

DEPARTMENT OF HEALTH AND HUMAN SERVICES
POLICY AND INNOVATION DIVISION
NONOPIOD DIRECTIVE

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the department of health and human services by sections 2226, 2233, and 9145 of the public health code, 1978 PA 368, MCL 333.2226, 333.2233, and 333.9145)

R 333.1001, R 333.1002, R 333.1003, and R 333.1004 are added to the Michigan Administrative Code as follows:

R 333.1001 Recording directive form in medical record; electronic records.

Rule 1. (1) A health professional presented with a nonopioid directive must, without undue delay, record the directive in the individual's medical record.

(2) A nonopioid directive must be recorded in a manner, whether paper or electronic, that makes the directive available to other health professionals who may review the record.

(3) A nonopioid directive may be incorporated into an existing patient form or other documentation used by the health professional or health facility or agency.

R 333.1002 Revoking a nonopioid directive form.

Rule 2. (1) A nonopioid directive form filed by an individual may be revoked at any time and in any manner by which he or she is able to communicate his or her intent to revoke the form.

(2) A nonopioid directive form filed by a patient advocate or guardian may be revoked at any time by issuing the revocation in writing and providing notice of the revocation to the individual's health professional or his or her delegatee.

R 333.1003 Confidentiality.

Rule 3. A health professional who records, discloses, distributes, or otherwise interacts with a nonopioid directive form is required to abide by all relevant state and federal laws, rules, and regulations applicable to confidentiality of other similar health data.

R 333.1004 Exemptions; substance abuse disorder; hospice patient.

Rule 4. (1) A nonopioid directive does not preclude administration or prescription of opioids in either of the following:

(a) The opioid is administered or prescribed to treat the individual for a substance use disorder, and where the criteria set forth by MCL 333.9145(3) are met.

(b) The opioid is administered or prescribed to an individual who is a hospice patient.