

EXEMPTION FOR HOSPICE PATIENTS FROM OPIOID REQUIREMENTS

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House Bill 5678 as introduced
Sponsor: Rep. Bronna Kahle
Committee: Health Policy
Complete to 3-6-18

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5678 would amend the Public Health Code to exempt hospice patients from the requirement that prescribers review a patient's Michigan Automated Prescription System (MAPS) report before prescribing or dispensing more than a 3-day supply of a controlled substance. Additionally, it would exempt them from the bona fide prescriber-patient requirement for prescription of Schedules 2 to 5 controlled substances.

Those requirements were instituted by Public Acts 248 and 249 of 2017 (Senate Bills 166 and 167),¹ which took effect December 27, 2017.

Hospice, as defined in Section 20106 of the Code, means a health care program that provides a coordinated set of services rendered at home or in outpatient or institutional settings for individuals suffering from a disease or condition with a terminal prognosis.

Public Act 248 amended the Public Health Code to require a licensed prescriber to obtain and review a patient's MAPS report before prescribing more than a 3-day supply of a Schedule 2 through 5 controlled substance to the patient, beginning June 1, 2018. This requirement does not apply under any of the following circumstances:

- If the dispensing occurs in a hospital or freestanding surgical outpatient facility and the controlled substance is administered to the patient in that hospital or facility.
- If the dispensing occurs in a veterinary hospital or clinic and the controlled substance is administered to the patient in that hospital or clinic.
- If the controlled substance is prescribed by a licensed prescriber who is a veterinarian and the controlled substance will be dispensed by a pharmacist.

The bill would create a fourth exception: if the patient is admitted to a hospice.

Public Act 249 amended the Code to provide that, beginning March 31, 2018, a licensed provider may not prescribe a controlled substance listed in Schedules 2 to 5 unless the prescriber is in a bona fide prescriber-patient relationship with the patient being prescribed the controlled substance. Additionally, with certain exceptions, the prescriber must provide follow-up care or refer the patient to a licensed prescriber for follow-up care.

¹ House Fiscal Agency analysis of SB 166/PA 248 and SB 167/PA 249 of 2017:
<http://www.legislature.mi.gov/documents/2017-2018/billanalysis/House/pdf/2017-HLA-0166-A26310EB.pdf>

The Act allows an exemption from that requirement for circumstances to be determined by the Department of Health and Human Services (DHHS) and specified boards of health professionals by December 27, 2018. For cases that fall under the exemption, the Act allows DHHS and the boards to include an alternative requirement.

The bill would create a second exemption for a patient who is admitted to a hospice.

MCL 333.7303a

FISCAL IMPACT:

House Bill 5678 would not have a fiscal impact on any units of state or local government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.