

BONA FIDE PRESCRIBER-PATIENT RELATIONSHIP AND MAPS REPORT EXEMPTIONS FOR HOSPICE

House Bill 4224 (H-1) as reported from committee
Sponsor: Rep. Michele Hoytenga

House Bill 4225 (H-2) as reported from committee
Sponsor: Rep. Bronna Kahle

1st Committee: Health Policy
2nd Committee: Ways and Means
Complete to 4-9-19

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

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

SUMMARY:

Taken together, House Bills 4224 and 4225 would exempt hospice patients from the requirement that a bona fide prescriber-patient relationship exist before a prescriber could prescribe a Schedule 2 to 5 controlled substance, and move the definition of bona fide prescriber-patient relationship from Part 73 (Manufacture, Distribution, and Dispensing) of the Public Health Code to Part 71 (General Provisions).

The bills would also exempt a person from the requirement that a prescriber obtain and review a Michigan Automated Prescription System (MAPS) report before prescribing or dispensing more than a three-day supply of a controlled substance as long as the following requirements were met:

- The person was under the care of hospice.
- The MAPS report was obtained and reviewed when the person was admitted to hospice.

MCL 333.7104 (HB 4224)

MCL 333.7303a (HB 4225)

BACKGROUND:

2017 PA 249 (Senate Bill 167)¹ required that there be a bona fide prescriber-patient relationship before a licensed provider could prescribe a controlled substance listed in Schedules 2 to 5. However, there was a concern that this requirement would unintentionally affect hospice patients' ability to receive pain medication to address their serious and rapidly changing health needs. Accordingly, 2018 PA 101 (House Bill 5678)² pushed this requirement, which was to take effect March 31, 2018, to March 31, 2019 (or the date by which exemptions to the relationship would be defined). The bills are seen as an effort to address the concern permanently.

¹ House Fiscal Agency analysis of PA 249/SB 167 of 2017 <http://www.legislature.mi.gov/documents/2017-2018/billanalysis/House/pdf/2017-HLA-0166-A26310EB.pdf>

² House Fiscal Agency analysis of PA 101/HB 5678 of 2018 <http://www.legislature.mi.gov/documents/2017-2018/billanalysis/House/pdf/2017-HLA-5678-B893753A.pdf>

FISCAL IMPACT:

House Bills 4224 and 4225, jointly examined, would not have a significant fiscal impact on the Department of Licensing and Regulatory Affairs or on other units of state or local government.

BRIEF DISCUSSION:

As introduced, House Bill 4224 would have allowed an individual to whom the prescriber delegated authority to evaluate the individual for the purposes of establishing a bona fide prescriber-patient relationship. The H-1 substitute removes that provision to avoid unintended consequences, according to the bill sponsor.

POSITIONS:

Representatives of the Michigan Academy of Physician Assistants testified in support of the bills. (3-7-19)

The following organizations indicated support for the bills:

- Department of Licensing and Regulatory Affairs (4-9-19)
- Curo Health Services (3-7-19)
- Henry Ford Allegiance Hospice (3-7-19)
- Michigan HomeCare and Hospice Association (4-9-19)
- Emmanuel Hospice (3-7-19)
- Harbor Hospice (3-7-19)
- United Hospice Service (3-7-19)
- Munson Home Health (3-7-19)
- Faith Hospice Care (3-7-19)
- Hospice of Lansing (3-7-19)
- Heart to Heart Hospice (3-7-19)
- McLaren Hospice and Palliative Care (3-7-19)
- Memorial Healthcare Hospice (3-7-19)
- Trinity Health at Home (3-7-19)
- Hospice of Lenawee (3-7-19)
- Michigan State Medical Society (3-7-19)
- American Cancer Society (3-7-19)
- Angela Hospice (3-7-19)
- Michigan Academy of Physician Assistants (3-14-19)

The following organizations indicated support for HB 4225:

- Sparrow Health System (3-7-19)
- Michigan Catholic Conference (4-9-19)
- Michigan Health and Hospital Association (3-7-19)
- Trinity Health (3-7-19)

Legislative Analyst: Jenny McInerney
Fiscal Analyst: Marcus Coffin

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.