

Senate Fiscal Agency  
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**SFA**



**BILL ANALYSIS**

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Senate Bill 436 (Substitute S-1 as passed by the Senate)  
Sponsor: Senator Raymond M. Murphy  
Committee: Health Policy

Date Completed: 5-18-99

### **RATIONALE**

The Public Health Code provides that a "public health program" is one of several different types of programs, such as a local health department, a rural health clinic, or a family planning program. A public health program also includes a methadone treatment program licensed under the Code. Currently, in a public health program without an on-site pharmacy, a dispensing prescriber may delegate the dispensing of prescription drugs only to a registered professional nurse, or a physician's assistant if the dispensing prescriber is responsible for the clinical supervision of the physician's assistant. (A dispensing prescriber is a licensed doctor, dentist, or other licensed health professional acting under the delegation of a doctor of medicine or a doctor of osteopathic medicine and surgery, who dispenses prescription drugs.) Apparently, registered nurses and physician's assistants are not readily available to work in busy methadone programs. Therefore, it has been suggested that the Code be amended to allow a licensed practical nurse to dispense methadone, and to specify the requirements that a dispensing prescriber would have to meet in delegating the delivery of methadone.

### **CONTENT**

The bill would amend the Public Health Code to provide that in a methadone treatment program, licensed under the Code, that did not have an on-site pharmacy, a dispensing prescriber could delegate the delivery of one or more single doses of methadone, up to the maximum number of doses allowed by law, to a registered client of the program if all of the following requirements were met:

- The delivery was delegated to a registered professional nurse; a licensed practical nurse; or a physician's assistant if the dispensing prescriber were responsible for the clinical supervision of the physician's assistant.
- The delivery was performed pursuant to specific, written protocols.

- The methadone was labeled in accordance with the Code's requirements regarding drugs dispensed by a dispensing prescriber.

(Provisions in the Michigan Administrative Code prescribe the maximum number of doses that may be administered to a methadone client. R 325.14401 et al.)

MCL 333.17745a

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

Currently, in a public health program, a dispensing prescriber may not delegate the dispensing of prescription drugs to anyone other than a registered professional nurse, or a physician's assistant under the supervision of the dispensing prescriber. This restriction has caused problems regarding the dispensing of methadone in methadone treatment programs. Reportedly, methadone treatment programs are often staffed by licensed practical nurses because the programs have difficulty finding registered professional nurses or physician's assistants. In busy methadone programs with a shortage of registered professional nurses or physician's assistants, dispensing prescribers may find it difficult to deliver methadone doses to the clients in a timely manner. By allowing dispensing prescribers to delegate the delivery of methadone to licensed professional nurses, the bill would alleviate this concern. Further, the bill would place in the Code specific regulations regarding the delegated dispensing of methadone in a treatment program.

Legislative Analyst: G. Towne

### **FISCAL IMPACT**

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

Fiscal Analyst: J. Walker

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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.