

**SUBSTITUTE FOR  
SENATE BILL NO. 384**

(As amended June 8, 2011)

<<A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16104, 17048, 17049, 17050, 17076, 17078, 17548, 17549, 17745, 17757, 18048, 18049, and 20201 (MCL 333.16104, 333.17048, 333.17049, 333.17050, 333.17076, 333.17078, 333.17548, 333.17549, 333.17745, 333.17757, 333.18048, 333.18049, and 333.20201), section 16104 as amended by 1993 PA 80, section 17048 as amended by 2010 PA 124, sections 17049 and 17549 as amended by 2004 PA 512, section 17050 as amended by 1990 PA 247, sections 17076 and 17548 as amended by 1996 PA 355, section 17078 as amended and sections 18048 and 18049 as added by 2006 PA 161, section 17745 as amended by 2006 PA 672, section 17757 as amended by 1986 PA 304, and section 20201 as amended by 2006 PA 38.>>

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

<<Sec. 16104. (1) "DEA REGISTRATION NUMBER" MEANS THE NUMBER ASSOCIATED WITH A CERTIFICATE OF REGISTRATION ISSUED TO A PRACTITIONER TO PRESCRIBE, DISPENSE, OR ADMINISTER CONTROLLED SUBSTANCES BY THE UNITED STATES DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION.

(2)-(1)-"Delegation" means an authorization granted by a licensee to a licensed or unlicensed individual to perform selected acts, tasks, or functions that fall within the scope of practice of the delegator and that are not within the scope of practice of the delegatee and that, in the absence of the authorization, would constitute illegal practice of a licensed profession.

(3)-(2)-"Department" means the department of ~~eommeree~~-**LICENSING AND REGULATORY AFFAIRS**.

(4)-(3)-"Director" means the director of ~~eommeree~~-**THE DEPARTMENT** or the director's designee.

(5)-(4)-"Disciplinary subcommittee" means a disciplinary subcommittee appointed under section 16216.

(6)-(5)-"Good moral character" means good moral character as defined and determined under ~~Act No. 381 of the Public Acts of 1974, as amended, being sections 1974 PA 381, MCL 338.41 to 338.47. of the Michigan Compiled Laws->>~~

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

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

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

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

23           (5) The board may promulgate rules for the delegation by a  
24 supervising physician to a physician's assistant of the function of  
25 prescription of drugs. The rules may define the drugs or classes of  
26 drugs the prescription of which shall not be delegated and other  
27 procedures and protocols necessary to promote consistency with

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1 federal and state drug control and enforcement laws. ~~Until the~~  
 2 ~~rules are promulgated, a supervising physician may delegate the~~  
 3 ~~prescription of drugs other than controlled substances as defined~~  
 4 ~~by article 7 or federal law.~~ When delegated prescription occurs,  
 5 both the physician's assistant's name and the supervising  
 6 physician's name shall be used, recorded, or otherwise indicated in  
 7 connection with each individual prescription.

8 (6) A supervising physician may delegate in writing to a  
 9 physician's assistant the ordering, receipt, and dispensing of  
 10 complimentary starter dose drugs ~~other than~~ **INCLUDING** controlled  
 11 substances ~~as defined by article 7 or federal law~~ **THAT ARE INCLUDED**  
 12 **IN SCHEDULES 2 TO 5 OF PART 72.** When the delegated ordering,  
 13 receipt, or dispensing of complimentary starter dose drugs occurs,  
 14 both the physician's assistant's name and the supervising  
 15 physician's name shall be used, recorded, or otherwise indicated in  
 16 connection with each order, receipt, or dispensing. **<<WHEN THE**  
**DELEGATED ORDERING, RECEIPT, OR DISPENSING OF COMPLIMENTARY STARTER**  
**DOSE DRUGS THAT ARE INCLUDED IN SCHEDULES 2 TO 5 OCCURS, BOTH THE**  
**PHYSICIAN'S ASSISTANT'S AND THE SUPERVISING PHYSICIAN'S DEA REGISTRATION**  
**NUMBERS SHALL BE USED, RECORDED, OR OTHERWISE INDICATED IN CONNECTION**  
**WITH EACH ORDER, RECEIPT, OR DISPENSING.>>** As used in this  
 17 subsection, "complimentary starter dose" means that term as defined  
 18 in section 17745. It is the intent of the legislature in enacting  
 19 this subsection to allow a pharmaceutical manufacturer or wholesale  
 20 distributor, as those terms are defined in part 177, to distribute  
 21 complimentary starter dose drugs to a physician's assistant, as  
 22 described in this subsection, in compliance with section 503(d) of  
 23 the federal food, drug, and cosmetic act, 21 USC 353.

24 (7) Beginning on ~~the effective date of the amendatory act that~~  
 25 ~~added this subsection~~ **JULY 19, 2010**, if 1 or more individuals  
 26 licensed under part 170 to engage in the practice of medicine,  
 27 licensed under part 175 to engage in the practice of osteopathic

1 medicine and surgery, or licensed under part 180 to engage in the  
2 practice of podiatric medicine and surgery, and 1 or more  
3 physician's assistants organize a professional service corporation  
4 pursuant to section 4 of the professional service corporation act,  
5 1962 PA 192, MCL 450.224, or a professional limited liability  
6 company pursuant to section 904 of the Michigan limited liability  
7 company act, 1993 PA 23, MCL 450.4904, the individuals who are the  
8 supervising physicians of the physician's assistants shall be  
9 shareholders in the same professional service corporation or  
10 members in the same professional limited liability company as the  
11 physician's assistants and shall meet all of the applicable  
12 requirements of part 170, 175, or 180. If 1 or more physician's  
13 assistants organized a professional service corporation pursuant to  
14 section 4 of the professional service corporation act, 1962 PA 192,  
15 MCL 450.224, or a professional limited liability company pursuant  
16 to section 904 of the Michigan limited liability company act, 1993  
17 PA 23, MCL 450.4904, before ~~the effective date of the amendatory~~  
18 ~~act that added this subsection~~ **JULY 19, 2010** that has only  
19 physician's assistants as shareholders or members, the individuals  
20 who are the supervising physicians of the physician's assistants  
21 shall meet all of the applicable requirements of part 170, 175, or  
22 180.

23 (8) In addition to the requirements of section 17068 and  
24 beginning on ~~the effective date of the amendatory act that added~~  
25 ~~this subsection~~ **JULY 19, 2010**, the department shall include on the  
26 form used for renewal of licensure a space for a physician's  
27 assistant to disclose whether he or she is a shareholder in a

1 professional service corporation pursuant to section 4 of the  
2 professional service corporation act, 1962 PA 192, MCL 450.224, or  
3 a member in a professional limited liability company pursuant to  
4 section 904 of the Michigan limited liability company act, 1993 PA  
5 23, MCL 450.4904, which corporation or company was organized ~~before~~  
6 ~~the effective date of the amendatory act that added this subsection~~  
7 **JULY 19, 2010**. A physician's assistant who is a shareholder in a  
8 professional service corporation or a member in a professional  
9 limited liability company described in this subsection shall  
10 disclose all of the following in the form used for renewal of  
11 licensure provided by the department:

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

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

24 (c) Whether the individual licensed under part 170 to engage  
25 in the practice of medicine, licensed under part 175 to engage in  
26 the practice of osteopathic medicine and surgery, or licensed under  
27 part 180 to engage in the practice of podiatric medicine and

1 surgery disclosed in subdivision (b) is a shareholder in the same  
2 professional service corporation or member in a professional  
3 limited liability company as the physician's assistant.

4 Sec. 17049. (1) In addition to the other requirements of this  
5 section and subject to subsection (5), a physician who supervises a  
6 physician's assistant is responsible for all of the following:

7 (a) Verification of the physician's assistant's credentials.

8 (b) Evaluation of the physician's assistant's performance.

9 (c) Monitoring the physician's assistant's practice and  
10 provision of medical care services.

11 (2) Subject to section **16215 OR** 17048, **AS APPLICABLE**, a  
12 physician who supervises a physician's assistant may delegate to  
13 the physician's assistant the performance of medical care services  
14 for a patient who is under the case management responsibility of  
15 the physician, if the delegation is consistent with the physician's  
16 assistant's training.

17 (3) A physician who supervises a physician's assistant is  
18 responsible for the clinical supervision of each physician's  
19 assistant to whom the physician delegates the performance of  
20 medical care service under subsection (2).

21 (4) Subject to subsection (5), a physician who supervises a  
22 physician's assistant shall keep on file in the physician's office  
23 or in the health facility or agency or correctional facility in  
24 which the physician supervises the physician's assistant a  
25 permanent, written record that includes the physician's name and  
26 license number and the name and license number of each physician's  
27 assistant supervised by the physician.

1 (5) A group of physicians practicing other than as sole  
2 practitioners may designate 1 or more physicians in the group to  
3 fulfill the requirements of subsections (1) and (4).

4 (6) Notwithstanding any law or rule to the contrary, a  
5 physician is not required to countersign orders written in a  
6 patient's clinical record by a physician's assistant to whom the  
7 physician has delegated the performance of medical care services  
8 for a patient. **NOTWITHSTANDING ANY LAW OR RULE TO THE CONTRARY, A**  
9 **PHYSICIAN IS NOT REQUIRED TO SIGN AN OFFICIAL FORM THAT LISTS THE**  
10 **PHYSICIAN'S SIGNATURE AS THE REQUIRED SIGNATORY IF THAT OFFICIAL**  
11 **FORM IS SIGNED BY A PHYSICIAN'S ASSISTANT TO WHOM THE PHYSICIAN HAS**  
12 **DELEGATED THE PERFORMANCE OF MEDICAL CARE SERVICES.**

13 Sec. 17050. In addition to its other powers and duties under  
14 this article, the board may prohibit a physician from supervising 1  
15 or more physician's assistants for any of the grounds set forth in  
16 section 16221 or for failure to supervise a physician's assistant  
17 in accordance with this part and rules promulgated under this part.

18 Sec. 17076. (1) Except in an emergency situation, a  
19 physician's assistant shall provide medical care services only  
20 under the supervision of a physician or properly designated  
21 alternative physician, and only if those medical care services are  
22 within the scope of practice of the supervising physician and are  
23 delegated by the supervising physician.

24 (2) ~~A physician's assistant shall provide medical care~~  
25 ~~services only in a medical care setting where the supervising~~  
26 ~~physician regularly sees patients. However, a~~ **A** physician's  
27 assistant may make calls or go on rounds under the supervision of a

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1 physician in private homes, public institutions, emergency  
 2 vehicles, ambulatory care clinics, hospitals, intermediate or  
 3 extended care facilities, health maintenance organizations, nursing  
 4 homes, or other health care facilities. ~~to the extent permitted by~~  
 5 ~~the bylaws, rules, or regulations of the governing facility or~~  
 6 ~~organization, if any.~~ **NOTWITHSTANDING ANY LAW OR RULE TO THE**  
 7 **CONTRARY, A PHYSICIAN'S ASSISTANT MAY MAKE CALLS OR GO ON ROUNDS AS**  
 8 **PROVIDED IN THIS SUBSECTION WITHOUT RESTRICTIONS ON THE TIME OR**  
 9 **FREQUENCY OF VISITS BY THE PHYSICIAN OR THE PHYSICIAN'S ASSISTANT.**

10 (3) A physician's assistant may prescribe drugs as a delegated  
 11 act of a supervising physician, ~~but shall do so only in accordance~~  
 12 ~~with procedures and protocol for the prescription established by~~  
 13 ~~rule of the appropriate board. Until the rules are promulgated, a~~ **A**  
 14 **physician's assistant may prescribe a drug, other than INCLUDING a**  
 15 **controlled substance as defined by article 7 or federal law THAT IS**  
 16 **INCLUDED IN SCHEDULES 2 TO 5 OF PART 72, as a delegated act of the**  
 17 **supervising physician. When delegated prescription occurs, BOTH the**  
 18 **PHYSICIAN'S ASSISTANT'S NAME AND THE** supervising physician's name  
 19 shall be used, recorded, or otherwise indicated in connection with  
 20 each individual prescription so that the individual who dispenses  
 21 or administers the prescription knows under whose delegated  
 22 authority the physician's assistant is prescribing. **<<WHEN DELEGATED**  
**PRESCRIPTION OF DRUGS THAT ARE INCLUDED IN SCHEDULES 2 TO 5 OCCURS,**  
**BOTH THE PHYSICIAN'S ASSISTANT'S AND THE SUPERVISING PHYSICIAN'S DEA**  
**REGISTRATION NUMBERS SHALL BE USED, RECORDED, OR OTHERWISE INDICATED**  
**IN CONNECTION WITH EACH INDIVIDUAL PRESCRIPTION.>>**

23 (4) A physician's assistant may order, receive, and dispense  
 24 complimentary starter dose drugs, ~~other than INCLUDING~~ controlled  
 25 ~~substances as defined by article 7 or federal law THAT ARE INCLUDED~~  
 26 **IN SCHEDULES 2 TO 5 OF PART 72, as a delegated act of a supervising**  
 27 **physician. When the delegated ordering, receipt, or dispensing of**



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1 complimentary starter dose drugs occurs, **BOTH** the **PHYSICIAN'S**  
 2 **ASSISTANT'S NAME AND THE** supervising physician's name shall be  
 3 used, recorded, or otherwise indicated in connection with each  
 4 order, receipt, or dispensing so that the individual who processes  
 5 the order or delivers the complimentary starter dose drugs or to  
 6 whom the complimentary starter dose drugs are dispensed knows under  
 7 whose delegated authority the physician's assistant is ordering,  
 8 receiving, or dispensing. **<<WHEN THE DELEGATED ORDERING, RECEIPT,  
 OR DISPENSING OF COMPLIMENTARY STARTER DOSE DRUGS THAT ARE INCLUDED  
 IN SCHEDULES 2 TO 5 OCCURS, BOTH THE PHYSICIAN'S ASSISTANT'S AND THE  
 SUPERVISING PHYSICIAN'S DEA REGISTRATION NUMBERS SHALL BE USED,  
 RECORDED, OR OTHERWISE INDICATED IN CONNECTION WITH EACH ORDER,  
 RECEIPT, OR DISPENSING.>>** As used in this subsection,  
 9 "complimentary starter dose" means that term as defined in section  
 10 17745. It is the intent of the legislature in enacting this  
 11 subsection to allow a pharmaceutical manufacturer or wholesale  
 12 distributor, as those terms are defined in part 177, to distribute  
 13 complimentary starter dose drugs to a physician's assistant, as  
 14 described in this subsection, in compliance with section 503(d) of  
 15 the federal food, drug, and cosmetic act, ~~chapter 675, 52 Stat.~~  
 16 ~~1051, 21 U.S.C.—21 USC~~ 353.

17 Sec. 17078. (1) A physician's assistant is the agent of ~~the~~  
 18 **HIS OR HER** supervising physician **UNDER THIS PART OR PART 175** or  
 19 supervising podiatrist **UNDER PART 180**. A communication made to a  
 20 physician's assistant that would be a privileged communication if  
 21 made to the supervising physician **UNDER THIS PART OR PART 175** or  
 22 supervising podiatrist **UNDER PART 180** is a privileged communication  
 23 to the physician's assistant and the supervising physician or  
 24 supervising podiatrist to the same extent as if the communication  
 25 were made to the supervising physician or supervising podiatrist.

26 (2) A physician's assistant shall conform to minimal standards  
 27 of acceptable and prevailing practice for the supervising physician

1 UNDER THIS PART OR PART 175 or supervising podiatrist UNDER PART  
2 180.

3 Sec. 17548. (1) Except as otherwise provided in this  
4 subsection and section 17549(5), a physician who is a sole  
5 practitioner or who practices in a group of physicians and treats  
6 patients on an outpatient basis shall not supervise more than 4  
7 physician's assistants. If a physician described in this subsection  
8 supervises physician's assistants at more than 1 practice site, the  
9 physician shall not supervise more than 2 physician's assistants by  
10 a method other than the physician's actual physical presence at the  
11 practice site.

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

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

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

25 (5) The board may promulgate rules for the delegation by a  
26 supervising physician to a physician's assistant of the function of  
27 prescription of drugs. The rules may define the drugs or classes of

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1 drugs the prescription of which shall not be delegated and other  
 2 procedures and protocols necessary to promote consistency with  
 3 federal and state drug control and enforcement laws. ~~Until the~~  
 4 ~~rules are promulgated, a supervising physician may delegate the~~  
 5 ~~prescription of drugs other than controlled substances as defined~~  
 6 ~~by article 7 or federal law.~~ When delegated prescription occurs,  
 7 both the physician's assistant's name and the supervising  
 8 physician's name shall be used, recorded, or otherwise indicated in  
 9 connection with each individual prescription.

10 (6) A supervising physician may delegate in writing to a  
 11 physician's assistant the ordering, receipt, and dispensing of  
 12 complimentary starter dose drugs ~~other than~~ **INCLUDING** controlled  
 13 ~~substances as defined by article 7 or federal law~~ **THAT ARE INCLUDED**  
 14 **IN SCHEDULES 2 TO 5 OF PART 72.** When the delegated ordering,  
 15 receipt, or dispensing of complimentary starter dose drugs occurs,  
 16 both the physician's assistant's name and the supervising  
 17 physician's name shall be used, recorded, or otherwise indicated in  
 18 connection with each order, receipt, or dispensing. **<<WHEN THE  
 DELEGATED ORDERING, RECEIPT, OR DISPENSING OF COMPLIMENTARY STARTER  
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 REGISTRATION NUMBERS SHALL BE USED, RECORDED, OR OTHERWISE INDICATED  
 IN CONNECTION WITH EACH ORDER, RECEIPT, OR DISPENSING.>>** As used in this  
 19 subsection, "complimentary starter dose" means that term as defined  
 20 in section 17745. It is the intent of the legislature in enacting  
 21 this subsection to allow a pharmaceutical manufacturer or wholesale  
 22 distributor, as those terms are defined in part 177, to distribute  
 23 complimentary starter dose drugs to a physician's assistant, as  
 24 described in this subsection, in compliance with section 503(d) of  
 25 the federal food, drug, and cosmetic act, ~~chapter 675, 52 Stat.~~  
 26 ~~1051, 21 U.S.C.~~ **21 USC** 353.

27 Sec. 17549. (1) In addition to the other requirements of this

1 section and subject to subsection (5), a physician who supervises a  
2 physician's assistant is responsible for all of the following:

3 (a) Verification of the physician's assistant's credentials.

4 (b) Evaluation of the physician's assistant's performance.

5 (c) Monitoring the physician's assistant's practice and  
6 provision of medical care services.

7 (2) Subject to section **16215 OR** 17548, **AS APPLICABLE**, a  
8 physician who supervises a physician's assistant may delegate to  
9 the physician's assistant the performance of medical care services  
10 for a patient who is under the case management responsibility of  
11 the physician, if the delegation is consistent with the physician's  
12 assistant's training.

13 (3) A physician who supervises a physician's assistant is  
14 responsible for the clinical supervision of each physician's  
15 assistant to whom the physician delegates the performance of  
16 medical care service under subsection (2).

17 (4) Subject to subsection (5), a physician who supervises a  
18 physician's assistant shall keep on file in the physician's office  
19 or in the health facility or agency or state correctional facility  
20 in which the physician supervises the physician's assistant a  
21 permanent, written record that includes the physician's name and  
22 license number and the name and license number of each physician's  
23 assistant supervised by the physician.

24 (5) A group of physicians practicing other than as sole  
25 practitioners may designate 1 or more physicians in the group to  
26 fulfill the requirements of subsections (1) and (4).

27 (6) Notwithstanding any law or rule to the contrary, a

1 physician is not required to countersign orders written in a  
2 patient's clinical record by a physician's assistant to whom the  
3 physician has delegated the performance of medical care services  
4 for a patient. **NOTWITHSTANDING ANY LAW OR RULE TO THE CONTRARY, A  
5 PHYSICIAN IS NOT REQUIRED TO SIGN AN OFFICIAL FORM THAT LISTS THE  
6 PHYSICIAN'S SIGNATURE AS THE REQUIRED SIGNATORY IF THAT OFFICIAL  
7 FORM IS SIGNED BY A PHYSICIAN'S ASSISTANT TO WHOM THE PHYSICIAN HAS  
8 DELEGATED THE PERFORMANCE OF MEDICAL CARE SERVICES.**

9       Sec. 17745. (1) Except as otherwise provided in this  
10 subsection, a prescriber who wishes to dispense prescription drugs  
11 shall obtain from the board a drug control license for each  
12 location in which the storage and dispensing of prescription drugs  
13 occur. A drug control license is not necessary if the dispensing  
14 occurs in the emergency department, emergency room, or trauma  
15 center of a hospital licensed under article 17 or if the dispensing  
16 involves only the issuance of complimentary starter dose drugs.

17       (2) A dispensing prescriber shall dispense prescription drugs  
18 only to his or her own patients.

19       (3) A dispensing prescriber shall include in a patient's chart  
20 or clinical record a complete record, including prescription drug  
21 names, dosages, and quantities, of all prescription drugs dispensed  
22 directly by the dispensing prescriber or indirectly under his or  
23 her delegatory authority. If prescription drugs are dispensed under  
24 the prescriber's delegatory authority, the delegatee who dispenses  
25 the prescription drugs shall initial the patient's chart, clinical  
26 record, or log of prescription drugs dispensed. In a patient's  
27 chart or clinical record, a dispensing prescriber shall distinguish

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1 between prescription drugs dispensed to the patient and  
2 prescription drugs prescribed for the patient. A dispensing  
3 prescriber shall retain information required under this subsection  
4 for not less than 5 years after the information is entered in the  
5 patient's chart or clinical record.

6 (4) A dispensing prescriber shall store prescription drugs  
7 under conditions that will maintain their stability, integrity, and  
8 effectiveness and will assure that the prescription drugs are free  
9 of contamination, deterioration, and adulteration.

10 (5) A dispensing prescriber shall store prescription drugs in  
11 a substantially constructed, securely lockable cabinet. Access to  
12 the cabinet shall be limited to individuals authorized to dispense  
13 prescription drugs in compliance with this part and article 7.

14 (6) Unless otherwise requested by a patient, a dispensing  
15 prescriber shall dispense a prescription drug in a safety closure  
16 container that complies with the poison prevention packaging act of  
17 1970, ~~Public Law 91-601, 84 Stat. 1670~~ **15 USC 1471 TO 1477**.

18 (7) A dispensing prescriber shall dispense a drug in a  
19 container that bears a label containing all of the following  
20 information:

21 (a) The name and address of the location from which the  
22 prescription drug is dispensed.

23 (b) The patient's name and record number.

24 (c) The date the prescription drug was dispensed.

25 (d) The prescriber's name **<<OR>>**, **IF DISPENSED UNDER THE**  
26 **PRESCRIBER'S DELEGATORY AUTHORITY, <<SHALL LIST>> THE NAME OF**  
**THE DELEGATEE.**

27 (e) The directions for use.

1 (f) The name and strength of the prescription drug.

2 (g) The quantity dispensed.

3 (h) The expiration date of the prescription drug or the  
4 statement required under section 17756.

5 (8) A dispensing prescriber who dispenses a complimentary  
6 starter dose drug to a patient shall give the patient at least all  
7 of the following information, either by dispensing the  
8 complimentary starter dose drug to the patient in a container that  
9 bears a label containing the information or by giving the patient a  
10 written document which may include, but is not limited to, a  
11 preprinted insert that comes with the complimentary starter dose  
12 drug, that contains the information:

13 (a) The name and strength of the complimentary starter dose  
14 drug.

15 (b) Directions for the patient's use of the complimentary  
16 starter dose drug.

17 (c) The expiration date of the complimentary starter dose drug  
18 or the statement required under section 17756.

19 (9) The information required under subsection (8) is in  
20 addition to, and does not supersede or modify, other state or  
21 federal law regulating the labeling of prescription drugs.

22 (10) In addition to meeting the requirements of this part, a  
23 dispensing prescriber who dispenses controlled substances shall  
24 comply with section 7303a.

25 (11) The board may periodically inspect locations from which  
26 prescription drugs are dispensed.

27 (12) The act, task, or function of dispensing prescription

1 drugs shall be delegated only as provided in ~~section 16215 and this~~  
2 part **AND SECTIONS 16215, 17048, 17076, 17212, AND 17548.**

3 (13) A supervising physician may delegate in writing to a  
4 pharmacist practicing in a hospital pharmacy within a hospital  
5 licensed under article 17 the receipt of complimentary starter dose  
6 drugs other than controlled substances as defined by article 7 or  
7 federal law. When the delegated receipt of complimentary starter  
8 dose drugs occurs, both the pharmacist's name and the supervising  
9 physician's name shall be used, recorded, or otherwise indicated in  
10 connection with each receipt. A pharmacist described in this  
11 subsection may dispense a prescription for complimentary starter  
12 dose drugs written or transmitted by facsimile, electronic  
13 transmission, or other means of communication by a prescriber.

14 (14) As used in this section, "complimentary starter dose"  
15 means a prescription drug packaged, dispensed, and distributed in  
16 accordance with state and federal law that is provided to a  
17 dispensing prescriber free of charge by a manufacturer or  
18 distributor and dispensed free of charge by the dispensing  
19 prescriber to his or her patients.

20 Sec. 17757. (1) Upon a request made in person or by telephone,  
21 a pharmacist engaged in the business of selling drugs at retail  
22 shall provide the current selling price of a drug dispensed by that  
23 pharmacy or comparative current selling prices of generic and brand  
24 name drugs dispensed by that pharmacy. The information shall be  
25 provided to the person making the request before a drug is  
26 dispensed to the person. A person who makes a request for price  
27 information under this subsection shall not be obligated to



1 purchase the drug for which the price or comparative prices are  
2 requested.

3 (2) A pharmacist engaged in the business of selling drugs at  
4 retail shall conspicuously display the notice described in  
5 subsection (3) at each counter over which prescription drugs are  
6 dispensed.

7 (3) The notice required under subsection (2) shall be in  
8 substantially the following form:

9 NOTICE TO CONSUMERS

10 ABOUT PRESCRIPTION DRUGS

11 Under Michigan law, you have the right to find out the price  
12 of a prescription drug before the pharmacist fills the  
13 prescription. You are under no obligation to have the prescription  
14 filled here and may use this price information to shop around at  
15 other pharmacies. You may request price information in person or by  
16 telephone.

17 Every pharmacy has the current selling prices of both generic  
18 and brand name drugs dispensed by the pharmacy.

19 Ask your pharmacist if a lower-cost generic drug is available  
20 to fill your prescription. A generic drug contains the same  
21 medicine as a brand name drug and is a suitable substitute in most  
22 instances.

23 A generic drug may not be dispensed by your pharmacist if your  
24 doctor has written "dispense as written" or the initials "d.a.w."  
25 on the prescription.

26 If you have questions about the drugs which have been  
27 prescribed for you, ask your doctor or pharmacist for more

1 information.

2 To avoid dangerous drug interactions, let your doctor and  
3 pharmacist know about any other medications you are taking. This is  
4 especially important if you have more than 1 doctor or have  
5 prescriptions filled at more than 1 pharmacy.

6 (4) The notice required under subsection (2) shall also  
7 contain the address and phone number of the board and the  
8 department. The text of the notice shall be in at least 32-point  
9 bold type and shall be printed on paper at least 11 inches by 17  
10 inches in size. The notice may be printed on multiple pages.

11 (5) A copy of the notice required under subsection (2) shall  
12 be provided to each licensee by the department. Additional copies  
13 shall be available if needed from the department. A person may  
14 duplicate or reproduce the notice if the duplication or  
15 reproduction is a true copy of the notice as produced by the  
16 department, without any additions or deletions whatsoever.

17 (6) The pharmacist shall furnish to the purchaser of a  
18 prescription drug at the time the drug is delivered to the  
19 purchaser a receipt evidencing the transactions, which contains the  
20 following:

21 (a) The brand name of the drug, if applicable.

22 (b) The name of the manufacturer or the supplier of the drug,  
23 if the drug does not have a brand name.

24 (c) The strength of the drug, if significant.

25 (d) The quantity dispensed, if applicable.

26 (e) The name and address of the pharmacy.

27 (f) The serial number of the prescription.

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1 (g) The date the prescription was originally dispensed.

2 (h) The name of the prescriber <<OR>>, IF PRESCRIBED UNDER THE  
3 **PRESCRIBER'S DELEGATORY AUTHORITY, <<SHALL LIST>> THE NAME OF  
THE DELEGATEE.**

4 (i) The name of patient for whom the drug was prescribed.

5 (j) The price for which the drug was sold to the purchaser.

6 (7) Subsection (6) (a), (b), and (c) may be omitted by a  
7 pharmacist only if the omission is expressly required by the  
8 prescriber. The pharmacist shall retain a copy of each receipt for  
9 90 days. The inclusion of subsection (6) on the prescription  
10 container label is a valid receipt to the purchaser. Including  
11 subsection (6) on the written prescription form and retaining the  
12 form constitutes retention of a copy of the receipt.

13 (8) The board may promulgate rules to implement this section.

14 Sec. 18048. (1) Except as otherwise provided in this section  
15 **AND SECTION 18049(5)**, a podiatrist who is a sole practitioner or  
16 who practices in a group of podiatrists and treats patients on an  
17 outpatient basis shall not supervise more than 4 physician's  
18 assistants. If a podiatrist described in this subsection supervises  
19 physician's assistants at more than 1 practice site, the podiatrist  
20 shall not supervise more than 2 physician's assistants by a method  
21 other than the podiatrist's actual physical presence at the  
22 practice site.

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

27 (3) The department may promulgate rules for the appropriate

1 delegation and utilization of a physician's assistant by a  
2 podiatrist, including, but not limited to, rules to prohibit or  
3 otherwise restrict the delegation of certain podiatric services or  
4 require higher levels of supervision if the board determines that  
5 ~~such~~**THESE** services require extensive training, education, or  
6 ability or pose serious risks to the health or safety of patients.

7       Sec. 18049. (1) In addition to the other requirements of this  
8 section and subject to subsection (5), a podiatrist who supervises  
9 a physician's assistant is responsible for all of the following:

10       (a) Verification of the physician's assistant's credentials.

11       (b) Evaluation of the physician's assistant's performance.

12       (c) Monitoring the physician's assistant's practice and  
13 provision of podiatric services.

14       (2) Subject to section **16215 OR** 18048, **AS APPLICABLE**, a  
15 podiatrist who supervises a physician's assistant may only delegate  
16 to the physician's assistant the performance of podiatric services  
17 for a patient who is under the case management responsibility of  
18 the podiatrist, if the delegation is consistent with the  
19 physician's assistant's training. A podiatrist shall only supervise  
20 a physician's assistant in the performance of those duties included  
21 within his or her scope of practice.

22       (3) A podiatrist who supervises a physician's assistant is  
23 responsible for the clinical supervision of each physician's  
24 assistant to whom the physician delegates the performance of  
25 podiatric services under subsection (2).

26       (4) Subject to subsection (5), a podiatrist who supervises a  
27 physician's assistant shall keep on file in the physician's office

1 or in the health facility or agency in which the podiatrist  
2 supervises the physician's assistant a permanent, written record  
3 that includes the podiatrist's name and license number and the name  
4 and license number of each physician's assistant supervised by the  
5 podiatrist.

6 (5) A group of podiatrists practicing other than as sole  
7 practitioners may designate 1 or more podiatrists in the group to  
8 fulfill the requirements of subsections (1) and (4).

9 Sec. 20201. (1) A health facility or agency that provides  
10 services directly to patients or residents and is licensed under  
11 this article shall adopt a policy describing the rights and  
12 responsibilities of patients or residents admitted to the health  
13 facility or agency. Except for a licensed health maintenance  
14 organization, which shall comply with chapter 35 of the insurance  
15 code of 1956, 1956 PA 218, MCL 500.3501 to 500.3580, the policy  
16 shall be posted at a public place in the health facility or agency  
17 and shall be provided to each member of the health facility or  
18 agency staff. Patients or residents shall be treated in accordance  
19 with the policy.

20 (2) The policy describing the rights and responsibilities of  
21 patients or residents required under subsection (1) shall include,  
22 as a minimum, all of the following:

23 (a) A patient or resident shall not be denied appropriate care  
24 on the basis of race, religion, color, national origin, sex, age,  
25 disability, marital status, sexual preference, or source of  
26 payment.

27 (b) An individual who is or has been a patient or resident is

1 entitled to inspect, or receive for a reasonable fee, a copy of his  
2 or her medical record upon request in accordance with the medical  
3 records access act, 2004 PA 47, MCL 333.26261 to 333.26271. Except  
4 as otherwise permitted or required under the health insurance  
5 portability and accountability act of 1996, Public Law 104-191, or  
6 regulations promulgated under that act, 45 CFR parts 160 and 164, a  
7 third party shall not be given a copy of the patient's or  
8 resident's medical record without prior authorization of the  
9 patient or resident.

10 (c) A patient or resident is entitled to confidential  
11 treatment of personal and medical records, and may refuse their  
12 release to a person outside the health facility or agency except as  
13 required because of a transfer to another health care facility, as  
14 required by law or third party payment contract, or as permitted or  
15 required under the health insurance portability and accountability  
16 act of 1996, Public Law 104-191, or regulations promulgated under  
17 that act, 45 CFR parts 160 and 164.

18 (d) A patient or resident is entitled to privacy, to the  
19 extent feasible, in treatment and in caring for personal needs with  
20 consideration, respect, and full recognition of his or her dignity  
21 and individuality.

22 (e) A patient or resident is entitled to receive adequate and  
23 appropriate care, and to receive, from the appropriate individual  
24 within the health facility or agency, information about his or her  
25 medical condition, proposed course of treatment, and prospects for  
26 recovery, in terms that the patient or resident can understand,  
27 unless medically contraindicated as documented ~~by the attending~~

1 ~~physician~~ in the medical record **BY THE ATTENDING PHYSICIAN OR A**  
2 **PHYSICIAN'S ASSISTANT TO WHOM THE PHYSICIAN HAS DELEGATED THE**  
3 **PERFORMANCE OF MEDICAL CARE SERVICES.**

4 (f) A patient or resident is entitled to refuse treatment to  
5 the extent provided by law and to be informed of the consequences  
6 of that refusal. If a refusal of treatment prevents a health  
7 facility or agency or its staff from providing appropriate care  
8 according to ethical and professional standards, the relationship  
9 with the patient or resident may be terminated upon reasonable  
10 notice.

11 (g) A patient or resident is entitled to exercise his or her  
12 rights as a patient or resident and as a citizen, and to this end  
13 may present grievances or recommend changes in policies and  
14 services on behalf of himself or herself or others to the health  
15 facility or agency staff, to governmental officials, or to another  
16 person of his or her choice within or outside the health facility  
17 or agency, free from restraint, interference, coercion,  
18 discrimination, or reprisal. A patient or resident is entitled to  
19 information about the health facility's or agency's policies and  
20 procedures for initiation, review, and resolution of patient or  
21 resident complaints.

22 (h) A patient or resident is entitled to information  
23 concerning an experimental procedure proposed as a part of his or  
24 her care and has the right to refuse to participate in the  
25 experimental procedure without jeopardizing his or her continuing  
26 care.

27 (i) A patient or resident is entitled to receive and examine

1 an explanation of his or her bill regardless of the source of  
2 payment and to receive, upon request, information relating to  
3 financial assistance available through the health facility or  
4 agency.

5 (j) A patient or resident is entitled to know who is  
6 responsible for and who is providing his or her direct care, is  
7 entitled to receive information concerning his or her continuing  
8 health needs and alternatives for meeting those needs, and to be  
9 involved in his or her discharge planning, if appropriate.

10 (k) A patient or resident is entitled to associate and have  
11 private communications and consultations with his or her physician  
12 **OR A PHYSICIAN'S ASSISTANT TO WHOM THE PHYSICIAN HAS DELEGATED THE**  
13 **PERFORMANCE OF MEDICAL CARE SERVICES**, attorney, or any other person  
14 of his or her choice and to send and receive personal mail unopened  
15 on the same day it is received at the health facility or agency,  
16 unless medically contraindicated as documented ~~by the attending~~  
17 ~~physician~~ in the medical record **BY THE ATTENDING PHYSICIAN OR A**  
18 **PHYSICIAN'S ASSISTANT TO WHOM THE PHYSICIAN HAS DELEGATED THE**  
19 **PERFORMANCE OF MEDICAL CARE SERVICES**. A patient's or resident's  
20 civil and religious liberties, including the right to independent  
21 personal decisions and the right to knowledge of available choices,  
22 shall not be infringed and the health facility or agency shall  
23 encourage and assist in the fullest possible exercise of these  
24 rights. A patient or resident may meet with, and participate in,  
25 the activities of social, religious, and community groups at his or  
26 her discretion, unless medically contraindicated as documented ~~by~~  
27 ~~the attending physician~~ in the medical record **BY THE ATTENDING**



1 **PHYSICIAN OR A PHYSICIAN'S ASSISTANT TO WHOM THE PHYSICIAN HAS**  
2 **DELEGATED THE PERFORMANCE OF MEDICAL CARE SERVICES.**

3 (l) A patient or resident is entitled to be free from mental  
4 and physical abuse and from physical and chemical restraints,  
5 except those restraints authorized in writing by the attending  
6 physician **OR A PHYSICIAN'S ASSISTANT TO WHOM THE PHYSICIAN HAS**  
7 **DELEGATED THE PERFORMANCE OF MEDICAL CARE SERVICES** for a specified  
8 and limited time or as are necessitated by an emergency to protect  
9 the patient or resident from injury to self or others, in which  
10 case the restraint may only be applied by a qualified professional  
11 who shall set forth in writing the circumstances requiring the use  
12 of restraints and who shall promptly report the action to the  
13 attending physician **OR PHYSICIAN'S ASSISTANT**. In case of a chemical  
14 restraint, a physician shall be consulted within 24 hours after the  
15 commencement of the chemical restraint.

16 (m) A patient or resident is entitled to be free from  
17 performing services for the health facility or agency that are not  
18 included for therapeutic purposes in the plan of care.

19 (n) A patient or resident is entitled to information about the  
20 health facility or agency rules and regulations affecting patient  
21 or resident care and conduct.

22 (o) A patient or resident is entitled to adequate and  
23 appropriate pain and symptom management as a basic and essential  
24 element of his or her medical treatment.

25 (3) The following additional requirements for the policy  
26 described in subsection (2) apply to licensees under parts 213 and  
27 217:

1 (a) The policy shall be provided to each nursing home patient  
2 or home for the aged resident upon admission, and the staff of the  
3 facility shall be trained and involved in the implementation of the  
4 policy.

5 (b) Each nursing home patient may associate and communicate  
6 privately with persons of his or her choice. Reasonable, regular  
7 visiting hours, which shall be not less than 8 hours per day, and  
8 which shall take into consideration the special circumstances of  
9 each visitor, shall be established for patients to receive  
10 visitors. A patient may be visited by the patient's attorney or by  
11 representatives of the departments named in section 20156, during  
12 other than established visiting hours. Reasonable privacy shall be  
13 afforded for visitation of a patient who shares a room with another  
14 patient. Each patient shall have reasonable access to a telephone.  
15 A married nursing home patient or home for the aged resident is  
16 entitled to meet privately with his or her spouse in a room that  
17 assures privacy. If both spouses are residents in the same  
18 facility, they are entitled to share a room unless medically  
19 contraindicated and documented ~~by the attending physician~~ in the  
20 medical record **BY THE ATTENDING PHYSICIAN OR A PHYSICIAN'S**  
21 **ASSISTANT TO WHOM THE PHYSICIAN HAS DELEGATED THE PERFORMANCE OF**  
22 **MEDICAL CARE SERVICES.**

23 (c) A nursing home patient or home for the aged resident is  
24 entitled to retain and use personal clothing and possessions as  
25 space permits, unless to do so would infringe upon the rights of  
26 other patients or residents, or unless medically contraindicated as  
27 documented ~~by the attending physician~~ in the medical record **BY THE**

1 **ATTENDING PHYSICIAN OR A PHYSICIAN'S ASSISTANT TO WHOM THE**  
2 **PHYSICIAN HAS DELEGATED THE PERFORMANCE OF MEDICAL CARE SERVICES.**

3 Each nursing home patient or home for the aged resident shall be  
4 provided with reasonable space. At the request of a patient, a  
5 nursing home shall provide for the safekeeping of personal effects,  
6 funds, and other property of a patient in accordance with section  
7 21767, except that a nursing home is not required to provide for  
8 the safekeeping of a property that would impose an unreasonable  
9 burden on the nursing home.

10 (d) A nursing home patient or home for the aged resident is  
11 entitled to the opportunity to participate in the planning of his  
12 or her medical treatment. ~~A—THE ATTENDING PHYSICIAN OR A~~  
13 ~~PHYSICIAN'S ASSISTANT TO WHOM THE PHYSICIAN HAS DELEGATED THE~~  
14 ~~PERFORMANCE OF MEDICAL CARE SERVICES SHALL FULLY INFORM THE~~ nursing  
15 ~~home patient shall be fully informed by the attending physician of~~  
16 ~~the patient's medical condition unless medically contraindicated as~~  
17 ~~documented by a physician in the medical record~~ **BY A PHYSICIAN OR A**  
18 **PHYSICIAN'S ASSISTANT TO WHOM THE PHYSICIAN HAS DELEGATED THE**  
19 **PERFORMANCE OF MEDICAL CARE SERVICES.** Each nursing home patient  
20 shall be afforded the opportunity to discharge himself or herself  
21 from the nursing home.

22 (e) A home for the aged resident may be transferred or  
23 discharged only for medical reasons, for his or her welfare or that  
24 of other residents, or for nonpayment of his or her stay, except as  
25 provided by title XVIII or title XIX. A nursing home patient may be  
26 transferred or discharged only as provided in sections 21773 to  
27 21777. A nursing home patient or home for the aged resident is

1 entitled to be given reasonable advance notice to ensure orderly  
2 transfer or discharge. Those actions shall be documented in the  
3 medical record.

4 (f) A nursing home patient or home for the aged resident is  
5 entitled to be fully informed before or at the time of admission  
6 and during stay of services available in the facility, and of the  
7 related charges including any charges for services not covered  
8 under title XVIII, or not covered by the facility's basic per diem  
9 rate. The statement of services provided by the facility shall be  
10 in writing and shall include those required to be offered on an as-  
11 needed basis.

12 (g) A nursing home patient or home for the aged resident is  
13 entitled to manage his or her own financial affairs, or to have at  
14 least a quarterly accounting of personal financial transactions  
15 undertaken in his or her behalf by the facility during a period of  
16 time the patient or resident has delegated those responsibilities  
17 to the facility. In addition, a patient or resident is entitled to  
18 receive each month from the facility an itemized statement setting  
19 forth the services paid for by or on behalf of the patient and the  
20 services rendered by the facility. The admission of a patient to a  
21 nursing home does not confer on the nursing home or its owner,  
22 administrator, employees, or representatives the authority to  
23 manage, use, or dispose of a patient's property.

24 (h) A nursing home patient or a person authorized by the  
25 patient in writing may inspect and copy the patient's personal and  
26 medical records. The records shall be made available for inspection  
27 and copying by the nursing home within a reasonable time, not

1 exceeding 1 week, after the receipt of a written request.

2 (i) If a nursing home patient desires treatment by a licensed  
3 member of the healing arts, the treatment shall be made available  
4 unless it is medically contraindicated, and the medical  
5 contraindication is justified in the patient's medical record by  
6 the attending physician **OR A PHYSICIAN'S ASSISTANT TO WHOM THE**  
7 **PHYSICIAN HAS DELEGATED THE PERFORMANCE OF MEDICAL CARE SERVICES.**

8 (j) A nursing home patient has the right to have his or her  
9 parents, if a minor, or his or her spouse, next of kin, or  
10 patient's representative, if an adult, stay at the facility 24  
11 hours a day if the patient is considered terminally ill by the  
12 physician responsible for the patient's care **OR A PHYSICIAN'S**  
13 **ASSISTANT TO WHOM THE PHYSICIAN HAS DELEGATED THE PERFORMANCE OF**  
14 **MEDICAL CARE SERVICES.**

15 (k) Each nursing home patient shall be provided with meals  
16 that meet the recommended dietary allowances for that patient's age  
17 and sex and that may be modified according to special dietary needs  
18 or ability to chew.

19 (l) Each nursing home patient has the right to receive  
20 representatives of approved organizations as provided in section  
21 21763.

22 (4) A nursing home, its owner, administrator, employee, or  
23 representative shall not discharge, harass, or retaliate or  
24 discriminate against a patient because the patient has exercised a  
25 right protected under this section.

26 (5) In the case of a nursing home patient, the rights  
27 enumerated in subsection (2)(c), (g), and (k) and subsection

1 (3) (d), (g), and (h) may be exercised by the patient's  
2 representative.

3 (6) A nursing home patient or home for the aged resident is  
4 entitled to be fully informed, as evidenced by the patient's or  
5 resident's written acknowledgment, before or at the time of  
6 admission and during stay, of the policy required by this section.  
7 The policy shall provide that if a patient or resident is  
8 adjudicated incompetent and not restored to legal capacity, the  
9 rights and responsibilities set forth in this section shall be  
10 exercised by a person designated by the patient or resident. The  
11 health facility or agency shall provide proper forms for the  
12 patient or resident to provide for the designation of this person  
13 at the time of admission.

14 (7) This section does not prohibit a health facility or agency  
15 from establishing and recognizing additional patients' rights.

16 (8) As used in this section:

17 (a) "Patient's representative" means that term as defined in  
18 section 21703.

19 (b) "Title XVIII" means title XVIII of the social security  
20 act, 42 USC 1395 to ~~1395hhh~~**1395KKK-1**.

21 (c) "Title XIX" means title XIX of the social security act, 42  
22 USC 1396 to ~~1396v~~**1396W-5**.