

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1145

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 17048 and 17548 (MCL 333.17048 and 333.17548),
sections 17048 and 17548 as amended by 2011 PA 210.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17048. (1) Except as otherwise provided in this section
2 and section 17049(5), a physician who is a sole practitioner or who
3 practices in a group of physicians and treats patients on an
4 outpatient basis shall not supervise more than 4 physician's
5 assistants. If a physician described in this subsection supervises
6 physician's assistants at more than 1 practice site, the physician
7 shall not supervise more than 2 physician's assistants by a method
8 other than the physician's actual physical presence at the practice

1 site.

2 (2) A physician who is employed by, under contract or
3 subcontract to, or has privileges at a health facility or agency
4 licensed under article 17 or a state correctional facility may
5 supervise more than 4 physician's assistants at the health facility
6 or agency or state correctional facility.

7 (3) To the extent that a particular selected medical care
8 service requires extensive medical training, education, or ability
9 or poses serious risks to the health and safety of patients, the
10 board may prohibit or otherwise restrict the delegation of that
11 medical care service or may require higher levels of supervision.

12 (4) A physician shall not delegate ultimate responsibility for
13 the quality of medical care services, even if the medical care
14 services are provided by a physician's assistant.

15 (5) ~~The~~ **SUBJECT TO SECTION 17076(3) AND (4), THE** board may
16 promulgate rules for the delegation by a supervising physician to a
17 physician's assistant of the function of prescription of drugs. The
18 rules may define the drugs or classes of drugs the prescription of
19 which shall not be delegated and other procedures and protocols
20 necessary to promote consistency with federal and state drug
21 control and enforcement laws. ~~When delegated prescription occurs,~~
22 ~~both the physician's assistant's name and the supervising~~
23 ~~physician's name shall be used, recorded, or otherwise indicated in~~
24 ~~connection with each individual prescription.~~

25 (6) A supervising physician may delegate in writing to a
26 physician's assistant the ordering, receipt, and dispensing of
27 complimentary starter dose drugs including controlled substances

1 that are included in schedules 2 to 5 of part 72. When the
2 delegated ordering, receipt, or dispensing of complimentary starter
3 dose drugs occurs, both the physician's assistant's name and the
4 supervising physician's name shall be used, recorded, or otherwise
5 indicated in connection with each order, receipt, or dispensing.
6 When the delegated ordering, receipt, or dispensing of
7 complimentary starter dose drugs that are included in schedules 2
8 to 5 occurs, both the physician's assistant's and the supervising
9 physician's DEA registration numbers shall be used, recorded, or
10 otherwise indicated in connection with each order, receipt, or
11 dispensing. As used in this subsection, "complimentary starter
12 dose" means that term as defined in section 17745. It is the intent
13 of the legislature in enacting this subsection to allow a
14 pharmaceutical manufacturer or wholesale distributor, as those
15 terms are defined in part 177, to distribute complimentary starter
16 dose drugs to a physician's assistant, as described in this
17 subsection, in compliance with section 503(d) of the federal food,
18 drug, and cosmetic act, 21 USC 353.

19 (7) Beginning on July 19, 2010, if 1 or more individuals
20 licensed under part 170 to engage in the practice of medicine,
21 licensed under part 175 to engage in the practice of osteopathic
22 medicine and surgery, or licensed under part 180 to engage in the
23 practice of podiatric medicine and surgery, and 1 or more
24 physician's assistants organize a professional service corporation
25 pursuant to ~~UNDER~~ section 4 of the ~~professional service corporation~~
26 ~~act, FORMER 1962 PA 192, MCL 450.224, A PROFESSIONAL CORPORATION~~
27 **UNDER SECTION 284 OF THE BUSINESS CORPORATION ACT, 1972 PA 284, MCL**

1 ~~450.1284~~, or a professional limited liability company pursuant to
 2 **UNDER** section 904 of the Michigan limited liability company act,
 3 1993 PA 23, MCL 450.4904, the individuals who are the supervising
 4 physicians of the physician's assistants shall be shareholders in
 5 the same professional service corporation **OR PROFESSIONAL**
 6 **CORPORATION** or members in the same professional limited liability
 7 company as the physician's assistants and shall meet all of the
 8 applicable requirements of part 170, 175, or 180. If 1 or more
 9 physician's assistants organized a professional service corporation
 10 pursuant to ~~UNDER~~ section 4 of the ~~professional service corporation~~
 11 ~~act~~, ~~FORMER~~ 1962 PA 192, ~~MCL 450.224~~, **A PROFESSIONAL CORPORATION**
 12 **UNDER SECTION 284 OF THE BUSINESS CORPORATION ACT, 1972 PA 284, MCL**
 13 ~~450.1284~~, or a professional limited liability company pursuant to
 14 **UNDER** section 904 of the Michigan limited liability company act,
 15 1993 PA 23, MCL 450.4904, before July 19, 2010 that has only
 16 physician's assistants as shareholders or members, the individuals
 17 who are the supervising physicians of the physician's assistants
 18 shall meet all of the applicable requirements of part 170, 175, or
 19 180.

20 (8) In addition to the requirements of section 17068 and
 21 beginning on July 19, 2010, the department shall include on the
 22 form used for renewal of licensure a space for a physician's
 23 assistant to disclose whether he or she is a shareholder in a
 24 professional service corporation pursuant to ~~UNDER~~ section 4 of the
 25 ~~professional service corporation act~~, ~~FORMER~~ 1962 PA 192, ~~MCL~~
 26 ~~450.224~~, or a member in a professional limited liability company
 27 pursuant to **UNDER** section 904 of the Michigan limited liability

1 company act, 1993 PA 23, MCL 450.4904, ~~which corporation or company~~
2 **THAT** was organized before July 19, 2010. A physician's assistant
3 who is a shareholder in a professional service corporation or a
4 member in a professional limited liability company described in
5 this subsection shall disclose all of the following in the form
6 used for renewal of licensure provided by the department:

7 (a) Whether any individuals licensed under part 170 to engage
8 in the practice of medicine, licensed under part 175 to engage in
9 the practice of osteopathic medicine and surgery, or licensed under
10 part 180 to engage in the practice of podiatric medicine and
11 surgery are shareholders in the professional service corporation or
12 members in the professional limited liability company.

13 (b) The name and license number of the individual licensed
14 under part 170 to engage in the practice of medicine, licensed
15 under part 175 to engage in the practice of osteopathic medicine
16 and surgery, or licensed under part 180 to engage in the practice
17 of podiatric medicine and surgery who supervises the physician's
18 assistant.

19 (c) Whether the individual licensed under part 170 to engage
20 in the practice of medicine, licensed under part 175 to engage in
21 the practice of osteopathic medicine and surgery, or licensed under
22 part 180 to engage in the practice of podiatric medicine and
23 surgery disclosed in subdivision (b) is a shareholder in the same
24 professional service corporation or member in a professional
25 limited liability company as the physician's assistant.

26 Sec. 17548. (1) Except as otherwise provided in this
27 subsection and section 17549(5), a physician who is a sole

1 practitioner or who practices in a group of physicians and treats
2 patients on an outpatient basis shall not supervise more than 4
3 physician's assistants. If a physician described in this subsection
4 supervises physician's assistants at more than 1 practice site, the
5 physician shall not supervise more than 2 physician's assistants by
6 a method other than the physician's actual physical presence at the
7 practice site.

8 (2) A physician who is employed by or under contract or
9 subcontract to or has privileges at a health facility licensed
10 under article 17 or a state correctional facility may supervise
11 more than 4 physician's assistants at the health facility or agency
12 or state correctional facility.

13 (3) To the extent that a particular selected medical care
14 service requires extensive medical training, education, or ability
15 or pose serious risks to the health and safety of patients, the
16 board may prohibit or otherwise restrict the delegation of that
17 medical care service or may require higher levels of supervision.

18 (4) A physician shall not delegate ultimate responsibility for
19 the quality of medical care services, even if the medical care
20 services are provided by a physician's assistant.

21 (5) **A PHYSICIAN'S ASSISTANT MAY MAKE CALLS OR GO ON ROUNDS**
22 **UNDER THE SUPERVISION OF A PHYSICIAN IN PRIVATE HOMES, PUBLIC**
23 **INSTITUTIONS, EMERGENCY VEHICLES, AMBULATORY CARE CLINICS,**
24 **HOSPITALS, INTERMEDIATE OR EXTENDED CARE FACILITIES, HEALTH**
25 **MAINTENANCE ORGANIZATIONS, NURSING HOMES, OR OTHER HEALTH CARE**
26 **FACILITIES. NOTWITHSTANDING ANY LAW OR RULE TO THE CONTRARY, A**
27 **PHYSICIAN'S ASSISTANT MAY MAKE CALLS OR GO ON ROUNDS AS PROVIDED IN**

1 THIS SUBSECTION WITHOUT RESTRICTIONS ON THE TIME OR FREQUENCY OF
2 VISITS BY THE PHYSICIAN OR THE PHYSICIAN'S ASSISTANT.

3 (6) ~~(5) The~~ SUBJECT TO SUBSECTIONS (7) AND (8), THE board may
4 promulgate rules for the delegation by a supervising physician to a
5 physician's assistant of the function of prescription of drugs. ~~The~~
6 SUBJECT TO SUBSECTIONS (7) AND (8), THE rules may define the drugs
7 or classes of drugs the prescription of which shall not be
8 delegated and other procedures and protocols necessary to promote
9 consistency with federal and state drug control and enforcement
10 laws. ~~When delegated prescription occurs, both the physician's~~
11 ~~assistant's name and the supervising physician's name shall be~~
12 ~~used, recorded, or otherwise indicated in connection with each~~
13 ~~individual prescription.~~

14 (7) A PHYSICIAN'S ASSISTANT MAY PRESCRIBE DRUGS AS A DELEGATED
15 ACT OF A SUPERVISING PHYSICIAN IN ACCORDANCE WITH PROCEDURES AND
16 PROTOCOL FOR THE PRESCRIPTION ESTABLISHED BY RULE OF THE
17 APPROPRIATE BOARD. A PHYSICIAN'S ASSISTANT MAY PRESCRIBE A DRUG,
18 INCLUDING A CONTROLLED SUBSTANCE THAT IS INCLUDED IN SCHEDULES 2 TO
19 5 OF PART 72, AS A DELEGATED ACT OF THE SUPERVISING PHYSICIAN. WHEN
20 DELEGATED PRESCRIPTION OCCURS, BOTH THE PHYSICIAN'S ASSISTANT'S
21 NAME AND THE SUPERVISING PHYSICIAN'S NAME SHALL BE USED, RECORDED,
22 OR OTHERWISE INDICATED IN CONNECTION WITH EACH INDIVIDUAL
23 PRESCRIPTION SO THAT THE INDIVIDUAL WHO DISPENSES OR ADMINISTERS
24 THE PRESCRIPTION KNOWS UNDER WHOSE DELEGATED AUTHORITY THE
25 PHYSICIAN'S ASSISTANT IS PRESCRIBING. WHEN DELEGATED PRESCRIPTION
26 OF DRUGS THAT ARE INCLUDED IN SCHEDULES 2 TO 5 OCCURS, BOTH THE
27 PHYSICIAN'S ASSISTANT'S AND THE SUPERVISING PHYSICIAN'S DEA

1 **REGISTRATION NUMBERS SHALL BE USED, RECORDED, OR OTHERWISE**
2 **INDICATED IN CONNECTION WITH EACH INDIVIDUAL PRESCRIPTION.**

3 (8) ~~(6)~~—A supervising physician may delegate in writing to a
4 physician's assistant the ordering, receipt, and dispensing of
5 complimentary starter dose drugs including controlled substances
6 that are included in schedules 2 to 5 of part 72. When the
7 delegated ordering, receipt, or dispensing of complimentary starter
8 dose drugs occurs, both the physician's assistant's name and the
9 supervising physician's name shall be used, recorded, or otherwise
10 indicated in connection with each order, receipt, or dispensing.
11 When the delegated ordering, receipt, or dispensing of
12 complimentary starter dose drugs that are included in schedules 2
13 to 5 occurs, both the physician's assistant's and the supervising
14 physician's DEA registration numbers shall be used, recorded, or
15 otherwise indicated in connection with each order, receipt, or
16 dispensing. As used in this subsection, "complimentary starter
17 dose" means that term as defined in section 17745. It is the intent
18 of the legislature in enacting this subsection to allow a
19 pharmaceutical manufacturer or wholesale distributor, as those
20 terms are defined in part 177, to distribute complimentary starter
21 dose drugs to a physician's assistant, as described in this
22 subsection, in compliance with section 503(d) of the federal food,
23 drug, and cosmetic act, 21 USC 353.

24 Enacting section 1. This amendatory act does not take effect
25 unless Senate Bill No. 1320 of the 96th Legislature is enacted into
26 law.