

Michigan Office of Administrative Hearings and Rules

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**AGENCY REPORT TO THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)**

1. Agency Information

Agency name:

Health and Human Services

Division/Bureau/Office:

Policy and Legislative

Name of person completing this form:

Mary Brennan

Phone number of person completing this form:

517-284-4850

E-mail of person completing this form:

BrennanM@michigan.gov

Name of Department Regulatory Affairs Officer reviewing this form:

Mary Brennan

2. Rule Set Information

MOAHR assigned rule set number:

2021-31 HS

Title of proposed rule set:

Michigan Physician Orders for Scope of Treatment

3. Purpose for the proposed rules and background:

The purpose of these rules is to comply with the statutory mandate of MCL 333.5676(1)(c) in creating a form and instructions on how to complete the form, reauthorize, and/ or revoke the form. Michigan Physician's Orders for Scope of Treatment (MI POST) is an optional, 1 page, 2-sided medical order documenting a person's wish regarding his or her care in a health crisis. MI POST is a part of the advance care planning process that include choices about Cardiopulmonary Resuscitation (CPR), critical care, and other wanted care. It is intended to guide care only if the person cannot tell others what to do at that time. MI POST is signed by the patient/patient representative and the physician, nurse practitioner, or physician's assistant. MI POST's intended population is people with serious advanced illness or frailty.

4. Summary of proposed rules:

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Michigan Physician's Orders for Scope of Treatment (MI POST) is an optional, 1 page, 2-sided medical order documenting a person's wish regarding his or her care in a health crisis. MI POST is a part of the advance care planning process that include choices about Cardiopulmonary Resuscitation (CPR), critical care, and other wanted care. It is intended to guide care only if the person cannot tell others what to do at that time. The purpose of these rules is to comply with the statutory mandate of MCL 333.5676(1)(c) in creating this form and instructions on how to complete the form, reauthorize, and/ or revoke the form.

5. List names of newspapers in which the notice of public hearing was published and publication dates:

Oakland Press, November 10, 2021; Battle Creek Enquirer, November 10, 2021; Marquette Mining Journal, November 9, 2021.

6. Date of publication of rules and notice of public hearing in Michigan Register:

12/1/2021

7. Date, time, and location of public hearing:

12/6/2021 09:00 AM at South Grand Tower-First Floor, Room 1A , 333 South Grand Avenue, Lansing, MI 48933

8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:

<https://ARS.apps.lara.state.mi.us/Transaction/RFRTransaction?TransactionID=1289>

9. List of the name and title of agency representative(s) attending public hearing:

Brad Barron, Manager, Policy and Strategic Planning

10. Persons submitting comments of support:

Shannon Orłowski RN, BSN, Graham Healthcare Group

11. Persons submitting comments of opposition:

None

12. Persons submitting other comments:

Gabe Schneider, Munson Healthcare; Paige Fults, Michigan Health and Hospital Association; Diane Shields, MyMichigan Health; Monica Ward, Michigan Health Information Network Shared Services (MiHIN); Karen Smith, LCSW, Ph.D.,HEC-C, Henry Ford Health System; Amy Vandenbroucke, JD, National POLST; L. Raquel Clary-Lantis, DO, CMD, Trinity Health; Rena Ruehle, Spectrum Health; Linda Caurdy-Bess, LMSW Clinical & Macro, ACSW, ACM-SW

13. Identify any changes made to the proposed rules based on comments received during the public comment period:

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	Name & Organization	Comments made at public hearing	Written Comments	Agency Rationale for Rule Change and Description of Change(s) Made	Rule number & citation changed
1	Gabe Schneider, Munson Healthcare (Same comment from : Paige Fults, Diane Sheilds, Monica Ward, Karen Smith, Linda Caudry-Bess, Amy Vandenbroucke, L. Raquel Clary-Lantis.)		Remove “elderly” from rule and replace with adult; adult with advanced illness	MDHHS agrees with the requested change. The rule has been changed. The enacting legislation defines patient as "an adult with an advanced illness or means an adult with another medical condition that, despite available curative therapies or modulation, compromises his or her health so as to make death within 1 year foreseeable though not a specific or predicted prognosis.	R 325.82(1)
2	Gabe Schneider, Munson Healthcare (Same comment from : Paige Fults, Diane Sheilds, Monica Ward, Karen Smith, Linda Caudry-Bess, L. Raquel Clary-Lantis.		Modify the date “January 1, 2018” in Rule 325.82 (9) to reflect the delay in State rollout, rules promulgation process, and a 12-month transition process. • DHHS note-the majority of the public commenters requested a June 30, 2023 effective date.	MDHHS agrees with the requested change. The rule has been changed to extend effective date of June 30, 2023.	R 325.82(9)
3	Rena	"The first comment is		MDHHS agrees	R 325.82(3)

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<p>Ruehle, Spectrum Health</p>	<p>around, the rules around, pink card stock. And we believe that part of the strength of the MI-POST are the portability of these orders and we share information and transfer information digitally as health systems in our care entities.</p> <p>And so using pink card stock then as things get sent and resent and passed, it will make it very difficult to read.</p> <p>We've connected with other states who've expressed that same, that have been doing POST for many more years than we have, and so we really ask that instead of card stock, if we could use a pink border to highlight the MI-POST orders instead of card stock. This would also help with operations as we have many care locations that would be serving patients that could do a MI-POST and the complexity of operations of ensuring they have a printer that is able to print card stock and also have the pink card stock available adds complexity. And we</p>	<p>with the requested change. The rule has been changed.</p>
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	believe our, in our communities, we been using the out-of-hospital DNR orders on white paper for many years and our first responders have been successful in honoring those orders that are on white paper."			
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14.Date report completed:

3/18/2022