

HOUSE BILL No. 4525

March 22, 1989, Introduced by Reps. Gire, Bennane, Hunter, DeBeaussaert, Pitoniak, Stabenow, Miller and Martin and referred to the Committee on Public Health.

A bill to amend section 7334 of Act No. 368 of the Public Acts of 1978, entitled as amended

"Public health code,"

as added by Act No. 60 of the Public Acts of 1988, being section 333.7334 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 7334 of Act No. 368 of the Public Acts
2 of 1978, as added by Act No. 60 of the Public Acts of 1988, being
3 section 333.7334 of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 7334. (1) A prescription for a controlled substance
6 included in schedule 2 shall be recorded on an official prescrip-
7 tion form that meets the requirements of subsection ~~-(2)-~~ (3)
8 and is issued to practitioners by the department of licensing and
9 regulation. ~~No~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2),

1 NOT more than 1 prescription shall be recorded on each form. The
2 department of licensing and regulation shall issue the official
3 prescription forms to practitioners ~~for no~~ FREE OF charge.

4 (2) A PRACTITIONER EMPLOYED BY OR UNDER CONTRACT TO A SUB-
5 STANCE ABUSE TREATMENT PROGRAM LICENSED UNDER PART 62 TO TREAT
6 OPIATE ADDICTION WITH THE DRUG METHADONE SHALL DO ALL OF THE
7 FOLLOWING:

8 (A) ON THE FIRST WORKING DAY OF EACH MONTH, COMPLETE AN
9 OFFICIAL PRESCRIPTION FORM FOR THE ENTIRE PROGRAM INDICATING THE
10 TOTAL AMOUNT OF METHADONE ADMINISTERED OR DISPENSED AND THE TOTAL
11 NUMBER OF PATIENTS WHO RECEIVED THE METHADONE DURING THE PREVIOUS
12 MONTH.

13 (B) COMPLY WITH FEDERAL LAW REGARDING THE CONFIDENTIALITY OF
14 CLIENT INFORMATION.

15 (C) FORWARD COPY 1 OF THE OFFICIAL PRESCRIPTION FORM TO THE
16 DEPARTMENT OF LICENSING AND REGULATION BY THE FIFTEENTH DAY OF
17 THE MONTH IN WHICH THE FORM WAS COMPLETED.

18 (3) ~~-(2)-~~ Each official prescription form used to prescribe
19 a controlled substance included in schedule 2 shall be serially
20 numbered and in triplicate, with the first copy labeled 'copy 1',
21 the second copy labeled 'copy 2', and the third copy labeled
22 'copy 3'. Each form shall contain spaces for all of the
23 following:

24 (a) The date the prescription is written.

25 (b) The date the prescription is filled.

1 (c) The controlled substance prescribed, the dosage, THE
2 QUANTITY, IN BOTH WRITTEN AND NUMERICAL TERMS, and instructions
3 for use.

4 (d) The name, address, and federal drug enforcement adminis-
5 tration number of the dispensing pharmacy and the STATE LICENSE
6 NUMBER AND SIGNATURE OR initials of the pharmacist who fills the
7 prescription.

8 (E) THE NAME, ADDRESS, STATE LICENSE NUMBER, FEDERAL DRUG
9 ENFORCEMENT ADMINISTRATION NUMBER, AND SIGNATURE OF THE PRESCRIB-
10 ING PRACTITIONER.

11 (F) ~~(e)~~ The name, address, and age of the ~~person~~ PATIENT
12 OR OWNER OF AN ANIMAL for whom the controlled substance is
13 prescribed.

14 ~~(f) The name, address, and age of the authorized agent, if~~
15 ~~any, for the ultimate user.~~

16 (G) A BOX THAT, IF CHECKED, INDICATES THAT THE CONTROLLED
17 SUBSTANCE WAS DISPENSED BY A PRESCRIBING PRACTITIONER.

18 (4) ~~(3)~~ A prescribing practitioner shall do all of the
19 following:

20 (a) Fill in on all 3 copies of the prescription form, in the
21 space provided, all of the following:

22 (i) The date the prescription is written.

23 (ii) The controlled substance prescribed, the dosage, THE
24 QUANTITY, IN BOTH WRITTEN AND NUMERICAL TERMS, and instructions
25 for use.

1 (iii) The name, address, and age of the patient or ~~, in the~~
2 ~~case of an animal, its~~ owner ~~,~~ OF AN ANIMAL for whom the
3 controlled substance is prescribed.

4 (iv) ~~The name, address, and age of the authorized agent for~~
5 ~~the ultimate user and if none, indicate "none".~~ IF THE CON-
6 TROLLED SUBSTANCE IS PRESCRIBED FOR AN ANIMAL, THE NAME OF THE
7 ANIMAL.

8 (b) Sign copies 1 and 2 of the official prescription form
9 and, except for an oral prescription prescribed under
10 section 7333, give them to the person authorized to receive the
11 prescription. If the prescribing practitioner signs copy 1 of
12 the form and in so doing produces a ~~carbon~~ LEGIBLE copy of the
13 signature on copy 2, the prescribing practitioner ~~shall be~~ IS
14 in compliance with this subdivision.

15 (c) Retain copy 3 of the official prescription form with the
16 prescribing practitioner's records for a period of not less than
17 5 years from the date the prescription is written.

18 (5) IF A PRESCRIBING PRACTITIONER DISPENSES A CONTROLLED
19 SUBSTANCE INCLUDED IN SCHEDULE 2, THE PRESCRIBING PRACTITIONER
20 SHALL DO ALL OF THE FOLLOWING:

21 (A) FILL IN ON ALL 3 COPIES OF THE OFFICIAL PRESCRIPTION
22 FORM, IN THE SPACE PROVIDED, ALL OF THE FOLLOWING:

23 (i) THE DATE THE CONTROLLED SUBSTANCE IS DISPENSED.

24 (ii) THE CONTROLLED SUBSTANCE DISPENSED, THE DOSAGE, THE
25 QUANTITY, IN BOTH WRITTEN AND NUMERICAL TERMS, AND INSTRUCTIONS
26 FOR USE.

1 (iii) THE NAME, ADDRESS, AND AGE OF THE PATIENT OR OWNER OF
2 AN ANIMAL FOR WHOM THE CONTROLLED SUBSTANCE IS DISPENSED.

3 (iv) IF THE CONTROLLED SUBSTANCE IS DISPENSED FOR AN ANIMAL,
4 THE NAME OF THE ANIMAL.

5 (v) THE BOX DESCRIBED IN SUBSECTION (3)(G).

6 (B) SIGN COPIES 1 AND 2 OF THE OFFICIAL PRESCRIPTION FORM
7 AND FORWARD COPY 1 TO THE DEPARTMENT OF LICENSING AND REGULATION
8 BY THE FIFTEENTH DAY OF THE MONTH FOLLOWING THE MONTH IN WHICH
9 THE CONTROLLED SUBSTANCE WAS DISPENSED. IF THE PRESCRIBING PRAC-
10 TITIONER SIGNS COPY 1 OF THE OFFICIAL PRESCRIPTION FORM AND IN SO
11 DOING PRODUCES A LEGIBLE COPY OF THE SIGNATURE ON COPY 2, THE
12 PRESCRIBING PRACTITIONER IS IN COMPLIANCE WITH THIS SUBDIVISION.

13 (C) RETAIN COPY 2 OF THE OFFICIAL PRESCRIPTION FORM AS A
14 DISPENSING RECORD.

15 (D) RETAIN COPY 3 OF THE OFFICIAL PRESCRIPTION FORM WITH THE
16 PRESCRIBING PRACTITIONER'S RECORDS FOR A PERIOD OF NOT LESS THAN
17 5 YEARS FROM THE DATE THE PRESCRIPTION IS WRITTEN.

18 (6) ~~-(4)-~~ For an oral prescription prescribed under
19 section 7333(2), the prescribing practitioner shall give the dis-
20 pensing pharmacy the information needed by the dispensing phar-
21 macy to fill the prescription. The prescribing practitioner
22 shall complete and forward the first and second copies of the
23 official prescription form to the dispensing pharmacy within 72
24 hours after issuing the oral prescription. If the dispensing
25 pharmacist does not receive the first and second copies of the
26 official prescription form within the 72-hour period, the

1 dispensing pharmacist ~~immediately shall~~ MAY notify the
2 department of licensing and regulation.

3 (7) ~~(5)~~ Each dispensing pharmacist shall do all of the
4 following:

5 (a) Fill in on copies 1 and 2 of the official prescription
6 form, in the space provided, the information not required to be
7 filled in by the prescribing practitioner or the department of
8 licensing and regulation.

9 (b) Retain copy 2 with the records of the pharmacy for a
10 period of not less than 5 years.

11 (c) Sign OR INITIAL copy 1 and ~~send~~ FORWARD it to the
12 department of licensing and regulation by the fifteenth of the
13 month following the month in which the prescription was written.

14 (d) ~~By the fifteenth of the month following the month in~~
15 ~~which the prescription was written, transmit to the department a~~
16 ~~copy of each prescription for a schedule 2 controlled substance,~~
17 ~~as described in section 7333(3)(c), or a document for each such~~
18 ~~prescription which contains all of the following information:~~

19 WHEN FILLING A PRESCRIPTION FOR A CONTROLLED SUBSTANCE INCLUDED
20 IN SCHEDULE 2 FOR A PRESCRIBING PRACTITIONER WHO IS EXEMPTED
21 UNDER SECTION 7333(3)(E) FROM USING OFFICIAL PRESCRIPTION FORMS,
22 A PHARMACIST SHALL, BY THE FIFTEENTH OF THE MONTH FOLLOWING THE
23 MONTH IN WHICH THE PRESCRIPTION WAS WRITTEN, FORWARD A COPY OF
24 THE PRESCRIPTION FORM USED OR A DOCUMENT PROVIDED BY THE DEPART-
25 MENT OF LICENSING AND REGULATION FOR EACH SUCH PRESCRIPTION THAT
26 CONTAINS ALL OF THE FOLLOWING INFORMATION:

(i) The date the prescription is written.

(ii) The date the prescription is filled.

(iii) The controlled substance ~~and~~ PRESCRIBED, the dosage,
~~prescribed~~ AND THE QUANTITY.

(iv) The name, address, and drug enforcement administration
number of the prescribing practitioner.

(v) The name, ~~and~~ address, AND AGE of the patient.

(vi) The name, ~~and~~ address, AND STATE LICENSE NUMBER of
the dispensing pharmacist.

(8) ~~(6)~~ If a prescribing practitioner has failed to fill
in all of the information required under subsection ~~(3)(a)~~
(4)(A), the dispensing pharmacist may complete the information on
the back of copy 1. The dispensing pharmacist shall not change
or add information on the front of copy 1. If the department of
licensing and regulation determines that a prescribing practi-
tioner is failing to fill in the required information, the
department of licensing and regulation shall so notify the pre-
scribing practitioner.

(9) ~~(7)~~ A practitioner in possession of official prescrip-
tion forms issued under subsection (1) whose license to dispense
or practice, or whose federal drug enforcement administration
number, is suspended or revoked, shall, within 7 days after the
date the suspension or revocation becomes effective, return to
the department of licensing and regulation all official prescrip-
tion forms which have not been used to issue prescriptions. An
individual who violates this subsection is guilty of a
misdemeanor.

1 (10) ~~(8)~~ The director of the department of licensing and
2 regulation shall permit access to information submitted to the
3 department of licensing and regulation under this section only to
4 the following individuals:

5 (a) Employees and agents of the department of licensing and
6 regulation authorized by the director of the department of
7 licensing and regulation.

8 (b) Employees of ~~the department of state police authorized~~
9 ~~by the administrator for the purpose of cooperating and assisting~~
10 ~~a governmental agency which is responsible for the enforcement of~~
11 ~~laws relating to controlled substances or a~~ A GOVERNMENTAL
12 AGENCY THAT IS RESPONSIBLE FOR THE ENFORCEMENT OF LAWS PERTAINING
13 TO CONTROLLED SUBSTANCES AND IS AUTHORIZED BY THE DIRECTOR OF THE
14 DEPARTMENT OF LICENSING AND REGULATION.

15 (c) A prescribing practitioner concerning an individual sus-
16 pected of attempting to obtain a controlled substance by fraud,
17 deceit, or misrepresentation, AS AUTHORIZED BY THE DIRECTOR OF
18 THE DEPARTMENT OF LICENSING AND REGULATION.

19 (D) ~~(c)~~ An individual with whom the department has con-
20 tracted under subsection ~~(14)~~ (16), AS AUTHORIZED BY THE DIREC-
21 TOR OF THE DEPARTMENT OF LICENSING AND REGULATION.

22 (11) ~~(9)~~ Information submitted to the department of
23 licensing and regulation under this section is confidential, but
24 may be released to persons authorized by the director of the
25 department of licensing and regulation to conduct research
26 studies or to other persons authorized by the director of the
27 department of licensing and regulation. However, information

1 released under this subsection shall not ~~allow identification~~
2 ~~of~~ IDENTIFY the individuals to whom the information pertains,
3 and shall be released for statistical purposes only.

4 (12) ~~(+0)~~ The system for retrieval of information submit-
5 ted to the department of licensing and regulation pursuant to
6 this section shall be designed in all respects so as to preclude
7 improper access to information.

8 (13) ~~(+1)~~ Except as otherwise provided in this part,
9 information submitted to the department of licensing and regula-
10 tion under this section shall be used only for bona fide
11 drug-related criminal investigatory or evidentiary purposes or
12 for the investigatory or evidentiary purposes in connection with
13 the functions of 1 or more of the licensing boards created in
14 article 15.

15 (14) ~~(+2)~~ The identity of an individual patient ~~which~~
16 THAT is submitted to the department of licensing and regulation
17 pursuant to this section shall be removed from the system for
18 retrieval of the information described in this section and shall
19 be destroyed and rendered irretrievable not later than the end of
20 the calendar year following the year in which the information was
21 submitted to the department of licensing and regulation.
22 However, an individual patient identity ~~which~~ THAT is necessary
23 for use in a specific ongoing investigation conducted in accord-
24 ance with this act may be retained in the system until the end of
25 the year in which the necessity for retention of the identity
26 ends.

1 (15) ~~(+3)~~ On or before September 30, 1993, the department
2 of licensing and regulation, in conjunction with the controlled
3 substances advisory commission, shall submit a public report to
4 the legislature on the effectiveness of the triplicate prescrip-
5 tion program. The report shall include a recommendation on
6 whether the program has been a cost effective method of control-
7 ling the diversion of controlled substances.

8 (16) ~~(+4)~~ The department of licensing and regulation may
9 enter into contractual agreements for the administration of this
10 section.

11 (17) ~~(+5)~~ This section does not prohibit access to pre-
12 scription information otherwise allowed by law.

13 (18) ~~(+6)~~ This section is repealed effective September 30,
14 1993.