements under a contract,
13 certificate, or policy issued by a health care corporation or
14 health care insurer.

15 (3) As used in this section:

16 (a) "Consumer's health professional" means a health
17 professional who did not prescribe the qualified drug or who does
18 not have a financial relationship to the health professional who
19 prescribed the qualified drug.

20 (b) "Health care service" means any of the following:

21 (i) Monitoring for bradycardia or atrioventricular conduction.

22 (ii) Monitoring blood pressure.

23 (iii) An electrocardiogram.

24 (iv) A cardiac evaluation by a physician.

25 (v) A complete blood count test.

26 (vi) A liver function test.

27 (vii) An eye examination for macular edema.

28 (viii) A pulmonary function test, if clinically indicated.

1 (ix) A vaccination.

2 (x) An additional service included in the prescribing
3 information by the United States Food and Drug Administration.

4 (c) "Health professional" means an individual who is licensed
5 or otherwise authorized to engage in a health profession under
6 article 15 of the public health code, 1978 PA 368, MCL 333.16101 to
7 333.18838.

8 (d) "Physician" means an individual licensed or otherwise
9 authorized to engage in the practice of medicine under part 170 of
10 the public health code, 1978 PA 368, MCL 333.17001 to ~~333.17084,~~
11 **333.17097**, or to engage in the practice of osteopathic medicine and
12 surgery under part 175 of the public health code, 1978 PA 368, MCL
13 333.17501 to 333.17556.

14 (e) "Qualified drug" means a drug that has a United States
15 Food and Drug Administration approved indication to treat multiple
16 sclerosis.