

# Legislative Analysis



## HOSPICE PATIENTS EXEMPTED FROM BONA FIDE PRESCRIBER-PATIENT RELATIONSHIP REQUIREMENT

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**House Bill 4224 as introduced**  
**Sponsor: Rep. Michele Hoytenga**

Analysis available at  
<http://www.legislature.mi.gov>

**House Bill 4225 as introduced**  
**Sponsor: Rep. Bronna Kahle**

**Committee: Health Policy**  
**Complete to 3-6-19**

### SUMMARY:

Taken together, House Bills 4224 (MCL 333.7104) and 4225 (MCL 333.7303a) would amend the definition for a *bona fide prescriber-patient relationship* and move it from Part 73 (Manufacture, Distribution, and Dispensing) of the Public Health Code to Part 71 (General Provisions). The bills would also exempt those under hospice care from the requirement that that relationship be present for prescribing.

Public Act 249 of 2017 (Senate Bill 167)<sup>1</sup> required that there be a bona fide prescriber-patient relationship before a licensed provider could prescribe a controlled substance listed in Schedules 2 to 5. However, there was a concern that this requirement would unintentionally affect hospice patients' ability to receive pain medication to address their serious and rapidly changing health needs. Accordingly, Public Act 101 of 2018 (House Bill 5678)<sup>2</sup> pushed this requirement, which was to take effect March 31, 2018, to March 31, 2019 (or the date by which exemptions to the relationship would be defined). The bills are seen as an effort to address the concern permanently.

The current definition for a *bona fide prescriber-patient relationship* would be retained (though moved from section 7303a to 7104), except that the requisite medical evaluation would be able to be conducted by an individual to whom the prescriber had delegated authority.

### FISCAL IMPACT:

House Bills 4224 and 4225, jointly examined, would not have a significant fiscal impact on the Department of Licensing and Regulatory Affairs or on other units of state or local government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

<sup>1</sup> House Fiscal Agency analysis of PA 249/SB 167 of 2017 <http://www.legislature.mi.gov/documents/2017-2018/billanalysis/House/pdf/2017-HLA-0166-A26310EB.pdf>

<sup>2</sup> House Fiscal Agency analysis of PA 101/HB 5678 of 2018 <http://www.legislature.mi.gov/documents/2017-2018/billanalysis/House/pdf/2017-HLA-5678-B893753A.pdf>