

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.