

SENATE BILL NO. 436

March 11, 1999, Introduced by Senator MURPHY and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17745a (MCL 333.17745a), as added by 1993 PA 305.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17745a. (1) As used in this section:

2 (a) "Medicaid" means the program of medical assistance
3 established under title XIX of the social security act, chapter
4 531, 49 Stat. 620, 42 U.S.C. 1396 to ~~1396g~~ and ~~1396i~~ to ~~1396v~~
5 1396f, 1396g-1 TO 1396r-6, AND 1396r-8 TO 1396v.

6 (b) "Medicare" means the federal medicare program estab-
7 lished under title XVIII of the social security act, chapter 531,
8 49 Stat. 620, 42 U.S.C. 1395 to 1395b, 1395b-2, 1395b-6 TO
9 1395b-7, 1395c to 1395i, 1395i-2 to ~~1395i-4~~ 1395i-5, 1395j to

1 1395t, 1395u to 1395w, 1395w-2 ~~,~~ TO 1395w-4, ~~to 1395ccc~~
 2 1395w-21 TO 1395w-28, 1395x TO 1395yy, AND 1395bbb TO 1395ggg.

3 (c) "Public health program" means 1 of the following:

4 (i) A local health department.

5 (ii) A migrant health center or a community health center as
 6 defined under sections 329 and 330 of subpart I of part C of
 7 title III of the public health service act, 42 U.S.C. 254b and
 8 254c.

9 (iii) A family planning program designated by the
 10 ~~department of social services~~ FAMILY INDEPENDENCE AGENCY as a
 11 provider type 23 under the social welfare act, ~~Act No. 280 of~~
 12 ~~the Public Acts of 1939, being sections 400.1 to 440.119b of the~~
 13 ~~Michigan Compiled Laws~~ 1939 PA 280, MCL 400.1 TO 400.119B, and
 14 verified by the department of ~~public~~ COMMUNITY health.

15 (iv) A methadone treatment program licensed under article
 16 6.

17 (v) A rural health clinic.

18 (vi) A hospice rendering emergency care services in a
 19 patient's home as described in section 17746.

20 (d) "Rural health clinic" means that term as defined in sec-
 21 tion 1861 of part C of title XVIII of the social security act,
 22 ~~chapter 531, 49 Stat. 620,~~ 42 U.S.C. 1395x, and which clinic is
 23 certified to participate in medicaid and medicare.

24 (2) Except as otherwise provided in ~~subsection~~ SUBSECTIONS
 25 (3) AND (4), in a public health program without an on-site phar-
 26 macy, a dispensing prescriber may delegate the dispensing of
 27 prescription drugs only to the following individuals:

1 (a) A registered professional nurse licensed under part
2 172.

3 (b) A physician's assistant licensed under part 170 or part
4 175, if the dispensing prescriber is responsible for the clinical
5 supervision of the physician's assistant.

6 (3) In a public health program without an on-site pharmacy,
7 a dispensing prescriber may delegate the delivery of prescription
8 drugs consisting only of prelabeled, prepackaged oral contracep-
9 tives under the following circumstances:

10 (a) The delivery is delegated to an appropriately trained
11 individual.

12 (b) The delivery is performed pursuant to specific, written
13 protocols.

14 (4) IN A METHADONE TREATMENT PROGRAM LICENSED UNDER ARTICLE
15 6 WITHOUT AN ON-SITE PHARMACY, A DISPENSING PRESCRIBER MAY DELE-
16 GATE THE DELIVERY OF A PRESCRIPTION DRUG CONSISTING ONLY OF A
17 SINGLE DOSE OF METHADONE TO A REGISTERED CLIENT OF THE METHADONE
18 TREATMENT PROGRAM IF ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

19 (A) THE DELIVERY IS DELEGATED TO 1 OF THE FOLLOWING
20 INDIVIDUALS:

21 (i) A REGISTERED PROFESSIONAL NURSE OR A LICENSED PRACTICAL
22 NURSE LICENSED UNDER PART 172.

23 (ii) A PHYSICIAN'S ASSISTANT LICENSED UNDER PART 170 OR PART
24 175, BUT ONLY IF THE DELEGATING DISPENSING PRESCRIBER IS RESPON-
25 SIBLE FOR THE CLINICAL SUPERVISION OF THE PHYSICIAN'S ASSISTANT.

26 (B) THE DELIVERY IS PERFORMED PURSUANT TO SPECIFIC, WRITTEN
27 PROTOCOLS.

1 (C) THE PRESCRIPTION DRUG DESCRIBED IN THIS SUBSECTION IS
2 LABELED IN ACCORDANCE WITH SECTION 17745.