

HOUSE BILL No. 6288

August 15, 2018, Introduced by Rep. Vaupel 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 2018 PA
101.

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, 2019 or, if rules are
7 promulgated under section 16204e before March 31, 2019, on the date
8 on which rules are promulgated under section 16204e, a licensed
9 prescriber shall not prescribe a controlled substance listed in

schedules 2 to 5 unless the prescriber is in a bona fide prescriber-patient relationship with the patient for whom the controlled substance is being prescribed. Except as otherwise provided in this subsection, if a licensed prescriber prescribes a controlled substance under this subsection, the prescriber shall provide follow-up care to the patient to monitor the efficacy of the use of the controlled substance as a treatment of the patient's medical condition. If the licensed prescriber is unable to provide follow-up care, he or she shall refer the patient to the patient's primary care provider for follow-up care or, if the patient does not have a primary care provider, he or she shall refer the patient to another licensed prescriber who is geographically accessible to the patient for follow-up care.

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

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

(a) If the dispensing occurs in a hospital or freestanding surgical outpatient facility licensed under article 17 and the

1 controlled substance is administered to the patient in that
2 hospital or facility.

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

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

10 **(D) IF THE CONTROLLED SUBSTANCE IS PRESCRIBED FOR THE**
11 **TREATMENT OF EPILEPSY OR SEIZURE DISORDER AND IS APPROVED BY THE**
12 **FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OR THERAPY**
13 **OF A PATIENT WITH EPILEPSY OR SEIZURE DISORDER.**

14 (5) Beginning June 1, 2018, before prescribing or dispensing a
15 controlled substance to a patient, a licensed prescriber shall
16 register with the electronic system for monitoring schedule 2, 3,
17 4, and 5 controlled substances established under section 7333a.

18 (6) A licensed prescriber who dispenses controlled substances
19 shall maintain all of the following records separately from other
20 prescription records:

21 (a) All invoices and other acquisition records for each
22 controlled substance acquired by the prescriber for not less than 5
23 years after the date the prescriber acquires the controlled
24 substance.

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

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

4 (7) The requirement under section 7303 for a license is waived
5 in the following circumstances:

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

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

17 (8) As used in this section:

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

21 (i) The prescriber has reviewed the patient's relevant medical
22 or clinical records and completed a full assessment of the
23 patient's medical history and current medical condition, including
24 a relevant medical evaluation of the patient conducted in person or
25 through telehealth.

26 (ii) The prescriber has created and maintained records of the
27 patient's condition in accordance with medically accepted

1 standards.

2 (B) "EPILEPSY OR SEIZURE DISORDER" INCLUDES, BUT IS NOT
3 LIMITED TO, ANY OF THE FOLLOWING:

4 (i) A NEUROLOGICAL DISEASE DIAGNOSED WHEN AN INDIVIDUAL HAS
5 RECURRENT AND UNPROVOKED SEIZURES OR IS AT HIGH RISK OF SEIZURES.

6 (ii) A DIAGNOSED EPILEPSY SYNDROME.

7 (iii) A CONDITION OF THE BRAIN CAUSING SEIZURE ACTIVITY,
8 REGARDLESS OF ONSET ORIGIN.

9 (C) ~~(b)~~—"Telehealth" means that term as defined in section
10 16283.

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