HOUSE BILL No. 6144

September 25, 1996, Introduced by Rep. Law and referred to the Committee on Health Policy.

A bill to amend section 17745 of Act No. 368 of the Public Acts of 1978, entitled as amended

"Public health code,"

as amended by Act No. 355 of the Public Acts of 1996, being section 333.17745 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Section 1. Section 17745 of Act No. 368 of the Public Acts of 1978, as amended by Act No. 355 of the Public Acts of 1996, being section 333.17745 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 17745. (1) Except as otherwise provided in this subsection, a prescriber who wishes to dispense prescription drugs shall obtain from the board a drug control license for each location in which the storage and dispensing of prescription drugs occur. A drug control license is not necessary if the

dispensing occurs in the emergency department, emergency room, or trauma center of a hospital licensed under article 17 or if the dispensing involves only the issuance of complimentary starter dose drugs.

(2) A dispensing prescriber shall dispense prescription drugs only to his or her own patients.

(3) A dispensing prescriber shall include in a patient's chart or clinical record a complete record, including prescription drug names, dosages, and quantities, of all prescription drugs dispensed directly by the dispensing prescriber or indirectly under his or her delegatory authority. If prescription drugs are dispensed under the prescriber's delegatory authority, the delegatee who dispenses the prescription drugs shall initial the patient's chart, clinical record, or log of prescription drugs dispensed. In a patient's chart or clinical record, a dispensing prescriber shall distinguish between prescription drugs dispensed to the patient and prescription drugs prescribed for the patient. A dispensing prescriber shall retain information required under this subsection for not less than 5 years after the information is entered in the patient's chart or clinical record.

(4) A dispensing prescriber shall store prescription drugs under conditions that will maintain their stability, integrity, and effectiveness and will assure that the prescription drugs are free of contamination, deterioration, and adulteration.

(5) A dispensing prescriber shall store prescription drugs in a substantially constructed, securely lockable cabinet.

Access to the cabinet shall be limited to individuals authorized to dispense prescription drugs in compliance with this part and article 7.

(6) Unless otherwise requested by a patient, a dispensing prescriber shall dispense a prescription drug in a safety closure container that complies with the poison prevention packaging act of 1970, Public Law 91-601, 84 Stat. 1670.

(7) A dispensing prescriber shall dispense a drug in a container that bears a label containing all of the following information:

(a) The name and address of the location from which the prescription drug is dispensed.

(b) The patient's name and record number.

(c) The date the prescription drug was dispensed.

(d) The prescriber's name.

(e) The directions for use.

(f) The name and strength of the prescription drug.

(g) The quantity dispensed.

(h) The expiration date of the prescription drug or the statement required under section 17756.

(8) In addition to meeting the requirements of this part, a dispensing prescriber who dispenses controlled substances shall comply with section 7303a.

(9) The board may periodically inspect locations from which prescription drugs are dispensed.

(10) The act, task, or function of dispensing prescription drugs shall be delegated only as provided in section 16215 and this part.

(11) A supervising physician may delegate in writing to a pharmacist practicing in a hospital pharmacy within a hospital licensed under article 17 the receipt of complimentary starter dose drugs other than controlled substances as defined by article 7 or federal law. When the delegated receipt of complimentary starter dose drugs occurs, both the pharmacist's name and the supervising physician's name shall be used, recorded, or otherwise indicated in connection with each receipt. A pharmacist described in this subsection may dispense a prescription for complimentary starter dose drugs written or transmitted by other means of communication by a prescriber.

(12) As used in this section, "complimentary starter dose" means A prescription ~~drugs~~ DRUG packaged, dispensed, and distributed in accordance with state and federal law IN A QUANTITY OF NOT MORE THAN A 72-HOUR SUPPLY OR 1 PREPACKAGED STARTER DOSE UNIT FROM THE MANUFACTURER that ~~are~~ IS provided to a dispensing prescriber free of charge by a manufacturer or distributor and dispensed free of charge by the dispensing prescriber to his or her patients.

(13) THE LIMITATION ON QUANTITY CONTAINED IN SUBSECTION (12) DOES NOT PROHIBIT A DISPENSING PRESCRIBER FROM DISPENSING MORE THAN 1 COMPLIMENTARY STARTER DOSE TO A PATIENT. HOWEVER, IF A DISPENSING PRESCRIBER DOES DISPENSE MORE THAN 1 COMPLIMENTARY

STARTER DOSE TO A PATIENT, THE DISPENSING PRESCRIBER SHALL COMPLY WITH THE LABELING REQUIREMENTS OF SUBSECTION (7).