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STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF PROFESSIONAL LICENSING

- - -

PUBLIC HEARING

THURSDAY, SEPTEMBER 9, 2021

AT ABOUT 1:00 P.M.

- - -

G. MENNEN WILLIAMS BUILDING AUDITORIUM

525 W. OTTAWA STREET

LANSING, MICHIGAN

- - -

RE: Pharmacy - Controlled Substances  
(MOAHR #2020-82 LR)

- - -

HEARING FACILITATOR:

ANDRIA DITSCHMAN  
Bureau of Professional Licensing  
611 W. Ottawa Street  
Lansing, Michigan 48909

ALSO PRESENT: Kerry Przybylo  
Stephanie Wysack

- - -

REPORTED BY: Lori Anne Penn, CSR-1315

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1                   Lansing, Michigan

2                   Thursday, September 9, 2021

3                   At 1:00 p.m.

4                   - - -

5                   ANDRIA DITSCHMAN: It's 1:00 o'clock. My  
6 name is Andria Ditschman and I am the analyst for the  
7 Bureau of Professional Licensing in the Department of  
8 Licensing and Regulatory Affairs, and I will be  
9 conducting the hearing today.

10                  This is a public hearing on proposed  
11 administrative rules entitled "Pharmacy - Controlled  
12 Substances". We are conducting the hearing as required  
13 by the Administrative Procedures Act to allow the public  
14 to comment on the proposed changes to this rule set. As  
15 with all other public hearings on draft rule sets, the  
16 only items discussed during the hearing will be the  
17 proposed changes to the rule set. This hearing will not  
18 be covering any questions or discussions on any other  
19 issues.

20                  We're calling the hearing to order at  
21 1:00 p.m. on September 9, 2021, at the G. Mennen Williams  
22 Building Auditorium located at 525 West Ottawa Street in  
23 Lansing, Michigan. The notice of public hearing was  
24 published in three newspapers of general circulation, the  
25 Grand Rapids Press and the Flint Journal and the Mining  
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1 Journal, as well at *Michigan Register*, Issue #15-2021,  
2 published on September 1, 2021.

3 We are here today to receive your  
4 comments on the proposed rules. If you wish to speak,  
5 please make sure you have signed in and indicated your  
6 willingness to speak. You may use the cards provided in  
7 the lobby for this purpose. If you would like to speak  
8 and have not signed in, please do so now. For those of  
9 you who do not wish to sign in with a card, you may speak  
10 at the microphone once we have exhausted the cards that  
11 are submitted to me. If you have a comment but do not  
12 wish to speak, please note that the Department will also  
13 accept written comments e-mailed or postmarked to  
14 BPL-BoardSupport@Michigan.gov until 5:00 p.m. today.

15 All comments should relate directly to  
16 the proposed rules. If you have questions about the  
17 rules, you may place your comments on the record and the  
18 Department will review and consider them. If you have  
19 suggested changes to the proposed rules, please include  
20 the specific reasons why the changes would be in the  
21 public interest.

22 Those making comments should clearly and  
23 slowly say and spell your name and advise if you are  
24 speaking on behalf of an organization. We will limit the  
25 comments to three minutes per person. Please remember

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1 that only one person should speak at a time.

2 The other Department staff from the  
3 Bureau of Professional Licensing today are Kerry Przybylo  
4 and Stephanie Wysack.

5 I don't have any cards at this time.

6 Does anyone wish to speak?

7 LORI YOUNG: I have a card. (Provided to  
8 Ms. Ditschman.)

9 ANDRIA DITSCHMAN: Okay. So Lori Young,  
10 go ahead and come up to the microphone.

11 LORI YOUNG: Yes. Good afternoon, and  
12 thank you for this opportunity to address the committee.  
13 My name is Lori, L-o-r-i, my last name is Young,  
14 Y-o-u-n-g, and I'm representing Hospice Care of Southwest  
15 Michigan. And I'm here today just to ask for  
16 clarification regarding the definition of an exclusion  
17 versus a waiver.

18 There's some references that are noted in  
19 333.17754a under item (5), letter (h), "If the  
20 prescription is issued and dispensed in the same health  
21 care facility and the individual for whom the  
22 prescription is issued uses the drug exclusively in the  
23 health care facility. As used in this subdivision,  
24 'health care facility' includes, but is not limited to,  
25 any of the following:" Item (ii) indicates a hospice.

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1                   And so I'm here today to receive  
2                   clarification if this is an exemption for a hospice. The  
3                   definition of a hospice, as in the health facility  
4                   licensure rules, a hospice includes both a hospice  
5                   residence inpatient unit as well as a hospice program in  
6                   general that provides care and services to those in many  
7                   different residential settings. So we're seeking  
8                   clarification, and if we would fall under the exception  
9                   or if we should pursue the waiver process if we are not  
10                  prepared on October 1 to transmit all prescriptions  
11                  electronically.

12                   ANDRIA DITSCHMAN: Thank you.

13                   LORI YOUNG: You're welcome.

14                   ANDRIA DITSCHMAN: Is there anyone else  
15                  that wishes to speak?

16                   KOLINDA LAMBERT: I do.

17                   ANDRIA DITSCHMAN: Have you filled out a  
18                  card yet?

19                   KOLINDA LAMBERT: I just got it.

20                   ANDRIA DITSCHMAN: Okay. You can come up  
21                  and speak, and then if you would just leave the card if  
22                  you haven't filled it out yet, you can do that after.

23                   KOLINDA LAMBERT: Okay.

24                   ANDRIA DITSCHMAN: Do you need me to  
25                  bring that to you?

1 KOLINDA LAMBERT: No.

2 ANDRIA DITSCHMAN: Okay.

3 KOLINDA LAMBERT: Okay. I'd like to  
4 address the MCL 333.7303. You've got doctors so scared  
5 to prescribe anything that people like me are just dying  
6 in pain, and it's not right. I don't know why I can't  
7 get pain medications because doctors are afraid of losing  
8 their license when I'm clearly in chronic pain.

9 ANDRIA DITSCHMAN: So we're here for the  
10 controlled substances rules. Is there any specific rule  
11 that you have a comment on?

12 KOLINDA LAMBERT: Yeah, the MCL 333.7303.

13 ANDRIA DITSCHMAN: Okay. Thank you. Any  
14 other comments on that section?

15 KOLINDA LAMBERT: Well, I still would  
16 like an answer to why I can't get pain medications the  
17 way I should, and why do people have to go every month,  
18 especially when it's hard to get out?

19 ANDRIA DITSCHMAN: So we don't address  
20 questions here today, and I believe that -- I believe  
21 you're referencing the Public Health Code today, and  
22 today we're here talking about the controlled substances  
23 rules, just the rules, not the statute. So but we will  
24 take your comment back to the rules committee and to the  
25 Board when they talk about comments for the rules, and if

1 it does affect this rule set, then they would discuss  
2 that at the time and determine if there was any way to  
3 change any of the rules in response to your request.

4 KOLINDA LAMBERT: Okay. And also put on  
5 there this should never have been a blanketed rule.  
6 Everybody's different, so everybody should be treated  
7 different. I mean you're not going to have somebody walk  
8 into a hospital with a broken toe and someone that's in a  
9 horrific car accident and give them both Tylenol 4s, you  
10 know, it should never have been blanketed.

11 ANDRIA DITSCHMAN: Okay. Thank you for  
12 your comments.

13 Any other comments today on the  
14 controlled substances rules? (No response.)

15 So we will take a recess at this time  
16 until, we'll do 15 minutes, so maybe 25 after, and we'll  
17 go back on the record at that time to see if there's  
18 anymore comments.

19 (Recess from 1:08 p.m. until 1:25 p.m.)

20 ANDRIA DITSCHMAN: It's now 1:25 p.m.,  
21 we're going back on the record. And are there any new  
22 comments at this time on the controlled substances rules?  
23 (No response.)

24 Okay. I'm not seeing any, so we will  
25 close the hearing. The record will remain open today

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1           until 5:00 p.m. for any other comments you may wish to  
2           share about the proposed rules. And thank you for  
3           attending.

4                       (At 1:26 p.m., the public hearing concluded.)

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1 STATE OF MICHIGAN )  
 )  
2 COUNTY OF MACOMB )

3 I, Lori Anne Penn, certify that this  
4 transcript consisting of 10 pages is a complete, true,  
5 and correct record of the proceedings held in the  
6 captioned matter on Thursday, September 9, 2021.

7 I further certify that I am not  
8 responsible for any copies of this transcript not made  
9 under my direction or control and bearing my original  
10 signature.

11 I also certify that I am not a relative  
12 or employee of or an attorney for a party; or a relative  
13 or employee of an attorney for a party; or financially  
14 interested in the action.

15  
16  
17 September 13, 2021  
Date

*Lori Anne Penn*  
Lori Anne Penn, CSR-1315  
Notary Public, Macomb County, Michigan  
My Commission Expires June 15, 2025

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