



December 3, 2019

The Honorable Michael Webber  
N-894 House Office Building  
P.O. Box 30014  
Lansing, MI 48909

Chairman Webber:

Michigan Academy of Family Physicians (MAFP) has represented family physicians, family medicine resident physicians, and medical students in Michigan since 1948. Today we are the largest medical specialty association in the state, representing more than 4,200 members who serve primary healthcare needs in Michigan. Family physicians conduct approximately one in five medical office visits each year, more than any other medical specialty. Family medicine's cornerstone is an ongoing, personal patient-physician relationship focused on whole-person, integrated, comprehensive care.

Michigan is faced with a behavioral health provider shortage,<sup>1</sup> because of this shortage, patients receive treatment from their primary care providers. MAFP strongly opposes House Bill 4910, which would regulate the prescription of emotional support animals, as written. This legislation in the current form is broad and would place a great burden on health care providers, one they would often not be able to overcome, potentially leaving Michigan residents to choose between the treatment they need, or adequate housing.

"Health care provider" as defined on page two is far too broad and includes professions like dentists and veterinarians. This term should be narrowed to include a physician, physician assistant, or "mental health professional" as defined under MCL 330.1100b which states:

(16) "Mental health professional" means an individual who is trained and experienced in the area of mental illness or developmental disabilities and who is 1 of the following:

- (a) A physician.
- (b) A psychologist.
- (c) A registered professional nurse licensed or otherwise authorized to engage in the practice of nursing under part 172 of the public health code, 1978 PA 368, MCL 333.17201 to 333.17242.
- (d) A licensed master's social worker licensed or otherwise authorized to engage in the practice of social work at the master's level under part 185 of the public health code, 1978 PA 368, MCL 333.18501 to 333.18518.
- (e) A licensed professional counselor licensed or otherwise authorized to engage in the practice of counseling under part 181 of the public health code, 1978 PA 368, MCL 333.18101 to 333.18117.

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<sup>1</sup> <https://data.hrsa.gov/tools/shortage-area/hpsa-find>



(f) A marriage and family therapist licensed or otherwise authorized to engage in the practice of marriage and family therapy under part 169 of the public health code, 1978 PA 368, MCL 333.16901 to 333.16915.

The individual patients should be the party responsible for providing proper documentation to the landlord. Page 3 subsection (2), line 9-10, "health care provider" should be removed. Allowing a landlord to gather information from a health care provider would open the potential for fraud from individuals seeking access to patient information.

Michigan has established a definition of a patient-provider relationship. Requiring differing standards depending on the needed treatment is another excessive burden being placed on the physician. MAFP recommends using the relationship that is already established in the public health code to replace all of subsection (4) beginning on page 3. This should read as:

(4) "Bona fide provider-patient relationship" means a treatment or counseling relationship between a provider and a patient in which both of the following are present:

- (i) The provider has reviewed the patient's relevant medical or clinical records and completed a full assessment of the patient's medical history and current medical condition, including a relevant medical evaluation of the patient conducted in person or via telehealth.
- (ii) The provider has created and maintained records of the patient's condition in accordance with medically accepted standards

Throughout the legislation, the term "prescribe" is used to refer to a "health care provider" authorizing the benefits of an emotional support animal to the patient. This is an inaccurate term as not all professions licensed under article 15 of the public health act have prescriptive authority. MAFP recommends changing this to form like the one used for disables parking permits.

Finally, "health care provider" should be removed from section 5 on page four. These penalties were modeled after the punishment put in place in statute regulating service animals. Health care providers were not included in those penalties, and it is inappropriate to include them here. MAFP is opposed to all acts which criminalize the practice of medicine.

Sincerely,

A handwritten signature in black ink, appearing to read 'Glenn Dregansky' with a flourish at the end.

Glenn Dregansky, DO, FAAFP  
Chair, MAFP Advocacy Committee