

# HOUSE BILL No. 5678

March 1, 2018, Introduced by Reps. Kahle, Maturen, LaGrand, Yanez, Lucido, McCready, Kesto, Canfield, Leutheuser, Sabo, Howell, Elder and LaFave and referred to the Committee on Health Policy.

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 **AND FOR A PATIENT WHO IS ADMITTED TO A HOSPICE,**  
7 beginning March 31, 2018, a licensed prescriber shall not prescribe

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

12 (5) Beginning June 1, 2018, before prescribing or dispensing a  
13 controlled substance to a patient, a licensed prescriber shall  
14 register with the electronic system for monitoring schedule 2, 3,  
15 4, and 5 controlled substances established under section 7333a.

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

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

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

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

1 date of the disposition.

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

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

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

15 (8) As used in this section:

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

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

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

27 **(B) "HOSPICE" MEANS THAT TERM AS DEFINED IN SECTION 20106.**

1           **(C)** ~~(b)~~ "Telehealth" means that term as defined in section  
2 16283.