

# SENATE BILL NO. 127

February 26, 2019, Introduced by Senators VANDERWALL, HERTEL, GEISS, WOJNO, ANANICH, VICTORY, BAYER, BARRETT, POLEHANKI, RUNESTAD and CHANG and referred to the Committee on Health Policy and Human Services.

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

1 license may administer or dispense a controlled substance listed in  
2 schedules 2 to 5 without a separate controlled substances license  
3 for those activities.

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

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

28 (4) Beginning June 1, 2018, before prescribing or dispensing  
29 to a patient a controlled substance in a quantity that exceeds a 3-

1 day supply, a licensed prescriber shall obtain and review a report  
2 concerning that patient from the electronic system for monitoring  
3 schedule 2, 3, 4, and 5 controlled substances established under  
4 section 7333a. This subsection does not apply under any of the  
5 following circumstances:

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

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

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

17 **(d) If the patient is under the care of a hospice.**

18 (5) Beginning June 1, 2018, before prescribing or dispensing a  
19 controlled substance to a patient, a licensed prescriber shall  
20 register with the electronic system for monitoring schedule 2, 3,  
21 4, and 5 controlled substances established under section 7333a.

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

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

29 (b) A log of all controlled substances dispensed by the

1 prescriber for not less than 5 years after the date the controlled  
2 substance is dispensed.

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

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

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

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

19 (8) As used in this section, ÷

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

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

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

1 ~~standards.~~

2 ~~(b) "Telehealth" means that term as defined in section~~

3 ~~16283.~~ **"hospice" means that term as defined in section 20106.**

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

5 unless Senate Bill No.128 of the 100th Legislature is enacted into

6 law.