

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5678

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 7303a (MCL 333.7303a), as amended by 2017 PA
249.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7303a. (1) A prescriber who holds a controlled substances
2 license may administer or dispense a controlled substance listed in
3 schedules 2 to 5 without a separate controlled substances license
4 for those activities.

5 (2) Except as otherwise provided in rules promulgated under
6 section 16204e, beginning March 31, ~~2018~~, **2019 OR, IF RULES ARE**
7 **PROMULGATED UNDER SECTION 16204E BEFORE MARCH 31, 2019, ON THE DATE**
8 **ON WHICH RULES ARE PROMULGATED UNDER SECTION 16204E**, a licensed

1 prescriber shall not prescribe a controlled substance listed in
2 schedules 2 to 5 unless the prescriber is in a bona fide
3 prescriber-patient relationship with the patient for whom the
4 controlled substance is being prescribed. Except as otherwise
5 provided in this subsection, if a licensed prescriber prescribes a
6 controlled substance under this subsection, the prescriber shall
7 provide follow-up care to the patient to monitor the efficacy of
8 the use of the controlled substance as a treatment of the patient's
9 medical condition. If the licensed prescriber is unable to provide
10 follow-up care, he or she shall refer the patient to the patient's
11 primary care provider for follow-up care or, if the patient does
12 not have a primary care provider, he or she shall refer the patient
13 to another licensed prescriber who is geographically accessible to
14 the patient for follow-up care.

15 (3) Before prescribing or dispensing a controlled substance to
16 a patient, a licensed prescriber shall ask the patient about other
17 controlled substances the patient may be using. The prescriber
18 shall record the patient's response in the patient's medical or
19 clinical record.

20 (4) Beginning June 1, 2018, before prescribing or dispensing
21 to a patient a controlled substance in a quantity that exceeds a 3-
22 day supply, a licensed prescriber shall obtain and review a report
23 concerning that patient from the electronic system for monitoring
24 schedule 2, 3, 4, and 5 controlled substances established under
25 section 7333a. This subsection does not apply under any of the
26 following circumstances:

27 (a) If the dispensing occurs in a hospital or freestanding

1 surgical outpatient facility licensed under article 17 and the
2 controlled substance is administered to the patient in that
3 hospital or facility.

4 (b) If the patient is an animal as that term is defined in
5 section 18802, the dispensing occurs in a veterinary hospital or
6 clinic and the controlled substance is administered to the patient
7 in that hospital or clinic.

8 (c) If the controlled substance is prescribed by a licensed
9 prescriber who is a veterinarian and the controlled substance will
10 be dispensed by a pharmacist.

11 (5) Beginning June 1, 2018, before prescribing or dispensing a
12 controlled substance to a patient, a licensed prescriber shall
13 register with the electronic system for monitoring schedule 2, 3,
14 4, and 5 controlled substances established under section 7333a.

15 (6) A licensed prescriber who dispenses controlled substances
16 shall maintain all of the following records separately from other
17 prescription records:

18 (a) All invoices and other acquisition records for each
19 controlled substance acquired by the prescriber for not less than 5
20 years after the date the prescriber acquires the controlled
21 substance.

22 (b) A log of all controlled substances dispensed by the
23 prescriber for not less than 5 years after the date the controlled
24 substance is dispensed.

25 (c) Records of all other dispositions of controlled substances
26 under the licensee's control for not less than 5 years after the
27 date of the disposition.

1 (7) The requirement under section 7303 for a license is waived
2 in the following circumstances:

3 (a) When a controlled substance listed in schedules 2 to 5 is
4 administered on the order of a licensed prescriber by an individual
5 who is licensed under article 15 as a practical nurse or a
6 registered professional nurse.

7 (b) When methadone or a methadone congener is dispensed on the
8 order of a licensed prescriber in a methadone treatment program
9 licensed under article 6 or when a controlled substance listed in
10 schedules 2 to 5 is dispensed on the order of a licensed prescriber
11 in a hospice rendering emergency care services in a patient's home
12 as described in section 17746 by a registered professional nurse
13 licensed under article 15.

14 (8) As used in this section:

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

18 (i) The prescriber has reviewed the patient's relevant medical
19 or clinical records and completed a full assessment of the
20 patient's medical history and current medical condition, including
21 a relevant medical evaluation of the patient conducted in person or
22 ~~via~~ **THROUGH** telehealth.

23 (ii) The prescriber has created and maintained records of the
24 patient's condition in accordance with medically accepted
25 standards.

26 (b) "Telehealth" means that term as defined in section 16283.