

Act No. 359
Public Acts of 2016
Approved by the Governor
December 21, 2016
Filed with the Secretary of State
December 21, 2016
EFFECTIVE DATE: March 29, 2017

**STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016**

Introduced by Senators MacGregor, Marleau, Nofs, Knollenberg, Booher, Stamas and Hertel

ENROLLED SENATE BILL No. 753

AN ACT to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” (MCL 333.1101 to 333.25211) by adding sections 16283, 16284, 16285, 16286, 16287, and 16288.

The People of the State of Michigan enact:

Sec. 16283. As used in this section and sections 16284 to 16288:

(a) “Health professional” means an individual who is engaging in the practice of a health profession.

(b) “Prescriber” means that term as defined in section 17708.

(c) “Telehealth” means the use of electronic information and telecommunication technologies to support or promote long-distance clinical health care, patient and professional health-related education, public health, or health administration. Telehealth may include, but is not limited to, telemedicine. As used in this subdivision, “telemedicine” means that term as defined in section 3476 of the insurance code of 1956, 1956 PA 218, MCL 500.3476.

(d) “Telehealth service” means a health care service that is provided through telehealth.

Sec. 16284. Except as otherwise provided in this section, a health professional shall not provide a telehealth service without directly or indirectly obtaining consent for treatment. This section does not apply to a health professional who is providing a telehealth service to an inmate who is under the jurisdiction of the department of corrections and is housed in a correctional facility.

Sec. 16285. A health professional who is providing a telehealth service may prescribe the patient a drug if both of the following are met:

- (a) The health professional is a prescriber.
- (b) The drug is not a controlled substance.

Sec. 16286. In a manner consistent with this part and in addition to the provisions set forth in this part, a disciplinary subcommittee may place restrictions or conditions on a health professional's ability to provide a telehealth service if the disciplinary subcommittee finds that the health professional has violated section 16284 or 16285.

Sec. 16287. The department, in consultation with a board, may promulgate rules to implement sections 16284 and 16285.

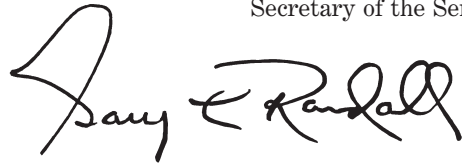
Sec. 16288. Sections 16284 to 16287 do not do any of the following:

- (a) Require new or additional third party reimbursement for health care services rendered by a health professional through telehealth.
- (b) Limit the provision of a health care service otherwise allowed by law.
- (c) Authorize a health care service otherwise prohibited by law.

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



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor