

THE HEALTH CARE FALSE CLAIM ACT (EXCERPT)
Act 323 of 1984

752.1004a Violation of MCL 752.1004; exceptions; cost-sharing requirements not altered; definitions.

Sec. 4a.

(1) Neither of the following violates section 4:

(a) A rebate or discount from a drug manufacturer or from a company that licenses or distributes the drugs of a drug manufacturer to or for the benefit of a consumer for the administration or the consumer's use of a drug manufactured or licensed or distributed by the drug manufacturer or company, including for consumer cost-sharing requirements for the administration or drug. As used in this subdivision, "administration" means injection, infusion, or similar means of application.

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

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

(3) As used in this section:

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

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

(i) Monitoring for bradycardia or atrioventricular conduction.

(ii) Monitoring blood pressure.

(iii) An electrocardiogram.

(iv) A cardiac evaluation by a physician.

(v) A complete blood count test.

(vi) A liver function test.

(vii) An eye examination for macular edema.

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

(ix) A vaccination.

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

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

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

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

History: Add. 2004, Act 411, Imd. Eff. Nov. 29, 2004 ;-- Am. 2016, Act 80, Eff. July 11, 2016 ;-- Am. 2020, Act 317, Imd. Eff. Dec. 29, 2020