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## BILL ANALYSIS

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House Bill 4161 (Substitute H-1 as passed by the House)

Sponsor: Representative Richard LeBlanc

House Committee: Health Policy

Senate Committee: Health Policy

Date Completed: 9-14-09

**CONTENT**

**The bill would amend the Public Health Code to eliminate a prohibition against the dispensing of 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.

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 (Pharmacy Practice and Drug Control) 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 meets the same criteria as described above.

The bill would amend both of these provisions by deleting the criterion that the out-of-State physician prescriber reside adjacent to the land border between Michigan and an adjoining state or live in Illinois or Minnesota. The bill also would delete the provisions under which the physician's practice may extend into Michigan but the physician may not maintain an office or designate a place to meet patients or receive calls in this State.

Under the bill, then, a practitioner could not dispense a prescription for a controlled substance written by a physician prescriber licensed in another state, and a pharmacist who did so would be subject to sanctions, unless the physician prescriber were authorized under the other state's laws to practice medicine or osteopathic medicine and surgery and to prescribe controlled substances.

Currently, "prescription drug" means one or more of the following:

- A drug dispensed pursuant to a prescription.
- A drug bearing the Federal legend "CAUTION: federal law prohibits without prescription".
- A drug designated by the Michigan Board of Pharmacy as a drug that may be dispensed only pursuant to a prescription.

Under the bill, the term also would include a drug bearing "Rx only".

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: Steve Angelotti