



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 908 (as enrolled)
Sponsor: Senator Ron Jelinek
Senate Committee: Health Policy
House Committee: Health Policy

Date Completed: 12-23-04

RATIONALE

Under the Public Health Code, a practitioner (e.g., a pharmacist) may not dispense a prescription for a controlled substance written by a physician licensed to practice in another state, unless the prescription is issued by a physician who resides adjacent to the land border between Michigan and an adjoining state, whose practice may extend into Michigan, but who does not maintain an office in Michigan. Apparently, many people from Illinois visit Michigan, particularly the southwestern part of the State, for extended time periods and are inconvenienced by the inability to have prescriptions written in Illinois filled in Michigan. Similarly, some Michigan residents receive medical treatment in Minnesota but are unable to have prescriptions written in that state filled here. It has been suggested that the exception for the out-of-state prescriptions be extended to those written by a licensed physician residing in Illinois or Minnesota.

CONTENT

The bill would amend the Public Health Code to allow a practitioner to dispense a prescription for a controlled substance written and signed by a physician prescriber licensed to practice in Illinois or Minnesota. The bill also specifies that a practitioner who dispensed a prescription for a controlled substance that was written and signed or transmitted by a physician who resided in Illinois or Minnesota would not be subject to sanctions by a disciplinary subcommittee of the Department of Community Health.

MCL 333.7405 & 333.17763

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Although Illinois is fairly close to Michigan, and many Illinois residents visit Michigan every year, prescriptions for controlled substances written in Illinois cannot be filled here because Illinois does not share a land border with Michigan. This can be inconvenient for people who spend the summer here, but do not have access to essential medication. Additionally, many residents of the Upper Peninsula reportedly seek care in Minnesota, and it also is home to several medical centers of excellence, such as the Mayo Clinic. Michigan citizens who obtain prescriptions in that state should be able to get them filled once they return home. According to a representative of the Michigan Pharmacists Association, 34 states allow pharmacists to fill controlled substance prescriptions written in any state, and others allow out-of-state pharmacists to fill the prescriptions subject to certain restrictions. Because of the Great Lakes, Michigan has more water borders than it does land borders; it makes sense, therefore, to extend the exception to a state that is not adjoined by land to Michigan.

Response: It might be a good idea to allow Michigan pharmacists to fill controlled substance prescriptions written by doctors anywhere in the nation, especially since a significant number of Michigan residents spend several months of the year in warmer states, such as Florida. In a related matter, some Michigan residents seek services from oral surgeons in border states, and could have trouble obtaining pain management drugs after undergoing certain procedures

Perhaps Michigan pharmacists also should be allowed to fill controlled substance prescriptions written by oral surgeons located in bordering states.

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: David Fosdick

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.