

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.7303b First prescription in single course of treatment for controlled substance containing opioid; issuance to minor by prescriber; requirements; exceptions; talking consent form authorizing adult to consent to minor's medical treatment; form; definitions.

Sec. 7303b. (1) Except as otherwise provided in this section, beginning June 1, 2018, a prescriber shall comply with all of the following before issuing for a minor the first prescription in a single course of treatment for a controlled substance containing an opioid, regardless of whether the prescriber modifies the dosage during the course of treatment:

(a) Discuss all of the following with the minor, and with the minor's parent or guardian or with another adult authorized to consent to the minor's medical treatment:

(i) The risks of addiction and overdose associated with the controlled substance.

(ii) The increased risk of addiction to a controlled substance to an individual who is suffering from both mental and substance abuse disorders.

(iii) The danger of taking a controlled substance containing an opioid with a benzodiazepine, alcohol, or another central nervous system depressant.

(iv) Any other information in the patient counseling information section of the label for the controlled substance that is required under 21 CFR 201.57(c)(18).

(b) Obtain the signature of the minor's parent or guardian, or, subject to subsection (3), the signature of another adult authorized to consent to the minor's medical treatment, on a start talking consent form. The prescriber shall include the signed start talking consent form in the minor's medical record.

(2) Subsection (1) does not apply in any of the following circumstances:

(a) If the minor's treatment is associated with or incident to a medical emergency.

(b) If the minor's treatment is associated with or incident to a surgery, regardless of whether the surgery is performed on an inpatient or outpatient basis.

(c) If, in the prescriber's professional judgment, fulfilling the requirements of subsection (1) would be detrimental to the minor's health or safety.

(d) If the minor's treatment is rendered in a hospice as that term is defined in section 20106 or an oncology department of a hospital that is licensed under article 17.

(e) If the prescriber is issuing the prescription for the minor at the time of discharge from a facility described in subdivision (d).

(f) If the consent of the minor's parent or guardian is not legally required for the minor to obtain treatment.

(3) If the individual signing a start talking consent form is another adult authorized to consent to the minor's medical treatment, the prescriber shall not prescribe more than a single, 72-hour supply of the controlled substance described in subsection (1) to the minor.

(4) A start talking consent form must be on a form that is separate from any other document that a prescriber uses to obtain the informed consent for the treatment of a minor and must contain all of the following:

(a) The name and quantity of the controlled substance being prescribed for the minor and the amount of the initial dose.

(b) A statement indicating that a controlled substance is a drug or other substance that the United States Drug Enforcement Administration has identified as having a potential for abuse.

(c) A statement certifying that the prescriber discussed with the minor, and with the minor's parent or guardian or with another adult authorized to consent to the minor's medical treatment, the topics described in subsection (1).

(d) The number of refills, if any, that are authorized by the prescription.

(e) A space for the signature of the minor's parent or guardian, or the signature of another adult authorized to consent to the minor's medical treatment, and a space to indicate the date that the minor's parent or guardian, or another adult authorized to consent to the minor's medical treatment, signed the form.

(5) As used in this section:

(a) "Another adult authorized to consent to the minor's medical treatment" means an adult to whom a minor's parent or guardian has given written authorization to consent to the minor's medical treatment.

(b) "Medical emergency" means a situation that, in the prescriber's good-faith medical judgment, creates an immediate threat of serious risk to the life or physical health of the minor.

(c) "Minor" means an individual under 18 years of age who is not emancipated under section 4 of 1968 PA 293, MCL 722.4.

(d) "Start talking consent form" means the form described in subsection (4).

History: Add. 2017, Act 246, Imd. Eff. Dec. 27, 2017.

Popular name: Act 368