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Senate Bill 213 (as reported without amendment)
Sponsor: Senator Tom Casperson
Committee: Health Policy

(as enrolled)

Date Completed: 5-11-11

RATIONALE

Previously, under the Public Health Code, a practitioner (e.g., a pharmacist) could not dispense a prescription for a controlled substance written and signed or transmitted by a physician licensed to practice in another state, unless the physician resided in a state adjacent to Michigan or in Illinois or Minnesota, and did not maintain an office in Michigan. Public Act 150 of 2009 extended the exemption to controlled substance prescriptions written by authorized physician prescribers in any other state. It has been suggested that Michigan pharmacists also should be allowed to fill such prescriptions written by dentists in other states.

CONTENT

The bill would amend the Public Health Code to include a prescription written by a dentist prescriber in a provision allowing a practitioner to dispense a controlled substance prescription written by an authorized prescriber in another state.

The Code prohibits a practitioner from dispensing a prescription for a controlled substance written and signed or transmitted by facsimile, electronic transmission, or other means of communication by a physician prescriber licensed to practice in a state other than Michigan, unless the physician prescriber is authorized under that state's laws to practice medicine or osteopathic medicine and surgery and to prescribe controlled substances. The bill would include in this provision a prescription

written by a dentist prescriber authorized to practice dentistry in another state.

The Code's definition of "prescription" includes an order for a drug written and signed or transmitted by facsimile, electronic transmission, or other means of communication by a physician prescriber licensed to practice in a state other than Michigan. The bill would refer to a physician prescriber or dentist prescriber licensed to practice dentistry, medicine, or osteopathic medicine and surgery in another state.

Under the Code, a pharmacist may dispense a prescription written by a physician prescriber in another state only if the pharmacist determines all of the following in the exercise of his or her professional judgment:

- The prescription was issued pursuant to an existing physician-patient relationship.
- The prescription is authentic.
- The prescribed drug is appropriate and necessary for the treatment of an acute, chronic, or recurrent condition.

The bill would refer to a prescription issued pursuant to an existing physician-patient or dentist-patient relationship.

The Code prescribes grounds for which a disciplinary subcommittee may fine, reprimand, or place a pharmacist licensee on probation; or deny, limit, suspend, or revoke a pharmacist's license or order restitution or community service. The grounds include dispensing a prescription for a controlled

substance written by a physician prescriber in another state, unless the physician prescriber is authorized under that state's laws to practice medicine or osteopathic medicine and surgery, and to prescribe controlled substances. The bill also would refer to a dentist prescriber authorized to practice dentistry in another state.

MCL 333.7405 et al.

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

For people who live near the Michigan border, particularly in rural areas, it is common for the nearest health care providers to be located in another state. The law was amended several years ago to accommodate people who obtain medical care from physicians located in other states; it would be appropriate to extend this convenience to those who seek treatment from out-of-State dentists.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

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

Fiscal Analyst: Steve Angelotti

A1112\§213a.

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.