

Act No. 124
Public Acts of 2010
Approved by the Governor
July 19, 2010
Filed with the Secretary of State
July 19, 2010
EFFECTIVE DATE: July 19, 2010

**STATE OF MICHIGAN
95TH LEGISLATURE
REGULAR SESSION OF 2010**

Introduced by Senator Stamas

ENROLLED SENATE BILL No. 26

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending section 17048 (MCL 333.17048), as amended by 1996 PA 355.

The People of the State of Michigan enact:

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

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

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

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

(5) The board may promulgate rules for the delegation by a supervising physician to a physician's assistant of the function of prescription of drugs. The rules may define the drugs or classes of drugs the prescription of which shall not be delegated and other procedures and protocols necessary to promote consistency with federal and state drug control and enforcement laws. Until the rules are promulgated, a supervising physician may delegate the prescription of drugs other than controlled substances as defined by article 7 or federal law. When delegated prescription occurs, both the physician's assistant's name and the supervising physician's name shall be used, recorded, or otherwise indicated in connection with each individual prescription.

(6) A supervising physician may delegate in writing to a physician's assistant the ordering, receipt, and dispensing of complimentary starter dose drugs other than controlled substances as defined by article 7 or federal law. When the delegated ordering, receipt, or dispensing of complimentary starter dose drugs occurs, both the physician's assistant's name and the supervising physician's name shall be used, recorded, or otherwise indicated in connection with each order, receipt, or dispensing. As used in this subsection, "complimentary starter dose" means that term as defined in section 17745. It is the intent of the legislature in enacting this subsection to allow a pharmaceutical manufacturer or wholesale distributor, as those terms are defined in part 177, to distribute complimentary starter dose drugs to a physician's assistant, as described in this subsection, in compliance with section 503(d) of the federal food, drug, and cosmetic act, 21 USC 353.

(7) Beginning on the effective date of the amendatory act that added this subsection, if 1 or more individuals licensed under part 170 to engage in the practice of medicine, licensed under part 175 to engage in the practice of osteopathic medicine and surgery, or licensed under part 180 to engage in the practice of podiatric medicine and surgery, and 1 or more physician's assistants organize a professional service corporation pursuant to section 4 of the professional service corporation act, 1962 PA 192, MCL 450.224, or a professional limited liability company pursuant to section 904 of the Michigan limited liability company act, 1993 PA 23, MCL 450.4904, the individuals who are the supervising physicians of the physician's assistants shall be shareholders in the same professional service corporation or members in the same professional limited liability company as the physician's assistants and shall meet all of the applicable requirements of part 170, 175, or 180. If 1 or more physician's assistants organized a professional service corporation pursuant to section 4 of the professional service corporation act, 1962 PA 192, MCL 450.224, or a professional limited liability company pursuant to section 904 of the Michigan limited liability company act, 1993 PA 23, MCL 450.4904, before the effective date of the amendatory act that added this subsection that has only physician's assistants as shareholders or members, the individuals who are the supervising physicians of the physician's assistants shall meet all of the applicable requirements of part 170, 175, or 180.

(8) In addition to the requirements of section 17068 and beginning on the effective date of the amendatory act that added this subsection, the department shall include on the form used for renewal of licensure a space for a physician's assistant to disclose whether he or she is a shareholder in a professional service corporation pursuant to section 4 of the professional service corporation act, 1962 PA 192, MCL 450.224, or a member in a professional limited liability company pursuant to section 904 of the Michigan limited liability company act, 1993 PA 23, MCL 450.4904, which corporation or company was organized before the effective date of the amendatory act that added this subsection. A physician's assistant who is a shareholder in a professional service corporation or a member in a professional limited liability company described in this subsection shall disclose all of the following in the form used for renewal of licensure provided by the department:

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

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

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

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 95th Legislature are enacted into law:

(a) Senate Bill No. 27.

(b) Senate Bill No. 28.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Richard J. Brown

Clerk of the House of Representatives

Approved

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Governor

Compiler's note: Senate Bill No. 27, referred to in enacting section 1, was filed with the Secretary of State July 19, and became 2010 PA 125, Imd. Eff. July 19, 2010.

Senate Bill No. 28, also referred to in enacting section 1, was filed with the Secretary of State July 19, and became 2010 PA 126, Imd. Eff. July 19, 2010.