

HOUSE BILL NO. 5045

October 08, 2019, Introduced by Reps. Vaupel, Whiteford and Garrett 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 2019 PA
43.

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



1 for those activities.

2 (2) Except as otherwise provided in rules promulgated under
3 section 16204e and for a patient who is under the care of a
4 hospice, beginning March 31, 2019 or, if rules are promulgated
5 under section 16204e before March 31, 2019, on the date on which
6 rules are promulgated under section 16204e, 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
10 being prescribed. Except as otherwise provided in this subsection,
11 if a licensed prescriber prescribes a controlled substance under
12 this subsection, the prescriber shall provide follow-up care to the
13 patient to monitor the efficacy of the use of the controlled
14 substance as a treatment of the patient's medical condition. If the
15 licensed prescriber is unable to provide follow-up care, he or she
16 shall refer the patient to the patient's primary care provider for
17 follow-up care or, if the patient does not have a primary care
18 provider, he or she shall refer the patient to another licensed
19 prescriber who is geographically accessible to the patient for
20 follow-up care.

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

26 (4) Beginning June 1, 2018, before prescribing or dispensing
27 to a patient a controlled substance in a quantity that exceeds a 3-
28 day supply, a licensed prescriber shall obtain and review a report
29 concerning that patient from the electronic system for monitoring

1 schedule 2, 3, 4, and 5 controlled substances established under
2 section 7333a. This subsection does not apply under any of the
3 following circumstances:

4 (a) If the dispensing occurs in a hospital or freestanding
5 surgical outpatient facility licensed under article 17 and the
6 controlled substance is administered to the patient in that
7 hospital or facility.

8 (b) If the patient is an animal as that term is defined in
9 section 18802, the dispensing occurs in a veterinary hospital or
10 clinic and the controlled substance is administered to the patient
11 in that hospital or clinic.

12 (c) If the controlled substance is prescribed by a licensed
13 prescriber who is a veterinarian and the controlled substance will
14 be dispensed by a pharmacist.

15 (d) If the patient is under the care of a hospice and the
16 report described in this subsection was obtained and reviewed at
17 the time the patient was admitted to the hospice.

18 **(e) If the controlled substance is prescribed for the**
19 **treatment of epilepsy or seizure disorder and is approved by the**
20 **federal Food and Drug Administration for the treatment or therapy**
21 **of a patient with epilepsy or seizure disorder. As used in this**
22 **subdivision, "epilepsy or seizure disorder" includes, but is not**
23 **limited to, any of the following:**

24 **(i) A neurological disease diagnosed when an individual has**
25 **recurrent and unprovoked seizures or is at high risk of seizures.**

26 **(ii) A diagnosed epilepsy syndrome.**

27 **(iii) A condition of the brain causing seizure activity,**
28 **regardless of onset origin.**

29 (5) Beginning June 1, 2018, before prescribing or dispensing a



1 controlled substance to a patient, a licensed prescriber shall
2 register with the electronic system for monitoring schedule 2, 3,
3 4, and 5 controlled substances established under section 7333a.

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

7 (a) All invoices and other acquisition records for each
8 controlled substance acquired by the prescriber for not less than 5
9 years after the date the prescriber acquires the controlled
10 substance.

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

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

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

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

23 (b) When methadone or a methadone congener is dispensed on the
24 order of a licensed prescriber in a methadone treatment program
25 licensed under article 6 or when a controlled substance listed in
26 schedules 2 to 5 is dispensed on the order of a licensed prescriber
27 in a hospice rendering emergency care services in a patient's home
28 as described in section 17746 by a registered professional nurse
29 licensed under article 15.



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

