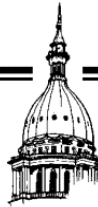




Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 1145 (as enacted)
Sponsor: Senator Jim Marleau
Senate Committee: Health Policy
House Committee: Health Policy

PUBLIC ACT 618 of 2012

Date Completed: 4-23-13

CONTENT

The bill amended the Public Health Code to revise provisions related to the rules regulating a physician's delegation of drug prescription authority to a physician's assistant; and include in Part 175 (Osteopathic Medicine and Surgery) language regarding the delegation of duties to a physician's assistant, as provided in Part 170 (Medicine).

The bill took effect on January 9, 2013, and was tie-barred to Senate Bill 1320 (Public Act 569 of 2012).

Drug Prescription

Under Part 170, the Board of Medicine may promulgate rules for a supervising physician to delegate to a physician's assistant (PA) the function of prescribing drugs. Under the bill, this applies subject to Section 17076(3) and (4).

Under Section 17076(3), a PA may prescribe drugs as a delegated act of a supervising physician in accordance with procedures and protocol establish by rule of the appropriate board. A PA may prescribe a drug, including a controlled substance in Schedules 2 to 5, as a delegated act of the supervising physician. Under Section 17076(4), a PA may order, receive, and dispense complimentary starter dose drugs, including the specified controlled substances, as a delegated act of a supervising physician. Under each subsection, both the PA's name and the supervising physician's name must be used, recorded, or otherwise indicated so that it is known under whose delegated authority the PA is prescribing. With regard

to a controlled substance, both the PA's and the supervising physician's DEA registration numbers must be used, recorded, or otherwise indicated in connection with the prescription.

Part 175 contains a similar provision regarding the promulgation of rules by the Board of Osteopathic Medicine and Surgery for a supervising physician to delegate to a PA the function of prescribing drugs. Part 175 also contains the same provisions regarding delegation of the ordering, receipt, and dispensing of complimentary starter dose drugs. The bill added language similar to that in Section 17076(3) authorizing a PA to prescribe drugs as a delegated act and requiring the use of both the PA's and supervising physician's name in connection with a delegated prescription. The Board's promulgation of rules is subject to those conditions, as well as the provisions concerning complimentary starter dose drugs.

Other Duties

Part 170 allows a PA to make calls or go on rounds under the supervision of a physician in private homes, public institutions, emergency vehicles, ambulatory care clinics, hospitals, intermediate or extended care facilities, health maintenance organizations, nursing homes, or other health care facilities. Notwithstanding any law or rule to the contrary, a PA may make calls or go on rounds without restrictions on the time or frequency of visits by the physician or the PA. The bill added similar language to Part 175.

Professional Corporation

Under Part 170, if one or more individuals licensed under Part 170, Part 175, or Part 180 (Podiatric Medicine and Surgery), and one or more physician's assistants organize a professional service corporation or a professional limited liability company (PLLC), the individuals who are the supervising physicians of the PAs must be shareholders in the same professional service corporation or PLLC as the PAs and must meet all applicable requirements of Part 170, 175, or 180.

Under the bill, these provisions also apply if one or more individuals licensed under Part 170, 175, or 180 and one or more PAs organize a professional corporation under Section 284 of the Business Corporation Act.

(Public Act 569 of 2012 repealed the Professional Service Corporation Act and essentially recodified it as Chapter 2A (Professional Corporations) of the Business Corporation Act. Public Act 569 requires a corporation to incorporate as a professional corporation under Chapter 2A if it provides one or more services in a learned profession, which include services provided by a physician, surgeon, or osteopathic physician.

Section 284 applies to professional corporations that provide a service subject to Article 15 (Occupations) of the Public Health Code, and contains language similar to that in Part 170 regarding professional corporations organized by physicians and PAs.)

MCL 333.17048 & 333.17548

Legislative Analyst: Julie Cassidy
Suzanne Lowe

FISCAL IMPACT

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

Fiscal Analyst: Josh Sefton

S1112\S1145es

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.