



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 5678 (Substitute H-1 as passed by the House)
Sponsor: Representative Bronna Kahle
House Committee: Health Policy
Senate Committee: Health Policy

Date Completed: 3-21-18

CONTENT

The bill would amend the Public Health Code's definition of "bona fide prescriber-patient relationship" for purposes of prescribing a Schedule 2 to 5 controlled substance, to allow the delegation of a patient's medical evaluation.

Section 7303a of the Code sets forth requirements for a licensed prescriber who prescribes a controlled substance. Public Act 247 of 2017, which took effect on December 27, 2017, amended the section to prohibit a licensed prescriber, beginning March 31, 2018, from prescribing a controlled substance listed in Schedule 2 to 5 unless the prescriber is in a bona fide prescriber-patient relationship with the patient for whom the controlled substance is being prescribed, except as otherwise provided by rules promulgated by the Department of Licensing and Regulatory Affairs.

"Bona fide prescriber-patient relationship" means a treatment or counseling relationship between a prescriber and a patient in which both of the following are present:

- The prescriber has created and maintained records of the patient's condition in accordance with medically accepted standards.
- The prescriber has reviewed the patient's relevant medical or clinical records and completed a full assessment of the patient's medical history and current medical condition, including a relevant medical evaluation of the patient conducted in person or via telehealth.

The bill would include in the definition a relevant medical evaluation of the patient conducted by an individual licensed under Article 15 (Occupations) of the Code to whom the prescriber has delegated the authority to perform the evaluation under Section 16215. (That section permits a licensee who holds a license other than a health profession subfield license to delegate to a licensed or unlicensed individual who is otherwise qualified by education, training, or experience the performance of selected acts, tasks, or functions that fall within the scope of practice of the licensee's profession and will be performed under the licensee's supervision.)

Also, under the bill, a prescriber would have to have completed an assessment, rather than a "full" assessment, of the patient's medical history and current medical condition.

MCL 333.7303a

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Elizabeth Raczowski

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