

EXCEPTIONS TO ELECTRONIC TRANSMITTAL OF PRESCRIPTIONS

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House Bill 4659 as reported from committee
Sponsor: Rep. Joseph N. Bellino, Jr.
Committee: Health Policy
Complete to 6-29-21

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 94 of 2021)

SUMMARY:

House Bill 4659 would amend the Public Health Code to create additional exceptions to the requirement that prescriptions be transmitted electronically.

In order to align state law with federal law, 2020 PA 134 amended the code to require prescribers to transmit prescriptions electronically directly to the patient's pharmacy.¹ Previously, electronic transmittal had been optional. The federal SUPPORT Act,² which took effect January 1, 2021, requires Electronic Prescribing for Controlled Substances (EPCS) for covered Part D drugs beginning January 1, 2022.

2020 PA 134 will require electronic transmittal in Michigan beginning October 1, 2021.

However, the code lists twelve instances in which the requirement to transmit a prescription electronically does not apply. The bill would add the following to that list:

- If the prescription is dispensed by a dispensing prescriber.
- If the prescription is for a dialysis-related drug that is administered as part of or incident to a home-based dialysis treatment.

MCL 333.17754a

BRIEF DISCUSSION:

According to committee testimony, 2020 PA 134 exempted dialysis treatment clinics but inadvertently left home-based dialysis treatments off the list of parties exempted from the electronic prescription requirement. House Bill 4659 would rectify that oversight. The bill also would exempt prescriptions dispensed by dispensing prescribers from the requirement. This would allow physicians to dispense prescriptions out of their office instead of requiring that patients go to a pharmacy to fill prescriptions. Reportedly, this option is easier and more convenient for patients and increases the likelihood that prescriptions are filled and taken as prescribed.

¹ House Fiscal Agency analysis of 2020 PA 134/HB 4217: <http://www.legislature.mi.gov/documents/2019-2020/billanalysis/House/pdf/2019-HLA-4217-6537823F.pdf>

² Public Law 115-271: <https://www.congress.gov/bill/115th-congress/house-bill/6/text>

FISCAL IMPACT:

House Bill 4659 would not have a fiscal impact on any unit of state or local government.

POSITIONS:

Representatives of the following entities testified in support of the bill (5-27-21):

- Michigan Academy of Family Physicians
- DaVita Kidney Care

The following entities indicated support for the bill (5-27-21):

- Michigan State Medical Society
- Fresenius Kidney Care

Legislative Analyst: Jenny McInerney
Fiscal Analyst: Marcus Coffin

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