

TELEHEALTH LAW REVISED BY MICHIGAN LEGISLATURE

On March 27, 2017, the Michigan State Legislature revised the telehealth services regulations that were enacted on December 21, 2016. This revision to MCL 333.16285 goes into effect on March 29, 2017 and will allow health care professionals providing telehealth services to prescribe controlled substances. The original regulations prohibited prescription of controlled substances; however, stakeholders in the mental health community voiced concern regarding the ban on prescribing controlled substances to telehealth patients. For example, one concern was that community mental health and substance abuse clinics that provide telehealth services 24 hours a day need to prescribe controlled substances to treat patients for alcohol and drug detoxification.

The revised regulation allows health professionals providing telehealth services to prescribe a drug, including a controlled substance, if they are acting within the scope of their practice, if they meet the requirements for prescribing controlled substances under Michigan law and if they comply with both of the following requirements.

1. If the health professional considers it medically necessary, the health professional must provide the patient with a referral for other health care services that are geographically accessible to the patient, including emergency services.
2. After providing a telehealth service, the health professional or the health professional acting under delegation, must make themselves available to the patient to provide follow-up health care services or refer the patient to another health professional for follow-up health care services.

If you have questions or would like additional information about the Michigan telehealth services regulation, please contact:

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