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Senate Bill 956 (as introduced 12-6-07)
Sponsor: Senator Hansen Clarke
Committee: Health Policy

Date Completed: 9-9-08

CONTENT

The bill would amend the Public Health Code to eliminate a prohibition against the dispensing of electronic prescriptions for controlled substances written by a physician in another state, as well as a provision authorizing administrative sanctions for a violation.

Currently, a practitioner may not dispense 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 in another state, unless the prescription is issued by a physician prescriber who resides adjacent to the land border between Michigan and an adjoining state or resides in Illinois or Minnesota and is authorized under the laws of that state to practice medicine or osteopathic medicine and surgery and to prescribe controlled substances and whose practice may extend into Michigan, but who does not maintain an office or designate a place to meet patients or receive calls in Michigan. The bill would delete this provision.

Under Part 177 (Pharmacy Practice and Drug Control) of the Code, "prescription" means an order for a drug or device written and signed or transmitted by facsimile, electronic transmission, or other means of communication by a prescriber to be filled, compounded, or dispensed. The term includes an order for a drug, not including a controlled substance (except when written by a physician in an adjoining state, Illinois, or Minnesota), written and signed or transmitted by facsimile, electronic transmission, or other means of communication by a physician prescriber licensed to practice in another state. The bill would delete the exclusion of a controlled substance prescription.

Currently, a pharmacist may dispense a prescription written and signed or transmitted by facsimile, electronic transmission, or other means of communication by a physician prescriber in a state other than Michigan, excluding a prescription for a controlled substance (unless written in an adjoining state, Illinois, or Minnesota), only if the pharmacist in the exercise of his or her professional judgment determines all of the following:

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

The bill would eliminate the exclusion of a controlled substance prescription.

Under the Code, a disciplinary subcommittee may fine or reprimand a pharmacist licensee, place a pharmacist licensee on probation, deny, limit, suspend, or revoke a pharmacist's license, or order restitution or community service for a violation or abetting in a violation of Part 177 or rules promulgated under it, if the subcommittee finds that certain grounds exist. These include dispensing a prescription for a controlled substance that is written and signed or transmitted by facsimile, electronic transmission, or other means of communication by a physician prescriber in another state, unless the physician prescriber resides adjacent to the land border between Michigan and an adjoining state or resides in Illinois or Minnesota and is authorized to practice under the laws of that state and whose practice may extend into Michigan, but who does not maintain an office or designate a place to meet patients or receive calls in Michigan. The bill would delete this ground for sanctions.

MCL 333.7405 et al.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

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

Fiscal Analyst: Matthew Grabowski

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