

**SUBSTITUTE FOR
SENATE BILL NO. 26**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 17048 (MCL 333.17048), as amended by 1996 PA
355.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

6 (3) To the extent that a particular selected medical care
7 service requires extensive medical training, education, or ability
8 or ~~pose~~**POSES** serious risks to the health and safety of patients,
9 the board may prohibit or otherwise restrict the delegation of that
10 medical care service or may require higher levels of supervision.

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

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

26 (6) A supervising physician may delegate in writing to a
27 physician's assistant the ordering, receipt, and dispensing of

1 complimentary starter dose drugs other than controlled substances
2 as defined by article 7 or federal law. When the delegated
3 ordering, receipt, or dispensing of complimentary starter dose
4 drugs occurs, both the physician's assistant's name and the
5 supervising physician's name shall be used, recorded, or otherwise
6 indicated in connection with each order, receipt, or dispensing. As
7 used in this subsection, "complimentary starter dose" means that
8 term as defined in section 17745. It is the intent of the
9 legislature in enacting this subsection to allow a pharmaceutical
10 manufacturer or wholesale distributor, as those terms are defined
11 in part 177, to distribute complimentary starter dose drugs to a
12 physician's assistant, as described in this subsection, in
13 compliance with section 503(d) of the federal food, drug, and
14 cosmetic act, ~~chapter 675, 52 Stat. 1051, 21 U.S.C. 21 USC~~ 353.

15 **(7) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT**
16 **ADDED THIS SUBSECTION, IF 1 OR MORE INDIVIDUALS LICENSED UNDER PART**
17 **170 TO ENGAGE IN THE PRACTICE OF MEDICINE, LICENSED UNDER PART 175**
18 **TO ENGAGE IN THE PRACTICE OF OSTEOPATHIC MEDICINE AND SURGERY, OR**
19 **LICENSED UNDER PART 180 TO ENGAGE IN THE PRACTICE OF PODIATRIC**
20 **MEDICINE AND SURGERY, AND 1 OR MORE PHYSICIAN'S ASSISTANTS ORGANIZE**
21 **A PROFESSIONAL SERVICE CORPORATION PURSUANT TO SECTION 4 OF THE**
22 **PROFESSIONAL SERVICE CORPORATION ACT, 1962 PA 192, MCL 450.224, OR**
23 **A PROFESSIONAL LIMITED LIABILITY COMPANY PURSUANT TO SECTION 904 OF**
24 **THE MICHIGAN LIMITED LIABILITY COMPANY ACT, 1993 PA 23, MCL**
25 **450.4904, THE INDIVIDUALS WHO ARE THE SUPERVISING PHYSICIANS OF THE**
26 **PHYSICIAN'S ASSISTANTS SHALL BE SHAREHOLDERS IN THE SAME**
27 **PROFESSIONAL SERVICE CORPORATION OR MEMBERS IN THE SAME**

1 PROFESSIONAL LIMITED LIABILITY COMPANY AS THE PHYSICIAN'S
2 ASSISTANTS AND SHALL MEET ALL OF THE APPLICABLE REQUIREMENTS OF
3 PART 170, 175, OR 180. IF 1 OR MORE PHYSICIAN'S ASSISTANTS
4 ORGANIZED A PROFESSIONAL SERVICE CORPORATION PURSUANT TO SECTION 4
5 OF THE PROFESSIONAL SERVICE CORPORATION ACT, 1962 PA 192, MCL
6 450.224, OR A PROFESSIONAL LIMITED LIABILITY COMPANY PURSUANT TO
7 SECTION 904 OF THE MICHIGAN LIMITED LIABILITY COMPANY ACT, 1993 PA
8 23, MCL 450.4904, BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT
9 THAT ADDED THIS SUBSECTION THAT HAS ONLY PHYSICIAN'S ASSISTANTS AS
10 SHAREHOLDERS OR MEMBERS, THE INDIVIDUALS WHO ARE THE SUPERVISING
11 PHYSICIANS OF THE PHYSICIAN'S ASSISTANTS SHALL MEET ALL OF THE
12 APPLICABLE REQUIREMENTS OF PART 170, 175, OR 180.

13 (8) IN ADDITION TO THE REQUIREMENTS OF SECTION 17068 AND
14 BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
15 THIS SUBSECTION, THE DEPARTMENT SHALL INCLUDE ON THE FORM USED FOR
16 RENEWAL OF LICENSURE A SPACE FOR A PHYSICIAN'S ASSISTANT TO
17 DISCLOSE WHETHER HE OR SHE IS A SHAREHOLDER IN A PROFESSIONAL
18 SERVICE CORPORATION PURSUANT TO SECTION 4 OF THE PROFESSIONAL
19 SERVICE CORPORATION ACT, 1962 PA 192, MCL 450.224, OR A MEMBER IN A
20 PROFESSIONAL LIMITED LIABILITY COMPANY PURSUANT TO SECTION 904 OF
21 THE MICHIGAN LIMITED LIABILITY COMPANY ACT, 1993 PA 23, MCL
22 450.4904, WHICH CORPORATION OR COMPANY WAS ORGANIZED BEFORE THE
23 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION. A
24 PHYSICIAN'S ASSISTANT WHO IS A SHAREHOLDER IN A PROFESSIONAL
25 SERVICE CORPORATION OR A MEMBER IN A PROFESSIONAL LIMITED LIABILITY
26 COMPANY DESCRIBED IN THIS SUBSECTION SHALL DISCLOSE ALL OF THE
27 FOLLOWING IN THE FORM USED FOR RENEWAL OF LICENSURE PROVIDED BY THE

1 DEPARTMENT:

2 (A) WHETHER ANY INDIVIDUALS LICENSED UNDER PART 170 TO ENGAGE
3 IN THE PRACTICE OF MEDICINE, LICENSED UNDER PART 175 TO ENGAGE IN
4 THE PRACTICE OF OSTEOPATHIC MEDICINE AND SURGERY, OR LICENSED UNDER
5 PART 180 TO ENGAGE IN THE PRACTICE OF PODIATRIC MEDICINE AND
6 SURGERY ARE SHAREHOLDERS IN THE PROFESSIONAL SERVICE CORPORATION OR
7 MEMBERS IN THE PROFESSIONAL LIMITED LIABILITY COMPANY.

8 (B) THE NAME AND LICENSE NUMBER OF THE INDIVIDUAL LICENSED
9 UNDER PART 170 TO ENGAGE IN THE PRACTICE OF MEDICINE, LICENSED
10 UNDER PART 175 TO ENGAGE IN THE PRACTICE OF OSTEOPATHIC MEDICINE
11 AND SURGERY, OR LICENSED UNDER PART 180 TO ENGAGE IN THE PRACTICE
12 OF PODIATRIC MEDICINE AND SURGERY WHO SUPERVISES THE PHYSICIAN'S
13 ASSISTANT.

14 (C) WHETHER THE INDIVIDUAL LICENSED UNDER PART 170 TO ENGAGE
15 IN THE PRACTICE OF MEDICINE, LICENSED UNDER PART 175 TO ENGAGE IN
16 THE PRACTICE OF OSTEOPATHIC MEDICINE AND SURGERY, OR LICENSED UNDER
17 PART 180 TO ENGAGE IN THE PRACTICE OF PODIATRIC MEDICINE AND
18 SURGERY DISCLOSED IN SUBDIVISION (B) IS A SHAREHOLDER IN THE SAME
19 PROFESSIONAL SERVICE CORPORATION OR MEMBER IN A PROFESSIONAL
20 LIMITED LIABILITY COMPANY AS THE PHYSICIAN'S ASSISTANT.

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

24 (a) Senate Bill No. 27.

25 (b) Senate Bill No. 28.