

**SUBSTITUTE FOR
SENATE BILL NO. 127**

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 **and for a patient who is under the care of a hospice**
7 **licensed under article 17**, beginning March 31, 2019 or, if rules
8 are promulgated under section 16204e before March 31, 2019, on the



1 date on which rules are promulgated under section 16204e, a
2 licensed prescriber shall not prescribe a controlled substance
3 listed in schedules 2 to 5 unless the prescriber is in a bona fide
4 prescriber-patient relationship with the patient for whom the
5 controlled substance is being prescribed. Except as otherwise
6 provided in this subsection, if a licensed prescriber prescribes a
7 controlled substance under this subsection, the prescriber shall
8 provide follow-up care to the patient to monitor the efficacy of
9 the use of the controlled substance as a treatment of the patient's
10 medical condition. If the licensed prescriber is unable to provide
11 follow-up care, he or she shall refer the patient to the patient's
12 primary care provider for follow-up care or, if the patient does
13 not have a primary care provider, he or she shall refer the patient
14 to another licensed prescriber who is geographically accessible to
15 the patient for follow-up care.

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

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

28 (a) If the dispensing occurs in a hospital or freestanding
29 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 patient is a patient of a hospice licensed under**
11 **article 17 and the licensed prescriber has obtained and reviewed a**
12 **report concerning the patient from the electronic system described**
13 **in this subsection at the time the patient was admitted to the**
14 **hospice.**

15 (5) Beginning June 1, 2018, before prescribing or dispensing a
16 controlled substance to a patient, a licensed prescriber shall
17 register with the electronic system for monitoring schedule 2, 3,
18 4, and 5 controlled substances established under section 7333a.

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

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

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

29 (c) Records of all other dispositions of controlled substances



1 under the licensee's control for not less than 5 years after the
2 date of the disposition.

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

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

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

16 ~~(8) As used in this section:~~

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

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

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

28 ~~(b) "Telehealth" means that term as defined in section 16283.~~

29 Enacting section 1. This amendatory act does not take effect



1 unless Senate Bill No. 128 of the 100th Legislature is enacted into
2 law.

