

SUBSTITUTE FOR
SENATE BILL NO. 213

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16285 and 16287 (MCL 333.16285 and 333.16287),
as added by 2016 PA 359.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16285. (1) A health professional who is providing a
2 telehealth service **TO A PATIENT** may prescribe the patient a drug if
3 both of the following are met:

4 (a) The health professional is a prescriber **WHO IS ACTING**
5 **WITHIN THE SCOPE OF HIS OR HER PRACTICE IN PRESCRIBING THE DRUG.**

6 (b) ~~The drug is not a controlled substance.~~ **IF THE HEALTH**
7 **PROFESSIONAL IS PRESCRIBING A DRUG THAT IS A CONTROLLED SUBSTANCE,**
8 **THE HEALTH PROFESSIONAL MEETS THE REQUIREMENTS OF THIS ACT**
9 **APPLICABLE TO THAT HEALTH PROFESSIONAL FOR PRESCRIBING A CONTROLLED**
10 **SUBSTANCE.**

1 (2) A HEALTH PROFESSIONAL WHO PRESCRIBES A DRUG UNDER
2 SUBSECTION (1) SHALL COMPLY WITH BOTH OF THE FOLLOWING:

3 (A) IF THE HEALTH PROFESSIONAL CONSIDERS IT MEDICALLY
4 NECESSARY, HE OR SHE SHALL PROVIDE THE PATIENT WITH A REFERRAL FOR
5 OTHER HEALTH CARE SERVICES THAT ARE GEOGRAPHICALLY ACCESSIBLE TO
6 THE PATIENT, INCLUDING, BUT NOT LIMITED TO, EMERGENCY SERVICES.

7 (B) AFTER PROVIDING A TELEHEALTH SERVICE, THE HEALTH
8 PROFESSIONAL, OR A HEALTH PROFESSIONAL WHO IS ACTING UNDER THE
9 DELEGATION OF THE DELEGATING HEALTH PROFESSIONAL, SHALL MAKE
10 HIMSELF OR HERSELF AVAILABLE TO PROVIDE FOLLOW-UP HEALTH CARE
11 SERVICES TO THE PATIENT OR REFER THE PATIENT TO ANOTHER HEALTH
12 PROFESSIONAL FOR FOLLOW-UP HEALTH CARE SERVICES.

13 Sec. 16287. The department, in consultation with a board, ~~may~~
14 **SHALL** promulgate rules to implement sections 16284 and 16285.

15 Enacting section 1. This amendatory act takes effect March 29,
16 2017.