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House Bill 4217 (Substitute S-3 as reported)
Sponsor: Representative Joseph N. Bellino, Jr.
House Committee: Health Policy
 Ways and Means
Senate Committee: Health Policy and Human Services

CONTENT

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

- Beginning January 1, 2021, require a prescriber or his or her agent to transmit a prescription, including a prescription for a controlled substance, electronically to a pharmacy of the patient's choice.
- Specify certain circumstances under which the requirement to transmit a prescription electronically would not apply.
- Allow a prescriber to apply to the Department of Licensing and Regulatory Affairs (LARA) for a waiver, and require LARA to develop by rule the requirements for obtaining a waiver.
- Specify that the rules could not be more stringent than any requirements by the Federal Centers for Medicare and Medicaid Services (CMS) for waiving the Medicare requirement for the electronic transmission of controlled substance prescriptions.
- Allow LARA to grant a waiver to a prescriber who provided evidence satisfactory to LARA that the prescriber had received a waiver of the Medicare requirement for the electronic transmission of controlled prescriptions from the Federal CMS.
- Require LARA, in consultation with the Board of Pharmacy, to promulgate rules to implement the bill's provisions.
- Specify that, if the Federal Centers for Medicare and Medicaid Services delayed the Medicare requirement for the electronic transmission of prescriptions for controlled substances beyond January 1, 2021, LARA would have to delay the implementation of the electronic transmission requirement.

MCL 333.17754 et al.

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The cost of promulgating rules and monitoring compliance with the new requirements likely would be absorbed by existing appropriations.

Date Completed: 6-22-20

Fiscal Analyst: Elizabeth Raczkowski