

SENATE BILL No. 769

February 9, 2016, Introduced by Senators SCHUITMAKER and NOFS and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 7303a (MCL 333.7303a), as added by 1993 PA 305.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7303a. (1) A prescriber who holds a controlled substances
2 license may administer or dispense a controlled substance listed in
3 schedules 2 to 5 without a separate controlled substances license
4 for those activities.

5 (2) Before prescribing or dispensing a controlled substance to
6 a patient, a licensed prescriber shall ask the patient about other
7 controlled substances the patient may be using. The prescriber
8 shall record the patient's response in the patient's medical or
9 clinical record.

1 (3) BEGINNING JANUARY 1, 2019, BEFORE PRESCRIBING OR
2 DISPENSING A CONTROLLED SUBSTANCE TO A NEW PATIENT, A LICENSED
3 PRESCRIBER SHALL OBTAIN A REPORT CONCERNING THAT PATIENT FROM THE
4 DEPARTMENT'S ELECTRONIC SYSTEM FOR MONITORING SCHEDULE 2, 3, 4, OR
5 5 CONTROLLED SUBSTANCES ESTABLISHED UNDER SECTION 7333A. THIS
6 SUBSECTION DOES NOT APPLY IF THE DISPENSING OCCURS IN ANY OF THE
7 FOLLOWING:

8 (A) AN EMERGENCY DEPARTMENT, EMERGENCY ROOM, OR TRAUMA CENTER
9 OF A HOSPITAL THAT IS LICENSED UNDER ARTICLE 17.

10 (B) A HOSPICE, AS DEFINED IN SECTION 20106.

11 (C) AN ONCOLOGY DEPARTMENT OF A HOSPITAL THAT IS LICENSED
12 UNDER ARTICLE 17.

13 (4) ~~(3)~~—A licensed prescriber who dispenses controlled
14 substances shall maintain all of the following records separately
15 from other prescription records:

16 (a) All invoices and other acquisition records for each
17 controlled substance acquired by the prescriber for not less than 5
18 years after the date the prescriber acquires the controlled
19 substance.

20 (b) A log of all controlled substances dispensed by the
21 prescriber for not less than 5 years after the date the controlled
22 substance is dispensed.

23 (c) Records of all other dispositions of controlled substances
24 under the licensee's control for not less than 5 years after the
25 date of the disposition.

26 (5) ~~(4)~~—The requirement under section 7303 for a license is
27 waived in the following circumstances:

1 (a) When a controlled substance listed in schedules 2 to 5 is
2 administered on the order of a licensed prescriber by an individual
3 who is licensed under article 15 as a practical nurse, a registered
4 professional nurse, or a physician's assistant.

5 (b) When methadone or a methadone congener is dispensed on the
6 order of a licensed prescriber in a methadone treatment program
7 licensed under article 6 or when a controlled substance listed in
8 schedules 2 to 5 is dispensed on the order of a licensed prescriber
9 in a hospice **THAT IS** rendering emergency care services in a
10 patient's home as described in section 17746 by a registered
11 professional nurse or a physician's assistant **WHO IS** licensed under
12 article 15.

13 Enacting section 1. This amendatory act does not take effect
14 unless Senate Bill No. 770

15 of the 98th Legislature is enacted into law.