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To: MDHHS-AdminRules
Subject: Attention: Policy Analyst
Date: Wednesday, December 8, 2021 4:47:55 PM

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December 8, 2021

Department of Health and Human Services
Policy and Legislature
Administrative Rule for Michigan Physician Orders for Scope of Treatment
Rule Set 2021-31 HS

Attention: Policy Analyst
333 South Grand Avenue
5th Floor
Lansing, MI 48933
MDHHS-AdminRules@michigan.gov

Dear Policy Analyst,

I am writing on behalf of MyMichigan Health (fka MidMichigan Health) and respectfully submit the following suggestions regarding the Administrative Rules for the Michigan Physician Orders for Scope of Treatment, proposed Rules 325.81, et. seq (MI POST):

- Remove the limiting language, “those elderly” from 325.82(1) to ensure MI POST applies to all adult patients at end of life.
- Include detailed descriptions of the Medical Interventions in Section B of MDHHS 5836 instead of referring to form MDHHS 5837 for those details.
- Remove the question, “Valid DNR on file?” in Section A of the form as this is not relevant to the MI POST and may be confusing to first responders and physicians.
- Modify the date of January 1, 2018 in Rule 325.82(9) to demonstrate the delay in the State rollout and replace with a date in 2023 that will allow healthcare organizations and providers the time needed to prepare for the new form, provide education and develop processes.

The intent of the MI POST is to offer a portable medical order set to adults with medical frailty or serious illness near end of life, regardless of their age. Act 368 Section 333.5674(2) of the Public Health Code 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.” As written, draft Rule 325.82(1) only applies to “those elderly patients”, not all adults with a medical frailty or serious illness near end of life, greatly limiting the effectiveness of the Rule. It is the experience of MyMichigan Health that patients of all ages, not just the elderly, benefit when their end of life wishes are clearly defined. MyMichigan Health requests the removal of the words “those elderly” in Rule 325.82(1) to avoid excluding non elderly adult patients who would otherwise benefit from this portable medical order set.

It is imperative that these portable medical order sets are easily understood not only by the patient and signatory provider but also by the providers responding to a medical emergency. The proposed form would cause confusion as it fails to include the patient’s Medical Intervention choices and instead directs providers to a second document, MDHHS 5837.

It is also important that the Michigan Physician Orders for Scope of Treatment not only serve our patients within the state of Michigan, but align with the National POLST Taskforce. An example of a POLST form which meets these criteria is the Indiana POST. This form serves a comparable patient population, is limited to 2 pages, does not require referencing an additional form regarding Medical Interventions (MDHHS 5837), and does not include the question “Valid DNR on file”.

Thank you for your consideration of these comments. Any questions you may have should be directed to advance care planning staff at 989-839-3167.

Sincerely,

Diane Shields
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Marketing/Legislative Relations
MyMichigan Health
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