SENATE BILL No. 166

February 15, 2017, Introduced by Senator SCHUITMAKER 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 2016 PA 379.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

(2) Before prescribing or dispensing a controlled substance to a patient, a licensed prescriber shall ask the patient about other controlled substances the patient may be using. The prescriber shall record the patient's response in the patient's medical or clinical record.
(3) BEGINNING JANUARY 1, 2020, BEFORE PRESCRIBING OR DISPENSING A CONTROLLED SUBSTANCE TO A PATIENT, A LICENSED PRESCRIBER SHALL OBTAIN A REPORT CONCERNING THAT PATIENT FROM THE DEPARTMENT'S ELECTRONIC SYSTEM FOR MONITORING SCHEDULE 2, 3, 4, OR 5 CONTROLLED SUBSTANCES ESTABLISHED UNDER SECTION 7333A. THIS SUBSECTION DOES NOT APPLY IF THE DISPENSING OCCURS IN ANY OF THE FOLLOWING:

   (A) A HOSPICE, AS DEFINED IN SECTION 20106.

   (B) AN ONCOLOGY DEPARTMENT OF A HOSPITAL THAT IS LICENSED UNDER ARTICLE 17.

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

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

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

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

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

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

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

Enacting section 1. This amendatory act does not take effect
unless Senate Bill No. 167
of the 99th Legislature is enacted into law.