

**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**
4 **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**.