

Legislative Analysis



REVISE ALLOWABLE ACCESS TO ELECTRONIC DATA SYSTEM FOR CONTROLLED SUBSTANCES

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House Bill 4192

Sponsor: Rep. Paul Scott

Committee: Health Policy

Complete to 3-2-11

A SUMMARY OF HOUSE BILL 4192 AS INTRODUCED 2-8-11

The bill would allow the Department of Community Health to provide data relating to the dispensing and prescribing of certain controlled substances to a practitioner for the purpose of determining whether prescriptions he or she had written had been dispensed.

The Department of Community Health (DCH) maintains an electronic system for monitoring Schedule 2, 3, 4, and 5 controlled substances that are dispensed by veterinarians and licensed pharmacists and dispensing prescribers. The data collected includes patient identifiers, the name and quantity of the controlled substance dispensed, the date dispensed, and the name of the prescriber and dispenser. Notwithstanding any practitioner-patient privilege, the director of the DCH is permitted by statute to provide data obtained by the electronic monitoring system to the licensing boards of those authorized to prescribe, administer, or dispense controlled substances; departmental employees; law enforcement officials who enforce drug laws; a state-operated Medicaid program; governmental employees who hold a search warrant or subpoena for the records; a practitioner or pharmacist who requests information for the purpose of providing medical or pharmaceutical treatment to a current patient; or an individual under contract to administer the electronic monitoring system.

House Bill 4192 would amend the Public Health Code (MCL 333.7333a) to add to the list described above a practitioner or other person who is authorized to prescribe controlled substances. However, access would be limited to the purpose of determining if prescriptions written by that practitioner or other person had been dispensed.

The bill would also delete an obsolete provision requiring a report by October 1, 2002 on the need for a paper prescription form that would minimize the potential for forgery.

(Note: The health code prohibits a person who receives data or any report from the DCH containing any patient identifiers of the electronic system from providing it to any other person or entity except by a court order.)

FISCAL IMPACT:

House Bill 4192 would result in minimal administrative costs, if any, for the Department of Community Health (DCH) as the Public Health Code would be amended to allow

DCH to provide data to a practitioner or other person who is authorized to prescribe controlled substances for the purposes of determining if the prescriptions written have been dispensed.

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