

HOUSE BILL No. 4001

January 10, 2001, Introduced by Rep. Scranton and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 17752 (MCL 333.17752).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17752. (1) A LICENSEE OR A DISPENSING PRESCRIBER SHALL
2 PRESERVE A prescription ~~—~~ or an equivalent record ~~thereof~~ OF
3 THE PRESCRIPTION approved by the board ~~—, shall be preserved by a~~
4 ~~licensee or dispensing prescriber~~ for not less than 5 years
5 AFTER THE DATE THE PRESCRIPTION IS WRITTEN.

6 (2) A prescription or AN equivalent record OF THE PRESCRIP-
7 TION APPROVED BY THE BOARD on file in a pharmacy is not a public
8 record. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), A PHAR-
9 MACIST, PHARMACY EMPLOYEE, OR OTHER PERSON HAVING CUSTODY OF OR
10 ACCESS TO A PRESCRIPTION OR AN EQUIVALENT RECORD OF THE
11 PRESCRIPTION SHALL NOT DISCLOSE THE IDENTITY OF THE PATIENT FOR

1 WHOM THE PRESCRIPTION WAS WRITTEN TO A MANUFACTURER, A
2 DISTRIBUTOR, OR ANY OTHER PERSON WITHOUT THE WRITTEN, INFORMED
3 CONSENT OF THE PATIENT FOR WHOM THE PRESCRIPTION WAS ISSUED.

4 (3) A PHARMACIST, PHARMACY EMPLOYEE, OR OTHER person having
5 custody of or access to ~~prescriptions~~ A PRESCRIPTION OR AN
6 EQUIVALENT RECORD OF THE PRESCRIPTION shall not disclose ~~their~~
7 ITS contents or provide ~~copies~~ A COPY OF THE PRESCRIPTION OR
8 EQUIVALENT RECORD TO ANOTHER without the patient's authorization,
9 ~~to any person~~ except ~~to~~ AS FOLLOWS:

10 (a) ~~The~~ TO THE patient for whom the prescription was
11 issued, or another pharmacist acting on behalf of the patient.
12 IN DISCUSSING A PRESCRIPTION WITH THE PATIENT, A PHARMACIST OR
13 PHARMACY EMPLOYEE SHALL NOT DISCLOSE THE NAME OF THE PRESCRIBED
14 DRUG IN A MANNER THAT ALLOWS OTHER CUSTOMERS TO OVERHEAR THAT
15 INFORMATION.

16 (b) ~~The~~ TO THE authorized prescriber who issued the pre-
17 scription, or TO a licensed health professional who is currently
18 treating the patient.

19 (c) ~~An~~ TO AN agency or agent of government responsible for
20 the enforcement of laws relating to drugs and devices.

21 (d) ~~A~~ TO A person authorized by a court order.

22 (e) ~~A~~ TO A person engaged in research projects or studies
23 ~~with protocols approved by the board~~ CONDUCTED IN ACCORDANCE
24 WITH 45 C.F.R. 46 AND 21 C.F.R. 50 AND 56.

25 (F) TO A PERSON REPRESENTING A PUBLIC OR PRIVATE HEALTH CARE
26 PAYMENT OR BENEFITS PLAN FOR THE PURPOSE OF PROVIDING PAYMENT OR
27 REIMBURSEMENT FOR HEALTH CARE BENEFITS OR SERVICES.

1 (4) A PHARMACIST OR PHARMACY OR DISPENSING PRESCRIBER WHO
2 VIOLATES THIS SECTION IS SUBJECT TO SECTION 16221(G) AND TO THE
3 CORRESPONDING ADMINISTRATIVE SANCTIONS PRESCRIBED BY SECTION
4 16226.

5 (5) ~~-(3)~~ A pharmacist may refill a copy of a prescription
6 from another pharmacy if the original prescription has remaining
7 authorized refills, and the copy is issued according to the fol-
8 lowing procedure:

9 (a) The pharmacist issuing a written or oral copy of a pre-
10 scription shall cancel the original prescription and record the
11 cancellation. The record of cancellation shall include the date
12 the copy was issued, to whom issued, and the identification of
13 the pharmacist who issued the copy.

14 (b) The written or oral copy issued shall be a duplicate of
15 the original prescription except that it shall also include the
16 prescription number, the name of the pharmacy issuing the copy,
17 the date the copy was issued, and the number of authorized
18 refills remaining available to the patient.

19 (c) The pharmacist receiving a written or oral copy of the
20 prescription shall exercise reasonable diligence to determine
21 whether it is a valid copy, and having done so may treat the copy
22 as an original prescription.

23 (d) Except as described in this part, all other copies fur-
24 nished shall be used for ~~information~~ INFORMATIONAL OR REFERENCE
25 purposes only and clearly marked "for informational or reference
26 purposes only".

1 (6) THIS SECTION DOES NOT PROHIBIT OR RESTRICT ACCESS TO
2 PRESCRIPTION INFORMATION FOR HEALTH RESEARCH IF PATIENT
3 IDENTIFIERS HAVE BEEN REMOVED BY CODING OR ENCRYPTION.