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BILL



ANALYSIS

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House Bill 5326 (Substitute S-1 as reported)
Sponsor: Representative Anthony G. Forlini
House Committee: Health Policy
Senate Committee: Health Policy

CONTENT

The bill would amend the Public Health Code to do the following regarding opioid antagonists:

- Include in the definition of "prescription" a standing order for an opioid antagonist issued by the chief medical executive of the State.
- Allow the chief medical executive to issue a standing order that did not identify a particular patient for the purpose of dispensing opioid antagonists to individuals.
- Allow a pharmacist to dispense an opioid antagonist to any individual pursuant to the standing order.
- Provide that the chief medical executive, or a pharmacist who dispensed an opioid antagonist as authorized under the bill, would not be liable in a civil action for damages resulting from the dispensing of the opioid antagonist or the administration of or the failure to administer an opioid antagonist.
- Require the Department of Licensing and Regulatory Affairs, in conjunction with the Department of Health and Human Services (DHHS), to promulgate rules to implement these provisions.
- Require a reference to the standing order to be included on a receipt furnished to the purchaser of the prescription drug.

The bill also would do the following with regard to an annual inventory of Schedule 2 through 5 controlled substances conducted by a person licensed to manufacture, distribute, prescribe, or dispense controlled substances:

- Delete a requirement that the person submit a report of the inventory to the Michigan Board of Pharmacy.
- Eliminate a \$25,000 civil fine for a violation of the inventory requirements.
- Require the person to retain the inventory for at least two years and make it available for inspection by DHHS upon request.

Additionally, the bill would do the following in relation to the State's controlled substances electronic monitoring system:

- Eliminate a December 31, 2016, sunset on a provision allowing the DHHS Director to share data from the system with a health care payment or benefit provider.
- Reenact a provision that expired on February 1, 2016, allowing DHHS to issue a request to a health care payment or benefit provider to determine how many times the provider accessed the system in the previous year.
- Eliminate a requirement that the Controlled Substances Advisory Commission include in its annual report on its activities and recommendations information on the system's implementation and effectiveness.

The bill also would establish an effective date of January 1, 2020, for continuing education requirements applicable to a licensee seeking renewal of a veterinarian's or veterinary technician's license.

MCL 333.7333a et al.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have an indeterminate, but likely minor fiscal impact on the Department of Licensing and Regulatory Affairs (LARA), and local units of government. Under the bill, LARA would be required to promulgate rules regarding the implementation of a standing order for opioid antagonists. The cost to promulgate rules would depend largely on their complexity, and those costs would be borne by existing LARA resources.

Additionally, the bill would have an indeterminate fiscal impact on the Department of Health and Human Services. Opioid antagonists are covered under the State's Medicaid program. To the extent that the bill would increase use of these prescription drugs, the State would face increased costs. If increased access to opioid antagonists resulted in a reduction in covered visits to hospitals for treatment of the effects of a drug overdose, the State would see a potential reduction in Medicaid costs that could partially or completely offset the costs related to increased use. The same cost impacts also would be reflected in health care costs for State and local governmental employees.

The bill also would remove a civil fine for failing to keep an annual inventory of all Schedule 2 to 5 controlled substances.

Date Completed: 11-30-16

Fiscal Analyst: Ellyn Ackerman
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.