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BILL ANALYSIS



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Senate Bills 166 and 167 (as introduced 2-15-17)
Sponsor: Senator Schuitmaker
Committee: Health Policy

Date Completed: 4-24-17

CONTENT

The bills would amend the Public Health Code to do the following:

- **Require licensed prescribers to obtain a report concerning a patient from the Department of Health and Human Services' electronic system for monitoring Schedule 2, 3, 4, and 5 controlled substances, before prescribing or dispensing a controlled substance to that patient.**
- **Include a violation of the proposed requirement among the grounds for disciplinary action.**
- **Prescribe disciplinary sanctions for a violation.**

The bills are tie-barred.

Senate Bill 166

The bill provides that, beginning January 1, 2020, before prescribing or dispensing a controlled substance to a patient, a licensed prescriber would be required to obtain a report concerning that patient from the Department of Health and Human Services' electronic system for monitoring Schedule 2, 3, 4, and 5 controlled substances under Section 7333a of the Code. This requirement would not apply if the dispensing occurred in either of the following:

- A hospice.
- An oncology department of a licensed hospital.

(Under Section 7333a of the Code, the Department maintains an electronic system for monitoring Schedule 2, 3, 4, and 5 controlled substances dispensed in Michigan by veterinarians, and by pharmacists and dispensing prescribers (physicians and dentists who dispense prescription drugs to their own patients); or dispensed to a Michigan address by a pharmacy licensed in the State. The system provides an electronic format for the reporting of data, including patient identifiers, the name of the controlled substance dispensed, the date of dispensing, the quantity dispensed, the prescriber, and the dispenser. As a rule, reporting is mandatory.)

Senate Bill 167

The Public Health Code requires the Department of Licensing and Regulatory Affairs to investigate activities related to the practice of a health profession by a licensee, a registrant, or an applicant for licensure or registration. The Department may hold hearings, administer oaths, and order the taking of relevant testimony. After its investigation, the Department must provide a copy of the administrative complaint to the appropriate disciplinary

subcommittee. If one or more grounds for disciplinary subcommittee action exist, the disciplinary subcommittee must impose sanctions.

Under the bill, a violation of the requirement proposed by Senate Bill 166 would be grounds for disciplinary subcommittee action. The sanctions for such a violation would be suspension, revocation, or permanent revocation, subject to the following provision.

For a first violation, the disciplinary subcommittee would have to order the licensee, registrant, or applicant to complete a remedial continuing education program focused on prescription drug and opioid addiction. The program would have to be completed within 180 days after the Department notified the individual of its order. For a second or subsequent violation, or a failure to complete the remedial continuing education program, the disciplinary subcommittee would have to impose suspension, revocation, or permanent suspension.

MCL 333.7303a (S.B. 166)
333.16221 & 333.16226 (S.B. 167)

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

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

Fiscal Analyst: Josh Sefton

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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.