

HOUSE BILL No. 5668

February 28, 2018, Introduced by Reps. Hoitenga, LaSata and Wentworth and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7303a (MCL 333.7303a), as amended by 2017 PA 249.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7303a. (1) A prescriber who holds a controlled substances
2 license may administer or dispense a controlled substance listed in
3 schedules 2 to 5 without a separate controlled substances license
4 for those activities.

5 (2) Except as otherwise provided in rules promulgated under
6 section 16204e, beginning March 31, 2018, a licensed prescriber
7 shall not prescribe a controlled substance listed in schedules 2 to
8 5 unless the prescriber is in a bona fide prescriber-patient
9 relationship with the patient for whom the controlled substance is

1 being prescribed. Except as otherwise provided in this subsection,
2 if a licensed prescriber prescribes a controlled substance under
3 this subsection, the prescriber shall provide follow-up care to the
4 patient to monitor the efficacy of the use of the controlled
5 substance as a treatment of the patient's medical condition. If the
6 licensed prescriber is unable to provide follow-up care, he or she
7 shall refer the patient to the patient's primary care provider for
8 follow-up care or, if the patient does not have a primary care
9 provider, he or she shall refer the patient to another licensed
10 prescriber who is geographically accessible to the patient for
11 follow-up care.

12 (3) Before prescribing or dispensing a controlled substance to
13 a patient, a licensed prescriber shall ask the patient about other
14 controlled substances the patient may be using. The prescriber
15 shall record the patient's response in the patient's medical or
16 clinical record.

17 (4) Beginning June 1, 2018, before prescribing or dispensing
18 to a patient a controlled substance in a quantity that exceeds a 3-
19 day supply, a licensed prescriber shall obtain and review a report
20 concerning that patient from the electronic system for monitoring
21 schedule 2, 3, 4, and 5 controlled substances established under
22 section 7333a. This subsection does not apply under any of the
23 following circumstances:

24 (a) If the dispensing occurs in a hospital or freestanding
25 surgical outpatient facility licensed under article 17 and the
26 controlled substance is administered to the patient in that
27 hospital or facility.

1 (b) If the patient is an animal as that term is defined in
2 section 18802, the dispensing occurs in a veterinary hospital or
3 clinic and the controlled substance is administered to the patient
4 in that hospital or clinic.

5 (c) If the controlled substance is prescribed by a licensed
6 prescriber who is a veterinarian and the controlled substance will
7 be dispensed by a pharmacist.

8 **(D) IF THE CONTROLLED SUBSTANCE IS PRESCRIBED BY A LICENSED**
9 **PRESCRIBER FOR THE PATIENT OF A HOSPICE.**

10 (5) Beginning June 1, 2018, before prescribing or dispensing a
11 controlled substance to a patient, a licensed prescriber shall
12 register with the electronic system for monitoring schedule 2, 3,
13 4, and 5 controlled substances established under section 7333a.

14 (6) A licensed prescriber who dispenses controlled substances
15 shall maintain all of the following records separately from other
16 prescription records:

17 (a) All invoices and other acquisition records for each
18 controlled substance acquired by the prescriber for not less than 5
19 years after the date the prescriber acquires the controlled
20 substance.

21 (b) A log of all controlled substances dispensed by the
22 prescriber for not less than 5 years after the date the controlled
23 substance is dispensed.

24 (c) Records of all other dispositions of controlled substances
25 under the licensee's control for not less than 5 years after the
26 date of the disposition.

27 (7) The requirement under section 7303 for a license is waived

1 in the following circumstances:

2 (a) When a controlled substance listed in schedules 2 to 5 is
3 administered on the order of a licensed prescriber by an individual
4 who is licensed under article 15 as a practical nurse or a
5 registered professional nurse.

6 (b) When methadone or a methadone congener is dispensed on the
7 order of a licensed prescriber in a methadone treatment program
8 licensed under article 6 or when a controlled substance listed in
9 schedules 2 to 5 is dispensed on the order of a licensed prescriber
10 in a hospice rendering emergency care services in a patient's home
11 as described in section 17746 by a registered professional nurse
12 licensed under article 15.

13 (8) As used in this section:

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

17 (i) The prescriber has reviewed the patient's relevant medical
18 or clinical records and completed a full assessment of the
19 patient's medical history and current medical condition, including
20 a relevant medical evaluation of the patient conducted in person or
21 via telehealth.

22 (ii) The prescriber has created and maintained records of the
23 patient's condition in accordance with medically accepted
24 standards.

25 **(B) "HOSPICE" MEANS THAT TERM AS DEFINED IN SECTION 20106.**

26 **(C) ~~(b)~~"Telehealth"** means that term as defined in section
27 16283.