

# Legislative Analysis



## ALLOW DESIGNEE TO PERFORM EVALUATION FOR BONA FIDE PRESCRIBER-PATIENT RELATIONSHIP

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 5678 (H-1) as reported from committee**

**Sponsor: Rep. Bronna Kahle**

**Committee: Health Policy**

**Complete to 3-15-18**

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

### SUMMARY:

House Bill 5678 would amend the Public Health Code to expand the definition of a bona fide prescriber-patient relationship for the purposes of prescribing Schedule 2 to 5 controlled substances. The relationship requirement was instituted by Public Act 249 of 2017 (Senate Bill 167),<sup>1</sup> which took effect December 27, 2017.

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.

The bill would amend the definition for the bona fide relationship for the purposes of the section to require the prescriber to complete an assessment of the patient's medical history and current medical condition (but not a full assessment, as is currently required). Additionally, the bill would allow a prescriber to delegate the medical evaluation of the patient that is currently required to a licensed individual who is otherwise qualified by education, training, or experience.

MCL 333.7303a

### FISCAL IMPACT:

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

### POSITIONS:

The following organizations support the bill:

- Michigan Department of Licensing and Regulatory Affairs (3-14-18)
- Michigan Home Care and Hospice Association (3-7-18)
- Hospice of Lenawee (3-7-18)
- McLaren Health (3-7-18)
- Michigan Pharmacists Association (3-7-18)

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<sup>1</sup> 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>

- Trinity Health (3-7-18)
- Michigan Health and Hospital Association (3-7-18)
- Michigan Association of Family Physicians (3-14-18)
- Michigan Catholic Conference (3-14-18)
- Michigan State Medical Society (3-14-18)

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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.