

Legislative Analysis



REVISE WHO CAN ACCESS ELECTRONIC DATA SYSTEM FOR CONTROLLED SUBSTANCES

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House Bill 5735 (Substitute H-1)

Sponsor: Rep. Lesia Liss

Committee: Health Policy

Complete to 6-30-10

A SUMMARY OF HOUSE BILL 5735 AS REPORTED BY COMMITTEE 6-22-10

The bill would allow the Department of Community Health to provide data relating to the dispensing and prescribing of certain controlled substances to the medical director of a Medicaid contracted health plan for the purposes of ensuring patient safety and investigating fraud and abuse.

The Department of Community Health (DCH) maintains an electronic system for monitoring Schedule 2, 3, 4, and 5 controlled substances that are dispensed by veterinarians and licensed pharmacists and dispensing prescribers. The data collected includes patient identifiers, the name and quantity of the controlled substance dispensed, the date dispensed, and the name of the prescriber and dispenser. The director of the DCH is authorized by statute to provide data obtained by the electronic monitoring system to the licensing boards of those authorized to prescribe, administer, or dispense controlled substances; departmental employees; law enforcement officials who enforce drug laws; a state-operated Medicaid program; governmental employees who hold a search warrant or subpoena for the records; a practitioner or pharmacist who requests information for the purpose of providing medical or pharmaceutical treatment to a current patient; or an individual under contract to administer the electronic monitoring system.

House Bill 5735 would amend the Public Health Code (MCL 333.7333a) to add to the list described above the medical director of a Medicaid contracted health plan for the purposes of ensuring patient safety and investigating fraud and abuse.

The bill would also delete an obsolete provision requiring a report by October 1, 2002 on the need for a paper prescription form that would minimize the potential for forgery.

FISCAL IMPACT:

An updated fiscal analysis is in process.

POSITIONS:

The Department of Community Health indicated support for the committee substitute. (6-22-10)

A representative of the Michigan Association of Health Plans testified in support of the bill. (6-22-10)

Blue Cross Blue Shield of Michigan indicated support for the bill. (6-22-10)

The Michigan Osteopathic Association indicated support for the bill. (6-22-10)

The Michigan State Medical Society indicated support for the bill. (6-22-10)

The Michigan Pharmacists Association indicated support for the bill. (6-22-10)

Care Source MI indicated support for the bill. (6-22-10)

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Susan Frey

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