

SUBSTITUTE FOR
SENATE BILL NO. 753

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding sections 16283, 16284, 16285,
16286, 16287, and 16288.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 16283. AS USED IN THIS SECTION AND SECTIONS 16284 TO
2 16288:

3 (A) "HEALTH PROFESSIONAL" MEANS AN INDIVIDUAL WHO IS ENGAGING
4 IN THE PRACTICE OF A HEALTH PROFESSION.

5 (B) "PRESCRIBER" MEANS THAT TERM AS DEFINED IN SECTION 17708.

6 (C) "TELEHEALTH" MEANS THE USE OF ELECTRONIC INFORMATION AND
7 TELECOMMUNICATION TECHNOLOGIES TO SUPPORT OR PROMOTE LONG-DISTANCE
8 CLINICAL HEALTH CARE, PATIENT AND PROFESSIONAL HEALTH-RELATED

1 EDUCATION, PUBLIC HEALTH, OR HEALTH ADMINISTRATION. TELEHEALTH MAY
2 INCLUDE, BUT IS NOT LIMITED TO, TELEMEDICINE. AS USED IN THIS
3 SUBDIVISION, "TELEMEDICINE" MEANS THAT TERM AS DEFINED IN SECTION
4 3476 OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.3476.

5 (D) "TELEHEALTH SERVICE" MEANS A HEALTH CARE SERVICE THAT IS
6 PROVIDED THROUGH TELEHEALTH.

7 SEC. 16284. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A
8 HEALTH PROFESSIONAL SHALL NOT PROVIDE A TELEHEALTH SERVICE WITHOUT
9 FIRST CONSULTING WITH THE PATIENT ABOUT RECEIVING THE HEALTH CARE
10 SERVICE OR OBTAINING THE PATIENT'S CONSENT TO RECEIVING THE HEALTH
11 CARE SERVICE FROM THE HEALTH PROFESSIONAL. THIS SECTION DOES NOT
12 APPLY TO A HEALTH PROFESSIONAL WHO IS PROVIDING A TELEHEALTH
13 SERVICE TO AN INMATE WHO IS UNDER THE JURISDICTION OF THE
14 DEPARTMENT OF CORRECTIONS AND IS HOUSED IN A CORRECTIONAL FACILITY.

15 SEC. 16285. A HEALTH PROFESSIONAL WHO IS PROVIDING A
16 TELEHEALTH SERVICE MAY PRESCRIBE THE PATIENT A DRUG IF BOTH OF THE
17 FOLLOWING ARE MET:

18 (A) THE HEALTH PROFESSIONAL IS A PRESCRIBER.

19 (B) THE DRUG IS NOT A CONTROLLED SUBSTANCE.

20 SEC. 16286. IN A MANNER CONSISTENT WITH THIS PART AND IN
21 ADDITION TO THE PROVISIONS SET FORTH IN THIS PART, A DISCIPLINARY
22 SUBCOMMITTEE MAY PLACE RESTRICTIONS OR CONDITIONS ON A HEALTH
23 PROFESSIONAL'S ABILITY TO PROVIDE A TELEHEALTH SERVICE IF THE
24 DISCIPLINARY SUBCOMMITTEE FINDS THAT THE HEALTH PROFESSIONAL HAS
25 VIOLATED SECTION 16284 OR 16285.

26 SEC. 16287. THE DEPARTMENT, IN CONSULTATION WITH A BOARD, MAY
27 PROMULGATE RULES TO IMPLEMENT SECTIONS 16284 AND 16285.

1 SEC. 16288. SECTIONS 16284 TO 16287 DO NOT DO ANY OF THE
2 FOLLOWING:

3 (A) REQUIRE NEW OR ADDITIONAL THIRD PARTY REIMBURSEMENT FOR
4 HEALTH CARE SERVICES RENDERED BY A HEALTH PROFESSIONAL THROUGH
5 TELEHEALTH.

6 (B) LIMIT THE PROVISION OF A HEALTH CARE SERVICE OTHERWISE
7 ALLOWED BY LAW.

8 (C) AUTHORIZE A HEALTH CARE SERVICE OTHERWISE PROHIBITED BY
9 LAW.

10 Enacting section 1. This amendatory act takes effect 90 days
11 after the date it is enacted into law.