

# Legislative Analysis



## RX BY OUT-OF-STATE DENTISTS

Mary Ann Cleary, Director  
Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**Senate Bill 213 as passed by the Senate**

**Sponsor: Sen. Tom Casperson**

**House Committee: Health Policy**

**Senate Committee: Health Policy**

*(Enacted as Public Act 155 of 2011)*

### First Analysis (7-15-11)

**BRIEF SUMMARY:** The bill would allow a Michigan pharmacist to fill a prescription for a controlled substance if the prescription was written by a dentist prescriber licensed in another state and authorized to prescribe controlled substances, in the same manner currently allowed for prescriptions issued by licensed physicians from other states.

**FISCAL IMPACT:** The bill would have no fiscal implications for state or local units of government.

### **THE APPARENT PROBLEM:**

Michigan residents are highly mobile these days, often traveling outside the state for pleasure or business. When dental emergencies occur on the road, it may be necessary to seek treatment by local dentists. In addition, many Michigan residents living near borders with other states seek medical and dental care from providers whose offices are across state lines. If the treating dentist in another state writes a prescription for an antibiotic or painkiller, the prescription cannot be filled or refilled at a Michigan pharmacy.

Currently, Michigan pharmacists are allowed under state law to fill prescriptions written by out-of-state doctors. Public Act 150 of 2009 expanded the law to allow pharmacists to fill prescriptions for controlled substances written by an out-of-state M.D. or D.O. as long as that doctor was licensed to practice and authorized under that license to write prescriptions for controlled substances. (A controlled substance is a drug or substance with a potential for abuse, such as narcotic pain killers and sedatives. They are identified in drug schedules based on the risk of abuse, with Schedule 1 listing substances such as heroin that have no medical use and a high risk of abuse. Drugs and substances on Schedules 2 through 5 may be prescribed by certain medical professionals and pharmacists may fill those prescriptions.)

It has been suggested that the law be amended to allow Michigan pharmacists to fill prescriptions written by dentists, including prescriptions for controlled substances, in the same manner as allowed for licensed physicians.

### **THE CONTENT OF THE BILL:**

Currently, the Public Health Code allows a pharmacist to fill a prescription issued by a licensed physician (M.D. or D.O.) from a state other than Michigan under certain

conditions. Prescriptions for a controlled substance may also be filled if issued by a physician prescriber licensed under the laws of his or her home state to practice medicine or osteopathic medicine and surgery and to prescribe controlled substances. The provisions apply to prescriptions written and signed, or transmitted by facsimile, electronic transmission, or other means of communication. A pharmacist who violates these provisions is subject to fines, license sanctions, restitution orders, and/or community service.

Senate Bill 213 would amend the Public Health Code (MCL 333.7405 et al.) to apply the above provisions also to prescriptions issued by dentists licensed in another state for controlled substances or drugs requiring a prescription under federal law. Similarly, the definition of "prescription" would be revised to include prescriptions issued by a dentist prescriber licensed in a state other than Michigan.

***HOUSE COMMITTEE ACTION:***

No amendments were adopted by the House Committee on Health Policy.

***ARGUMENTS:***

***For:***

The bill simply allows Michigan pharmacists to fill prescriptions written by licensed, out-of-state dentists, including prescriptions for controlled substances, in the same manner as filling prescriptions written by physicians licensed in another state. Seeing that a significant number of residents live in regions bordered by other states, and that many people travel to other states for business or for personal reasons, it makes sense that a person receiving dental care from a dentist located out of state should be able to have a pharmacist close to home fill a prescription ordered by that treating dentist.

***POSITIONS:***

The Michigan Pharmacists Association indicated support for the bill. (6-23-11)

The Michigan Dental Association indicated support for the bill. (6-23-11)

The Michigan Association of Health Plans indicated support for the bill. (6-23-11)

Legislative Analyst: Susan Stutzky  
Fiscal Analyst: Mark Wolf

---

■ 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.