

HOUSE BILL No. 5533

April 12, 2016, Introduced by Reps. Canfield, Bizon and Vaupel and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7303a, 9701, 17001, 17021, 17048, 17049, 17050, 17060, 17074, 17076, 17078, 17501, 17521, 17548, 17549, 17550, 17708, 17745, 17745a, 17745b, 18001, 18021, 18048, 18049, 18050, and 20201 (MCL 333.7303a, 333.9701, 333.17001, 333.17021, 333.17048, 333.17049, 333.17050, 333.17060, 333.17074, 333.17076, 333.17078, 333.17501, 333.17521, 333.17548, 333.17549, 333.17550, 333.17708, 333.17745, 333.17745a, 333.17745b, 333.18001, 333.18021, 333.18048, 333.18049, 333.18050, and 333.20201), section 7303a as added by 1993 PA 305, section 9701 as added by 2004 PA 250, sections 17001, 17074, 17501, and 18001 as amended and section 18050 as added by 2006 PA 161, section 17021 as amended by 1993 PA

79, sections 17048 and 17548 as amended by 2012 PA 618, sections 17049, 17076, 17078, 17549, 18048, 18049, and 20201 as amended by 2011 PA 210, sections 17050 and 17550 as amended by 1990 PA 247, section 17060 as amended by 2014 PA 343, section 17521 as amended by 2006 PA 582, section 17708 as amended by 2016 PA 49, section 17745 as amended by 2014 PA 525, section 17745a as amended by 1999 PA 190, section 17745b as added by 1993 PA 306, and section 18021 as amended by 2006 PA 391, and by adding sections 17047, 17547, 18047, 18051, and 20174; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7303a. (1) A prescriber who holds a controlled substances
2 license may administer or dispense a controlled substance listed in
3 schedules 2 to 5 without a separate controlled substances license
4 for those activities.

5 (2) Before prescribing or dispensing a controlled substance to
6 a patient, a licensed prescriber shall ask the patient about other
7 controlled substances the patient may be using. The prescriber
8 shall record the patient's response in the patient's medical or
9 clinical record.

10 (3) A licensed prescriber who dispenses controlled substances
11 shall maintain all of the following records separately from other
12 prescription records:

13 (a) All invoices and other acquisition records for each
14 controlled substance acquired by the prescriber for not less than 5
15 years after the date the prescriber acquires the controlled
16 substance.

17 (b) A log of all controlled substances dispensed by the

1 prescriber for not less than 5 years after the date the controlled
2 substance is dispensed.

3 (c) Records of all other dispositions of controlled substances
4 under the licensee's control for not less than 5 years after the
5 date of the disposition.

6 (4) The requirement under section 7303 for a license is waived
7 in the following circumstances:

8 (a) When a controlled substance listed in schedules 2 to 5 is
9 administered on the order of a licensed prescriber by an individual
10 who is licensed under article 15 as a practical nurse ~~OR~~ a
11 registered professional nurse. ~~or a physician's assistant.~~

12 (b) When methadone or a methadone congener is dispensed on the
13 order of a licensed prescriber in a methadone treatment program
14 licensed under article 6 or when a controlled substance listed in
15 schedules 2 to 5 is dispensed on the order of a licensed prescriber
16 in a hospice rendering emergency care services in a patient's home
17 as described in section 17746 by a registered professional nurse ~~or~~
18 ~~a physician's assistant~~ licensed under article 15.

19 Sec. 9701. As used in this part:

20 (a) "Committee" means the Michigan pharmacy and therapeutics
21 committee established by Executive Order No. 2001-8 and by section
22 9705.

23 (b) "Controlled substance" means that term as defined in
24 section 7104.

25 ~~(c) "Department" means the department of community health.~~

26 (C) ~~(d)~~ "Drug" means that term as defined in section 17703.

27 (D) ~~(e)~~ "Initiative" means the pharmaceutical best practices

1 initiative established by this part.

2 (E) ~~(f)~~—"Medicaid" means the program of medical assistance
3 established under title XIX of the social security act, 42 USC 1396
4 to ~~1396v~~.1396W-5.

5 (F) ~~(g)~~—"Pharmacist" means ~~an individual licensed by this~~
6 ~~state to engage in the practice of pharmacy under article 15.~~**THAT**
7 **TERM AS DEFINED IN SECTION 17707.**

8 (G) ~~(h)~~—"Physician" means ~~an individual licensed by this state~~
9 ~~to engage in the practice of medicine or osteopathic medicine and~~
10 ~~surgery under article 15.~~**THAT TERM AS DEFINED IN SECTIONS 17001 AND**
11 **17501.**

12 (H) ~~(i)~~—"Prescriber" means ~~a licensed dentist, a licensed~~
13 ~~doctor of medicine, a licensed doctor of osteopathic medicine and~~
14 ~~surgery, a licensed doctor of podiatric medicine and surgery, a~~
15 ~~licensed optometrist certified under part 174 to administer and~~
16 ~~prescribe therapeutic pharmaceutical agents, or another licensed~~
17 ~~health professional acting under the delegation and using,~~
18 ~~recording, or otherwise indicating the name of the delegating~~
19 ~~licensed doctor of medicine or licensed doctor of osteopathic~~
20 ~~medicine and surgery.~~**THAT TERM AS DEFINED IN SECTION 17708.**

21 (I) ~~(j)~~—"Prescription" means that term as defined in section
22 17708.

23 (J) ~~(k)~~—"Prescription drug" means that term as defined in
24 section 17708.

25 (K) ~~(l)~~—"Type II transfer" means that term as defined in
26 section 3 of the executive organization act of 1965, 1965 PA 380,
27 MCL 16.103.

1 Sec. 17001. (1) As used in this part:

2 (a) "Academic institution" means either of the following:

3 (i) A medical school approved by the board.

4 (ii) A hospital licensed under article 17 that meets all of
5 the following requirements:

6 (A) Was the sole sponsor or a co-sponsor, if each other co-
7 sponsor is either a medical school approved by the board or a
8 hospital owned by the federal government and directly operated by
9 the United States ~~department~~ **DEPARTMENT** of ~~veterans' affairs,~~
10 **VETERANS AFFAIRS**, of not less than 4 postgraduate education
11 residency programs approved by the board under section 17031(1) for
12 not less than the 3 years immediately preceding the date of an
13 application for a limited license under section 16182(2)(c) or an
14 application for a full license under section 17031(2), ~~provided~~
15 ~~that~~ **IF** at least 1 of the residency programs is in the specialty
16 area of medical practice, or in a specialty area that includes the
17 subspecialty of medical practice, in which the applicant for a
18 limited license proposes to practice or in which the applicant for
19 a full license has practiced for the hospital.

20 (B) Has spent not less than \$2,000,000.00 for medical
21 education during each of the 3 years immediately preceding the date
22 of an application for a limited license under section 16182(2)(c)
23 or an application for a full license under section 17031(2). As
24 used in this ~~subparagraph,~~ **SUB-SUBPARAGRAPH**, "medical education"
25 means the education of physicians and candidates for degrees or
26 licenses to become physicians, including, but not limited to,
27 physician staff, residents, interns, and medical students.

1 (b) "Electrodiagnostic studies" means the testing of
2 neuromuscular functions utilizing nerve conduction tests and needle
3 electromyography. It does not include the use of surface
4 electromyography.

5 (c) "Medical care services" means those services within the
6 scope of practice of physicians licensed by the board, except those
7 services that the board **PROHIBITS OR OTHERWISE RESTRICTS WITHIN A**
8 **PRACTICE AGREEMENT OR** determines shall not be delegated by a
9 physician without endangering the health and safety of patients as
10 provided for in section ~~17048(3)~~.**17048(1)**.

11 (D) **"PARTICIPATING PHYSICIAN" MEANS A PHYSICIAN, A PHYSICIAN**
12 **DESIGNATED BY A GROUP OF PHYSICIANS UNDER SECTION 17049 TO**
13 **REPRESENT THAT GROUP, OR A PHYSICIAN DESIGNATED BY A HEALTH**
14 **FACILITY OR AGENCY UNDER SECTION 20174 TO REPRESENT THAT HEALTH**
15 **FACILITY OR AGENCY.**

16 (E) ~~(d)~~-"Physician" means an individual **WHO IS** licensed under
17 this article to engage in the practice of medicine.

18 (F) ~~(e)~~-"Podiatrist" means an individual **WHO IS** licensed under
19 this article to engage in the practice of podiatric medicine and
20 surgery.

21 (G) **"PRACTICE AGREEMENT" MEANS AN AGREEMENT DESCRIBED IN**
22 **SECTION 17047.**

23 (H) ~~(f)~~-"Practice of medicine" means the diagnosis, treatment,
24 prevention, cure, or relieving of a human disease, ailment, defect,
25 complaint, or other physical or mental condition, by attendance,
26 advice, device, diagnostic test, or other means, or offering,
27 undertaking, attempting to do, or holding oneself out as able to

1 do, any of these acts.

2 (I) ~~(g)~~ "Practice as a physician's assistant" means the
 3 practice of medicine, ~~osteopathic medicine and surgery, or~~
 4 ~~podiatric medicine and surgery performed under the supervision of a~~
 5 **WITH A PARTICIPATING physician UNDER A PRACTICE AGREEMENT.** ~~or~~
 6 ~~pediatrist licensed under this article.~~

7 ~~(h) "Supervision" means that term as defined in section 16109,~~
 8 ~~except that it also includes the existence of a predetermined plan~~
 9 ~~for emergency situations, including, but not limited to, the~~
 10 ~~designation of a physician to supervise a physician's assistant in~~
 11 ~~the absence of the primary supervising physician.~~

12 (J) ~~(i)~~ "Task force" means the joint task force created in
 13 section 17025.

14 (2) In addition to the definitions in this part, article 1
 15 contains definitions and principles of construction applicable to
 16 all articles in this code and part 161 contains definitions
 17 applicable to this part.

18 Sec. 17021. (1) The Michigan board of medicine is created in
 19 the department and ~~shall consist~~ **CONSISTS** of the following 19
 20 voting members who shall meet the requirements of part 161: 10
 21 physicians, 1 physician's assistant, and 8 public members.

22 (2) The requirement of section ~~16135(d)~~ **16135(1)(D)** that a
 23 board member shall have practiced that profession for 2 years
 24 immediately before appointment is waived until September 30, 1980
 25 for members of the board licensed in a health profession subfield
 26 created ~~by~~ **UNDER** this part.

27 (3) ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, THE**

1 board of medicine shall not have the powers and duties vested in
2 the task force by sections 17060 to 17084.

3 SEC. 17047. (1) A PHYSICIAN'S ASSISTANT SHALL NOT ENGAGE IN
4 THE PRACTICE AS A PHYSICIAN'S ASSISTANT EXCEPT UNDER THE TERMS OF A
5 PRACTICE AGREEMENT THAT MEETS THE REQUIREMENTS OF THIS SECTION.

6 (2) A PRACTICE AGREEMENT MUST INCLUDE ALL OF THE FOLLOWING:

7 (A) A PROCESS BETWEEN THE PHYSICIAN'S ASSISTANT AND
8 PARTICIPATING PHYSICIAN FOR COMMUNICATION, AVAILABILITY, AND
9 DECISION MAKING WHEN PROVIDING MEDICAL TREATMENT TO A PATIENT. THE
10 PROCESS MUST UTILIZE THE KNOWLEDGE AND SKILLS OF THE PHYSICIAN'S
11 ASSISTANT AND PARTICIPATING PHYSICIAN BASED ON THEIR EDUCATION,
12 TRAINING, AND EXPERIENCE.

13 (B) A PROTOCOL FOR DESIGNATING AN ALTERNATIVE PHYSICIAN FOR
14 CONSULTATION IN SITUATIONS IN WHICH THE PARTICIPATING PHYSICIAN IS
15 NOT AVAILABLE FOR CONSULTATION.

16 (C) THE SIGNATURE OF THE PHYSICIAN'S ASSISTANT AND THE
17 PARTICIPATING PHYSICIAN.

18 (D) A TERMINATION PROVISION THAT ALLOWS THE PHYSICIAN'S
19 ASSISTANT OR PARTICIPATING PHYSICIAN TO TERMINATE THE PRACTICE
20 AGREEMENT BY PROVIDING WRITTEN NOTICE AT LEAST 30 DAYS BEFORE THE
21 DATE OF TERMINATION.

22 (E) SUBJECT TO SECTION 17048, THE DUTIES AND RESPONSIBILITIES
23 OF THE PHYSICIAN'S ASSISTANT AND PARTICIPATING PHYSICIAN. THE
24 PRACTICE AGREEMENT SHALL NOT INCLUDE AS A DUTY OR RESPONSIBILITY OF
25 THE PHYSICIAN'S ASSISTANT OR PARTICIPATING PHYSICIAN AN ACT, TASK,
26 OR FUNCTION THAT THE PHYSICIAN'S ASSISTANT OR PARTICIPATING
27 PHYSICIAN IS NOT QUALIFIED TO PERFORM BY EDUCATION, TRAINING, OR

1 EXPERIENCE AND THAT IS NOT WITHIN THE SCOPE OF THE LICENSE HELD BY
2 THE PHYSICIAN'S ASSISTANT OR PARTICIPATING PHYSICIAN.

3 (F) A REQUIREMENT THAT THE PARTICIPATING PHYSICIAN VERIFY THE
4 PHYSICIAN'S ASSISTANT'S CREDENTIALS.

5 (3) THE BOARD, IN CONSULTATION WITH THE MICHIGAN BOARD OF
6 OSTEOPATHIC MEDICINE AND SURGERY AND THE MICHIGAN BOARD OF
7 PODIATRIC MEDICINE AND SURGERY, SHALL CONSIDER WHETHER TO LIMIT THE
8 NUMBER OF PHYSICIAN'S ASSISTANTS FOR EACH PARTICIPATING PHYSICIAN
9 IN A PRACTICE AGREEMENT AND MAY PROMULGATE RULES ESTABLISHING THE
10 APPROPRIATE MAXIMUM RATIO OF PHYSICIAN'S ASSISTANTS TO
11 PARTICIPATING PHYSICIANS IN A PRACTICE AGREEMENT.

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

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

26 (1) ~~(3) To~~ **EXCEPT FOR A MEDICAL CARE SERVICE WITHIN A PRACTICE**
27 **AGREEMENT, TO** the extent that a particular selected medical care

1 service requires extensive medical training, education, or ability
2 or poses serious risks to the health and safety of patients, the
3 board may prohibit or otherwise restrict the delegation of that
4 medical care service or may require higher levels of supervision.

5 **TO THE EXTENT THAT A PARTICULAR MEDICAL CARE SERVICE REQUIRES**
6 **EXTENSIVE TRAINING, EDUCATION, OR ABILITY OR POSES SERIOUS RISKS TO**
7 **THE HEALTH OR SAFETY OF PATIENTS, THE BOARD MAY PROHIBIT OR**
8 **OTHERWISE RESTRICT THAT MEDICAL CARE SERVICE WITHIN A PRACTICE**
9 **AGREEMENT.**

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

13 (2) ~~(5) Subject to FOR PURPOSES OF section 17076(3) and (4),~~
14 ~~17076(2) AND (3), the board may promulgate rules for the delegation~~
15 ~~by a supervising physician to CONCERNING THE PRESCRIBING OF DRUGS~~
16 ~~BY a physician's assistant. of the function of prescription of~~
17 ~~drugs. The SUBJECT TO SECTION 17076, THE rules may define the drugs~~
18 ~~or classes of drugs the prescription of which shall not be~~
19 ~~delegated THAT A PHYSICIAN'S ASSISTANT MAY NOT PRESCRIBE and other~~
20 ~~procedures and protocols necessary to promote consistency with~~
21 ~~federal and state drug control and enforcement laws.~~

22 ~~—— (6) A supervising physician may delegate in writing to a~~
23 ~~physician's assistant the ordering, receipt, and dispensing of~~
24 ~~complimentary starter dose drugs including controlled substances~~
25 ~~that are included in schedules 2 to 5 of part 72. When the~~
26 ~~delegated ordering, receipt, or dispensing of complimentary starter~~
27 ~~dose drugs occurs, both the physician's assistant's name and the~~

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

16 (3) ~~(7)~~ Beginning on July 19, 2010, if 1 or more individuals
17 licensed under part 170 to engage in the practice of medicine,
18 licensed under part 175 to engage in the practice of osteopathic
19 medicine and surgery, or licensed under part 180 to engage in the
20 practice of podiatric medicine and surgery, and 1 or more
21 physician's assistants organize a professional service corporation
22 under section 4 of former 1962 PA 192, a professional corporation
23 under section 284 of the business corporation act, 1972 PA 284, MCL
24 450.1284, or a professional limited liability company under section
25 904 of the Michigan limited liability company act, 1993 PA 23, MCL
26 450.4904, the ~~individuals~~ **PHYSICIANS** who are ~~the supervising~~
27 ~~physicians of~~ **PARTIES TO A PRACTICE AGREEMENT WITH** the physician's

1 assistants shall be shareholders in the same professional service
2 corporation or professional corporation or members in the same
3 professional limited liability company as the physician's
4 assistants and shall meet all of the applicable requirements of
5 part 170, 175, or 180. If 1 or more physician's assistants
6 organized a professional service corporation under section 4 of
7 former 1962 PA 192, a professional corporation under section 284 of
8 the business corporation act, 1972 PA 284, MCL 450.1284, or a
9 professional limited liability company under section 904 of the
10 Michigan limited liability company act, 1993 PA 23, MCL 450.4904,
11 before July 19, 2010 that has only physician's assistants as
12 shareholders or members, the ~~individuals~~ **PHYSICIANS** who are the
13 ~~supervising physicians of~~ **PARTIES TO A PRACTICE AGREEMENT WITH** the
14 physician's assistants shall meet all of the applicable
15 requirements of part 170, 175, or 180.

16 (4) ~~(8)~~—In addition to the requirements of section 17068 and
17 beginning on July 19, 2010, the department shall include on the
18 form used for renewal of licensure a space for a physician's
19 assistant to disclose whether he or she is a shareholder in a
20 professional service corporation under section 4 of former 1962 PA
21 192, or a member in a professional limited liability company under
22 section 904 of the Michigan limited liability company act, 1993 PA
23 23, MCL 450.4904, that was organized before July 19, 2010. A
24 physician's assistant who is a shareholder in a professional
25 service corporation or a member in a professional limited liability
26 company described in this subsection shall disclose all of the
27 following in the form used for renewal of licensure provided by the

1 department:

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

8 (b) The name and license number of the individual licensed
9 under part 170 to engage in the practice of medicine, licensed
10 under part 175 to engage in the practice of osteopathic medicine
11 and surgery, or licensed under part 180 to engage in the practice
12 of podiatric medicine and surgery who ~~supervises~~ **IS A PARTY TO A**
13 **PRACTICE AGREEMENT WITH** the physician's assistant.

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

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

24 ~~—— (a) Verification of the physician's assistant's credentials.~~

25 ~~—— (b) Evaluation of the physician's assistant's performance.~~

26 ~~—— (c) Monitoring the physician's assistant's practice and~~
27 ~~provision of medical care services.~~

1 ~~—— (2) Subject to section 16215 or 17048, as applicable, a~~
2 ~~physician who supervises a physician's assistant may delegate to~~
3 ~~the physician's assistant the performance of medical care services~~
4 ~~for a patient who is under the case management responsibility of~~
5 ~~the physician, if the delegation is consistent with the physician's~~
6 ~~assistant's training.~~

7 ~~—— (3) A physician who supervises a physician's assistant is~~
8 ~~responsible for the clinical supervision of each physician's~~
9 ~~assistant to whom the physician delegates the performance of~~
10 ~~medical care service under subsection (2).~~

11 ~~—— (4) Subject to subsection (5), a physician who supervises a~~
12 ~~physician's assistant shall keep on file in the physician's office~~
13 ~~or in the health facility or agency or correctional facility in~~
14 ~~which the physician supervises the physician's assistant a~~
15 ~~permanent, written record that includes the physician's name and~~
16 ~~license number and the name and license number of each physician's~~
17 ~~assistant supervised by the physician.~~

18 (1) ~~(5)~~—A group of physicians practicing other than as sole
19 practitioners may designate 1 or more physicians in the group to
20 fulfill the requirements of subsections (1) and (4). **ENTER INTO A**
21 **PRACTICE AGREEMENT UNDER SECTION 17047.**

22 (2) ~~(6)~~—Notwithstanding any law or rule to the contrary, a
23 physician is not required to countersign orders written in a
24 patient's clinical record by a physician's assistant ~~to whom the~~
25 ~~physician has delegated the performance of medical care services~~
26 ~~for a patient.~~ **WITH WHOM THE PHYSICIAN HAS A PRACTICE AGREEMENT.**

27 Notwithstanding any law or rule to the contrary, a physician is not

1 required to sign an official form that lists the physician's
2 signature as the required signatory if that official form is signed
3 by a physician's assistant ~~to whom the physician has delegated the~~
4 ~~performance of medical care services.~~ **WITH WHOM THE PHYSICIAN HAS A**
5 **PRACTICE AGREEMENT.**

6 Sec. 17050. In addition to its other powers and duties under
7 this article, the board may prohibit a physician **OR A PHYSICIAN'S**
8 **ASSISTANT** from ~~supervising 1 or more physician's assistants~~
9 **ENTERING INTO A PRACTICE AGREEMENT** for any of the grounds set forth
10 in section 16221. ~~or for failure to supervise a physician's~~
11 ~~assistant in accordance with this part and rules promulgated under~~
12 ~~this part.~~

13 Sec. 17060. The task force shall:

14 (a) Promulgate rules necessary for the implementation of its
15 powers and duties and may perform the acts and make the
16 determinations necessary for the proper implementations of those
17 powers and duties.

18 (b) Promulgate rules to establish the requirements for the
19 education, training, or experience of physician's assistants for
20 licensure in this state. The requirements ~~shall~~ **MUST** take into
21 account nationally recognized standards for education, training,
22 and experience and the desired utilization of physician's
23 assistants. By ~~2 years after the effective date of the amendatory~~
24 ~~act that added this sentence,~~ **JANUARY 14, 2017,** the rules must
25 include training standards for identifying victims of human
26 trafficking. The training standards for identifying victims of
27 human trafficking ~~shall~~ **MUST** apply for a physician's assistant

1 license or registration renewal beginning with the first renewal
2 cycle after the rules are promulgated and for an initial license or
3 registration issued 5 or more years after the rules are
4 promulgated.

5 ~~—— (c) Develop and make public guidelines on the appropriate~~
6 ~~delegation of functions to and supervision of physician's~~
7 ~~assistants according to the level of education, training, or~~
8 ~~experience of physician's assistants. The guidelines are not~~
9 ~~binding, but shall serve to explain how the task force's training~~
10 ~~criteria coincides with the board's expectation for delegation to~~
11 ~~and supervision of physician's assistants by physicians.~~

12 (C) ~~(d)~~ Direct the department to issue licenses to applicants
13 who meet the requirements of this part and the rules promulgated
14 under this part for practice and use of the title of physician's
15 assistant.

16 (D) ~~(e)~~ Promulgate rules to establish criteria for the
17 evaluation of programs for the education and training of
18 physician's assistants for the purpose of determining whether
19 graduates of the programs have the knowledge and skills requisite
20 for practice and use of the title physician's assistant in this
21 state as defined by this part and the rules promulgated under this
22 part. The criteria established shall **MUST** be substantially
23 consistent with nationally recognized standards for the education
24 and training of physician's assistants. Until the criteria are
25 established, the criteria developed by the advisory commission on
26 physician's assistants shall remain in effect. The task force shall
27 consider and may use where appropriate the criteria established by

1 professional associations, education accrediting bodies, or
2 governmental agencies. In establishing criteria for the evaluation
3 of education and training programs, the task force may seek the
4 advice of the boards and the department of education.

5 ~~—— (f) Make written recommendations to the boards concerning the~~
6 ~~rules to be developed for approval by the boards of physicians to~~
7 ~~supervise physician's assistants, including recommendations for~~
8 ~~appropriate utilization of physician's assistants by level of~~
9 ~~preparation where appropriate.~~

10 (E) ~~(g)~~ File an annual report with the department and the
11 boards containing matters prescribed by the department and boards.

12 Sec. 17074. (1) A physician's assistant shall not undertake or
13 represent that he or she is qualified to undertake provision of a
14 medical care service that he or she knows or reasonably should know
15 to be outside his or her competence or is prohibited by law.

16 (2) A physician's assistant shall not:

17 (a) Perform acts, tasks, or functions to determine the
18 refractive state of a human eye or to treat refractive anomalies of
19 the human eye, or both.

20 (b) Determine the spectacle or contact lens prescription
21 specifications required to treat refractive anomalies of the human
22 eye, or determine modification of spectacle or contact lens
23 prescription specifications, or both.

24 (3) A physician's assistant may perform routine visual
25 screening or testing, postoperative care, or assistance in the care
26 of medical diseases of the eye under ~~the supervision of a~~
27 ~~physician.~~ **A PRACTICE AGREEMENT.**

1 ~~———— (4) A physician's assistant acting under the supervision of a~~
 2 ~~podiatrist shall only perform those duties included within the~~
 3 ~~scope of practice of that supervising podiatrist.~~

4 Sec. 17076. ~~(1) Except in an emergency situation, a~~
 5 ~~physician's assistant shall provide medical care services only~~
 6 ~~under the supervision of a physician or properly designated~~
 7 ~~alternative physician, and only if those medical care services are~~
 8 ~~within the scope of practice of the supervising physician and are~~
 9 ~~delegated by the supervising physician.~~

10 (1) ~~(2)~~ A physician's assistant may make calls or go on rounds
 11 ~~under the supervision of a physician in private homes, public~~
 12 ~~institutions, emergency vehicles, ambulatory care clinics,~~
 13 ~~hospitals, intermediate or extended care facilities, health~~
 14 ~~maintenance organizations, nursing homes, or other health care~~
 15 ~~facilities **IN ACCORDANCE WITH A PRACTICE AGREEMENT**. Notwithstanding~~
 16 ~~any law or rule to the contrary, a physician's assistant may make~~
 17 ~~calls or go on rounds as provided in this subsection without~~
 18 ~~restrictions on the time or frequency of visits by ~~the~~ A physician~~
 19 ~~or the physician's assistant.~~

20 (2) ~~(3)~~ A physician's assistant **WHO IS A PARTY TO A PRACTICE**
 21 **AGREEMENT** may prescribe ~~drugs as a delegated act of a supervising~~
 22 ~~physician~~ **A DRUG** in accordance with procedures and ~~protecol~~
 23 **PROTOCOLS** for the prescription established by rule of the
 24 appropriate board. A physician's assistant may prescribe a drug,
 25 including a controlled substance that is included in schedules 2 to
 26 5 of part 72. ~~, as a delegated act of the supervising physician.~~
 27 ~~When delegated prescription occurs, both~~ **IF A PHYSICIAN'S ASSISTANT**

1 **PRESCRIBES A DRUG UNDER THIS SUBSECTION**, 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 individual ~~THAT~~ prescription. ~~so that the individual who dispenses~~
 5 ~~or administers the prescription knows under whose delegated~~
 6 ~~authority the physician's assistant is prescribing. When delegated~~
 7 ~~prescription of drugs~~ **IF A PHYSICIAN'S ASSISTANT PRESCRIBES A DRUG**
 8 **UNDER THIS SUBSECTION** that ~~are~~ **IS** included in schedules 2 to 5,
 9 occurs, ~~both the physician's assistant's and the supervising~~
 10 ~~physician's DEA registration numbers~~ **NUMBER** shall be used,
 11 recorded, or otherwise indicated in connection with each ~~THAT~~
 12 individual prescription.

13 (3) ~~(4)~~ A physician's assistant may order, receive, and
 14 dispense complimentary starter dose drugs, including controlled
 15 substances that are included in schedules 2 to 5 of part 72. ~~, as a~~
 16 ~~delegated act of a supervising physician. When the delegated~~
 17 ~~ordering, receipt, or dispensing of~~ **IF A PHYSICIAN'S ASSISTANT**
 18 **ORDERS, RECEIVES, OR DISPENSES A** complimentary starter dose drugs
 19 occurs, ~~both~~ **DRUG UNDER THIS SUBSECTION**, the physician's
 20 assistant's name and ~~the supervising physician's name~~ shall be
 21 used, recorded, or otherwise indicated in connection with each ~~THAT~~
 22 order, receipt, or dispensing. ~~so that the individual who processes~~
 23 ~~the order or delivers the complimentary starter dose drugs or to~~
 24 ~~whom the complimentary starter dose drugs are dispensed knows under~~
 25 ~~whose delegated authority the physician's assistant is ordering,~~
 26 ~~receiving, or dispensing. When the delegated ordering, receipt, or~~
 27 ~~dispensing of~~ **IF A PHYSICIAN'S ASSISTANT ORDERS, RECEIVES, OR**

1 **DISPENSES A** complimentary starter dose drugs ~~DRUG UNDER THIS~~
 2 **SUBSECTION** that ~~are~~ **IS** included in schedules 2 to 5, ~~occurs, both~~
 3 the physician's assistant's ~~and the supervising physician's~~ DEA
 4 registration ~~numbers~~ **NUMBER** shall be used, recorded, or otherwise
 5 indicated in connection with ~~each~~ **THAT** order, receipt, or
 6 dispensing. As used in this subsection, "complimentary starter
 7 dose" means that term as defined in section 17745. It is the intent
 8 of the legislature in enacting this subsection to allow a
 9 pharmaceutical manufacturer or wholesale distributor, as those
 10 terms are defined in part 177, to distribute complimentary starter
 11 dose drugs to a physician's assistant, as described in this
 12 subsection, in compliance with section 503(d) of the federal food,
 13 drug, and cosmetic act, 21 USC 353.

14 Sec. 17078. ~~(1) A physician's assistant is the agent of his or~~
 15 ~~her supervising physician under this part or part 175 or~~
 16 ~~supervising podiatrist under part 180. A communication made to a~~
 17 ~~physician's assistant that would be a privileged communication if~~
 18 ~~made to the supervising physician under this part or part 175 or~~
 19 ~~supervising podiatrist under part 180 is a privileged communication~~
 20 ~~to the physician's assistant and the supervising physician or~~
 21 ~~supervising podiatrist to the same extent as if the communication~~
 22 ~~were made to the supervising physician or supervising podiatrist.~~
 23 ~~——(2) A physician's assistant shall conform to minimal standards~~
 24 ~~of acceptable and prevailing practice for the supervising physician~~
 25 ~~under this part, or part 175, or supervising podiatrist under part~~
 26 ~~180, AS APPLICABLE.~~

27 Sec. 17501. (1) As used in this part:

1 (a) "Electrodiagnostic studies" means the testing of
2 neuromuscular functions utilizing nerve conduction tests and needle
3 electromyography. It does not include the use of surface
4 electromyography.

5 (b) "Medical care services" means those services within the
6 scope of practice of physicians licensed and approved by the board,
7 except those services that the board **PROHIBITS OR OTHERWISE**
8 **RESTRICTS WITHIN A PRACTICE AGREEMENT OR** determines shall not be
9 delegated by a physician without endangering the health and safety
10 of patients as provided for in section ~~17548(3)~~-**17548(1)**.

11 (C) **"PARTICIPATING PHYSICIAN" MEANS A PHYSICIAN, A PHYSICIAN**
12 **DESIGNATED BY A GROUP OF PHYSICIANS UNDER SECTION 17549 TO**
13 **REPRESENT THAT GROUP, OR A PHYSICIAN DESIGNATED BY A HEALTH**
14 **FACILITY OR AGENCY UNDER SECTION 20174 TO REPRESENT THAT HEALTH**
15 **FACILITY OR AGENCY.**

16 (D) ~~(e)~~"Physician" means an individual **WHO IS** licensed under
17 this article to engage in the practice of osteopathic medicine and
18 surgery.

19 (E) **"PRACTICE AGREEMENT" MEANS AN AGREEMENT DESCRIBED IN**
20 **SECTION 17547.**

21 (F) ~~(d)~~"Practice of osteopathic medicine and surgery" means a
22 separate, complete, and independent school of medicine and surgery
23 utilizing full methods of diagnosis and treatment in physical and
24 mental health and disease, including the prescription and
25 administration of drugs and biologicals, operative surgery,
26 obstetrics, radiological and other electromagnetic emissions, and
27 placing special emphasis on the interrelationship of the

1 musculoskeletal system to other body systems.

2 (G) ~~(e)~~—"Practice as a physician's assistant" means the
3 practice of ~~medicine, osteopathic medicine and surgery, and~~
4 ~~podiatric medicine and surgery performed under the supervision of~~
5 **WITH a PARTICIPATING physician or podiatrist licensed under this**
6 **article. UNDER A PRACTICE AGREEMENT.**

7 ~~(f) "Supervision" has the meaning ascribed to it in section~~
8 ~~16109 except that it includes the existence of a predetermined plan~~
9 ~~for emergency situations, including, but not limited to, the~~
10 ~~designation of a physician to supervise a physician's assistant in~~
11 ~~the absence of the primary supervising physician.~~

12 (H) ~~(g)~~—"Task force" means the joint task force created in
13 section 17025.

14 (2) In addition to the definitions in this part, article 1
15 contains general definitions and principles of construction
16 applicable to all articles in the code and part 161 contains
17 definitions applicable to this part.

18 Sec. 17521. (1) The Michigan board of osteopathic medicine and
19 surgery is created in the department and ~~shall consist~~ **CONSISTS** of
20 the following 11 voting members who shall meet the requirements of
21 part 161: 7 physicians, 1 physician's assistant, and 3 public
22 members.

23 (2) The requirement of section ~~16135(d)~~ **16135(1)(D)** that a
24 board member shall have practiced that profession for 2 years
25 immediately before appointment is waived until September 30, 1980
26 for members of the board who are licensed in a health profession
27 subfield created ~~by~~ **UNDER** this part. The

1 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, THE Michigan
2 board of osteopathic medicine and surgery does not have the powers
3 and duties vested in the task force by sections 17060 to 17084.

4 SEC. 17547. (1) A PHYSICIAN'S ASSISTANT SHALL NOT ENGAGE IN
5 THE PRACTICE AS A PHYSICIAN'S ASSISTANT EXCEPT UNDER THE TERMS OF A
6 PRACTICE AGREEMENT THAT MEETS THE REQUIREMENTS OF THIS SECTION.

7 (2) A PRACTICE AGREEMENT MUST INCLUDE ALL OF THE FOLLOWING:

8 (A) A PROCESS BETWEEN THE PHYSICIAN'S ASSISTANT AND
9 PARTICIPATING PHYSICIAN FOR COMMUNICATION, AVAILABILITY, AND
10 DECISION MAKING WHEN PROVIDING MEDICAL TREATMENT TO A PATIENT. THE
11 PROCESS MUST UTILIZE THE KNOWLEDGE AND SKILLS OF THE PHYSICIAN'S
12 ASSISTANT AND PARTICIPATING PHYSICIAN BASED ON THEIR EDUCATION,
13 TRAINING, AND EXPERIENCE.

14 (B) A PROTOCOL FOR DESIGNATING AN ALTERNATIVE PHYSICIAN FOR
15 CONSULTATION IN SITUATIONS IN WHICH THE PARTICIPATING PHYSICIAN IS
16 NOT AVAILABLE FOR CONSULTATION.

17 (C) THE SIGNATURES OF THE PHYSICIAN'S ASSISTANT AND THE
18 PARTICIPATING PHYSICIAN.

19 (D) A TERMINATION PROVISION THAT ALLOWS THE PHYSICIAN'S
20 ASSISTANT OR PARTICIPATING PHYSICIAN TO TERMINATE THE PRACTICE
21 AGREEMENT BY PROVIDING WRITTEN NOTICE AT LEAST 30 DAYS BEFORE THE
22 DATE OF TERMINATION.

23 (E) SUBJECT TO SECTION 17548, THE DUTIES AND RESPONSIBILITIES
24 OF THE PHYSICIAN'S ASSISTANT AND PARTICIPATING PHYSICIAN. THE
25 PRACTICE AGREEMENT SHALL NOT INCLUDE AS A DUTY OR RESPONSIBILITY OF
26 THE PHYSICIAN'S ASSISTANT OR PARTICIPATING PHYSICIAN AN ACT, TASK,
27 OR FUNCTION THAT THE PHYSICIAN'S ASSISTANT OR PARTICIPATING

1 PHYSICIAN IS NOT QUALIFIED TO PERFORM BY EDUCATION, TRAINING, OR
2 EXPERIENCE AND THAT IS NOT WITHIN THE SCOPE OF THE LICENSE HELD BY
3 THE PHYSICIAN'S ASSISTANT OR PARTICIPATING PHYSICIAN.

4 (F) A REQUIREMENT THAT THE PARTICIPATING PHYSICIAN VERIFY THE
5 PHYSICIAN'S ASSISTANT'S CREDENTIALS.

6 (3) THE BOARD, IN CONSULTATION WITH THE MICHIGAN BOARD OF
7 MEDICINE AND THE MICHIGAN BOARD OF PODIATRIC MEDICINE AND SURGERY,
8 SHALL CONSIDER WHETHER TO LIMIT THE NUMBER OF PHYSICIAN'S
9 ASSISTANTS FOR EACH PARTICIPATING PHYSICIAN IN A PRACTICE AGREEMENT
10 AND MAY PROMULGATE RULES ESTABLISHING THE MAXIMUM RATIO OF
11 PHYSICIAN'S ASSISTANTS TO PARTICIPATING PHYSICIANS IN A PRACTICE
12 AGREEMENT.

13 Sec. 17548. ~~(1) Except as otherwise provided in this~~
14 ~~subsection and section 17549(5), a physician who is a sole~~
15 ~~practitioner or who practices in a group of physicians and treats~~
16 ~~patients on an outpatient basis shall not supervise more than 4~~
17 ~~physician's assistants. If a physician described in this subsection~~
18 ~~supervises physician's assistants at more than 1 practice site, the~~
19 ~~physician shall not supervise more than 2 physician's assistants by~~
20 ~~a method other than the physician's actual physical presence at the~~
21 ~~practice site.~~

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

27 (1) ~~(3) To~~ EXCEPT FOR A MEDICAL CARE SERVICE WITHIN A PRACTICE

1 **AGREEMENT, TO** the extent that a particular selected medical care
 2 service requires extensive medical training, education, or ability
 3 or pose serious risks to the health and safety of patients, the
 4 board may prohibit or otherwise restrict the delegation of that
 5 medical care service or may require higher levels of supervision.

6 **TO THE EXTENT THAT A PARTICULAR MEDICAL CARE SERVICE REQUIRES**
 7 **EXTENSIVE TRAINING, EDUCATION, OR ABILITY OR POSES SERIOUS RISKS TO**
 8 **THE HEALTH OR SAFETY OF PATIENTS, THE BOARD MAY PROHIBIT OR**
 9 **OTHERWISE RESTRICT THAT MEDICAL CARE SERVICE WITHIN A PRACTICE**
 10 **AGREEMENT.**

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

14 (2) ~~(5)~~ A physician's assistant may make calls or go on rounds
 15 ~~under the supervision of a physician in private homes, public~~
 16 ~~institutions, emergency vehicles, ambulatory care clinics,~~
 17 ~~hospitals, intermediate or extended care facilities, health~~
 18 ~~maintenance organizations, nursing homes, or other health care~~
 19 ~~facilities~~ **IN ACCORDANCE WITH A PRACTICE AGREEMENT.** Notwithstanding
 20 any law or rule to the contrary, a physician's assistant may make
 21 calls or go on rounds as provided in this subsection without
 22 restrictions on the time or frequency of visits by ~~the~~ **A** physician
 23 or the physician's assistant.

24 (3) ~~(6)~~ Subject to subsections ~~(7)~~ and ~~(8)~~, **FOR PURPOSES OF**
 25 **SUBSECTION (4),** the board may promulgate rules ~~for the delegation~~
 26 ~~by a supervising physician to~~ **CONCERNING THE PRESCRIBING OF DRUGS**
 27 **BY** a physician's assistant. ~~of the function of prescription of~~

1 ~~drugs. Subject to subsections (7) and (8),~~ **SUBSECTION (4)**, the
2 rules may define the drugs or classes of drugs ~~the prescription of~~
3 ~~which shall not be delegated~~ **THAT A PHYSICIAN'S ASSISTANT MAY NOT**
4 **PRESCRIBE** and other procedures and protocols necessary to promote
5 consistency with federal and state drug control and enforcement
6 laws.

7 **(4)** ~~(7)~~ A physician's assistant **WHO IS A PARTY TO A PRACTICE**
8 **AGREEMENT** may prescribe ~~drugs as a delegated act of a supervising~~
9 ~~physician~~ **A DRUG** in accordance with procedures and ~~protocel~~
10 **PROTOCOLS** for the prescription established by rule of the
11 appropriate board. A physician's assistant may prescribe a drug,
12 including a controlled substance that is included in schedules 2 to
13 5 of part 72. ~~, as a delegated act of the supervising physician.~~
14 ~~When delegated prescription occurs, both~~ **IF A PHYSICIAN'S ASSISTANT**
15 **PRESCRIBES A DRUG UNDER THIS SUBSECTION,** the physician's
16 assistant's name ~~and the supervising physician's name~~ shall be
17 used, recorded, or otherwise indicated in connection with each
18 individual **THAT** prescription. ~~so that the individual who dispenses~~
19 ~~or administers the prescription knows under whose delegated~~
20 ~~authority the physician's assistant is prescribing. When delegated~~
21 ~~prescription of drugs~~ **IF A PHYSICIAN'S ASSISTANT PRESCRIBES A DRUG**
22 **UNDER THIS SUBSECTION** that ~~are~~ **IS** included in schedules 2 to 5,
23 ~~occurs, both~~ the physician's assistant's ~~and the supervising~~
24 ~~physician's~~ DEA registration ~~numbers~~ **NUMBER** shall be used,
25 recorded, or otherwise indicated in connection with each individual
26 **THAT** prescription.

27 **(5)** ~~(8)~~ A supervising physician may ~~delegate in writing to a~~

1 physician's assistant ~~the ordering, receipt, and dispensing of~~ **MAY**
 2 **ORDER, RECEIVE, AND DISPENSE** complimentary starter dose drugs
 3 including controlled substances that are included in schedules 2 to
 4 5 of part 72. ~~When the delegated ordering, receipt, or dispensing~~
 5 ~~of~~ **IF A PHYSICIAN'S ASSISTANT ORDERS, RECEIVES, OR DISPENSES A**
 6 complimentary starter dose ~~drugs occurs, both~~ **DRUG UNDER THIS**
 7 **SUBSECTION**, 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~~ **THAT** order, receipt, or dispensing. ~~When the~~
 10 ~~delegated ordering, receipt, or dispensing of~~ **IF A PHYSICIAN'S**
 11 **ASSISTANT ORDERS, RECEIVES, OR DISPENSES A** complimentary starter
 12 dose ~~drugs~~ **DRUG UNDER THIS SUBSECTION** that ~~are~~ **IS** included in
 13 schedules 2 to 5, ~~occurs, both~~ the physician's assistant's ~~and the~~
 14 ~~supervising physician's~~ DEA registration ~~numbers~~ **NUMBER** shall be
 15 used, recorded, or otherwise indicated in connection with ~~each~~ **THAT**
 16 order, receipt, or dispensing. As used in this subsection,
 17 "complimentary starter dose" means that term as defined in section
 18 17745. It is the intent of the legislature in enacting this
 19 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 Sec. 17549. ~~(1) In addition to the other requirements of this~~
 25 ~~section and subject to subsection (5), a physician who supervises a~~
 26 ~~physician's assistant is responsible for all of the following:~~

27 ~~— (a) Verification of the physician's assistant's credentials.~~

1 ~~—— (b) Evaluation of the physician's assistant's performance.~~

2 ~~—— (c) Monitoring the physician's assistant's practice and~~
3 ~~provision of medical care services.~~

4 ~~—— (2) Subject to section 16215 or 17548, as applicable, a~~
5 ~~physician who supervises a physician's assistant may delegate to~~
6 ~~the physician's assistant the performance of medical care services~~
7 ~~for a patient who is under the case management responsibility of~~
8 ~~the physician, if the delegation is consistent with the physician's~~
9 ~~assistant's training.~~

10 ~~—— (3) A physician who supervises a physician's assistant is~~
11 ~~responsible for the clinical supervision of each physician's~~
12 ~~assistant to whom the physician delegates the performance of~~
13 ~~medical care service under subsection (2).~~

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

21 (1) ~~(5)~~—A group of physicians practicing other than as sole
22 practitioners may designate 1 or more physicians in the group to
23 fulfill the requirements of subsections (1) and (4). **ENTER INTO A**
24 **PRACTICE AGREEMENT UNDER SECTION 17547.**

25 (2) ~~(6)~~—Notwithstanding any law or rule to the contrary, a
26 physician is not required to countersign orders written in a
27 patient's clinical record by a physician's assistant ~~to whom the~~

1 ~~physician has delegated the performance of medical care services~~
 2 ~~for a patient. WITH WHOM THE PHYSICIAN HAS A PRACTICE AGREEMENT.~~

3 Notwithstanding any law or rule to the contrary, a physician is not
 4 required to sign an official form that lists the physician's
 5 signature as the required signatory if that official form is signed
 6 by a physician's assistant ~~to whom the physician has delegated the~~
 7 ~~performance of medical care services. WITH WHOM THE PHYSICIAN HAS A~~
 8 **PRACTICE AGREEMENT.**

9 Sec. 17550. In addition to its other powers and duties under
 10 this article, the board may prohibit a physician ~~from supervising 1~~
 11 ~~or more physician's assistants OR A PHYSICIAN'S ASSISTANT FROM~~
 12 **ENTERING INTO A PRACTICE AGREEMENT** for any of the grounds set forth
 13 in section 16221. ~~or for failure to supervise a physician's~~
 14 ~~assistant in accordance with this part and rules promulgated under~~
 15 ~~this part.~~

16 Sec. 17708. (1) "Preceptor" means a pharmacist approved by the
 17 board to direct the training of an intern in an approved pharmacy.

18 (2) "Prescriber" means a licensed dentist, a licensed doctor
 19 of medicine, a licensed doctor of osteopathic medicine and surgery,
 20 a licensed doctor of podiatric medicine and surgery, **A LICENSED**
 21 **PHYSICIAN'S ASSISTANT**, a licensed optometrist certified under part
 22 174 to administer and prescribe therapeutic pharmaceutical agents,
 23 a licensed veterinarian, or another licensed health professional
 24 acting under the delegation and using, recording, or otherwise
 25 indicating the name of the delegating licensed doctor of medicine
 26 or licensed doctor of osteopathic medicine and surgery.

27 (3) "Prescription" means an order by a prescriber to fill,

1 compound, or dispense a drug or device written and signed; written
2 or created in an electronic format, signed, and transmitted by
3 facsimile; or transmitted electronically or by other means of
4 communication. An order transmitted in other than written or hard-
5 copy form must be electronically recorded, printed, or written and
6 immediately dated by the pharmacist, and that record constitutes
7 the original prescription. In a health facility or agency licensed
8 under article 17 or other medical institution, an order for a drug
9 or device in the patient's chart constitutes for the purposes of
10 this definition the original prescription. Subject to section
11 17751(2) and (5), prescription includes, but is not limited to, an
12 order for a drug, not including a controlled substance as defined
13 in section 7104 except under circumstances described in section
14 17763(e), written and signed; written or created in an electronic
15 format, signed, and transmitted by facsimile; or transmitted
16 electronically or by other means of communication by a physician
17 prescriber, dentist prescriber, or veterinarian prescriber licensed
18 to practice dentistry, medicine, osteopathic medicine and surgery,
19 or veterinary medicine in another state.

20 (4) "Prescription drug" means a drug to which 1 or more of the
21 following apply:

22 (a) The drug is dispensed pursuant to a prescription.

23 (b) The drug bears the federal legend "CAUTION: federal law
24 prohibits dispensing without prescription" or "Rx only".

25 (c) The drug is designated by the board as a drug that may
26 only be dispensed pursuant to a prescription.

27 Sec. 17745. (1) Except as otherwise provided in this

1 subsection, a prescriber who wishes to dispense prescription drugs
2 shall obtain from the board a drug control license for each
3 location in which the storage and dispensing of prescription drugs
4 occur. A drug control license is not necessary if the dispensing
5 occurs in the emergency department, emergency room, or trauma
6 center of a hospital licensed under article 17 or if the dispensing
7 involves only the issuance of complimentary starter dose drugs.

8 (2) Except as otherwise authorized for expedited partner
9 therapy in section 5110 or as provided in section 17744a or 17744b,
10 a dispensing prescriber shall dispense prescription drugs only to
11 his or her own patients.

12 (3) A dispensing prescriber shall include in a patient's chart
13 or clinical record a complete record, including prescription drug
14 names, dosages, and quantities, of all prescription drugs dispensed
15 directly by the dispensing prescriber or indirectly under his or
16 her delegatory authority. If prescription drugs are dispensed under
17 the prescriber's delegatory authority, the delegatee who dispenses
18 the prescription drugs shall initial the patient's chart, clinical
19 record, or log of prescription drugs dispensed. In a patient's
20 chart or clinical record, a dispensing prescriber shall distinguish
21 between prescription drugs dispensed to the patient, prescription
22 drugs prescribed for the patient, prescription drugs dispensed or
23 prescribed for expedited partner therapy as authorized in section
24 5110, and prescription drugs dispensed or prescribed as authorized
25 under section 17744a or 17744b. A dispensing prescriber shall
26 retain information required under this subsection for not less than
27 5 years after the information is entered in the patient's chart or

1 clinical record.

2 (4) A dispensing prescriber shall store prescription drugs
3 under conditions that will maintain their stability, integrity, and
4 effectiveness and will ~~assure~~**ENSURE** that the prescription drugs
5 are free of contamination, deterioration, and adulteration.

6 (5) A dispensing prescriber shall store prescription drugs in
7 a substantially constructed, securely lockable cabinet. Access to
8 the cabinet ~~shall~~**MUST** be limited to individuals authorized to
9 dispense prescription drugs in compliance with this part and
10 article 7.

11 (6) Unless otherwise requested by a patient, a dispensing
12 prescriber shall dispense a prescription drug in a safety closure
13 container that complies with the poison prevention packaging act of
14 1970, 15 USC 1471 to 1477.

15 (7) A dispensing prescriber shall dispense a drug in a
16 container that bears a label containing all of the following
17 information:

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

20 (b) Except as otherwise authorized under section 5110, 17744a,
21 or 17744b, the patient's name and record number.

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

23 (d) The prescriber's name or, if dispensed under the
24 prescriber's delegatory authority, the name of the delegatee.

25 (e) The directions for use.

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

27 (g) The quantity dispensed.

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

3 (8) A dispensing prescriber who dispenses a complimentary
4 starter dose drug to a patient shall give the patient the
5 information required in this subsection, by dispensing the
6 complimentary starter dose drug to the patient in a container that
7 bears a label containing the required information or by giving the
8 patient a written document that may include, but is not limited to,
9 a preprinted insert that comes with the complimentary starter dose
10 drug and that contains the required information. The information
11 required to be given to the patient under this subsection includes
12 all of the following:

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 this part and sections
2 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. 17745a. (1) As used in this section:

21 (a) "Medicaid" means the program of medical assistance
22 established under title XIX of the social security act, ~~chapter~~
23 ~~531, 49 Stat. 620, 42 U.S.C. 1396 to 1396f, 1396g 1 to 1396r 6, and~~
24 ~~1396r 8 to 1396v.~~ **42 USC 1396 TO 1396W-5.**

25 (b) "Medicare" means the federal ~~medicare~~ **MEDICARE** program
26 established under title XVIII of the social security act, ~~chapter~~
27 ~~531, 49 Stat. 620, 42 U.S.C. 1395 to 1395b, 1395b 2, 1395b 6 to~~

1 ~~1395b-7, 1395c to 1395i, 1395i-2 to 1395i-5, 1395j to 1395t, 1395u~~
 2 ~~to 1395w, 1395w-2 to 1395w-4, 1395w-21 to 1395w-28, 1395x to~~
 3 ~~1395yy, and 1395bbb to 1395ggg.~~ **42 USC 1395 TO 1395III.**

4 (c) "Public health program" means 1 of the following:

5 (i) A local health department.

6 (ii) A migrant health center or a community health center as
 7 defined under ~~sections 329 and 330 of subpart I of part C of title~~
 8 ~~III of the public health service act, 42 U.S.C.~~ **USC 254b and 254c.**

9 (iii) A family planning program designated by the ~~family~~
 10 ~~independence agency~~ **DEPARTMENT OF HEALTH AND HUMAN SERVICES** as a
 11 provider type 23 under the social welfare act, 1939 PA 280, MCL
 12 400.1 to 400.119b, and verified by the department of ~~community~~
 13 ~~health.~~ **HEALTH AND HUMAN SERVICES.**

14 (iv) A methadone treatment program licensed under article 6.

15 (v) A rural health clinic.

16 (vi) A hospice rendering emergency care services in a
 17 patient's home as described in section 17746.

18 (d) "Rural health clinic" means a rural health clinic as
 19 defined in section ~~1861 of part C of title XVIII of the social~~
 20 ~~security act, 42 U.S.C.~~ **USC 1395x**, that is certified to
 21 participate in ~~medicaid~~ **MEDICAID** and ~~medicare.~~ **MEDICARE.**

22 (2) Except as otherwise provided in subsections (3) and (4),
 23 in a public health program without an on-site pharmacy, a
 24 dispensing prescriber may delegate the dispensing of prescription
 25 drugs only to ~~the following individuals:~~

26 ~~—(a) A~~ **A** registered professional nurse licensed under part 172.

27 ~~—(b) A physician's assistant licensed under part 170 or part~~

1 ~~175, if the delegating dispensing prescriber is responsible for the~~
2 ~~clinical supervision of the physician's assistant.~~

3 (3) In a public health program without an on-site pharmacy, a
4 dispensing prescriber may delegate the delivery of prescription
5 drugs consisting only of prelabeled, prepackaged oral
6 contraceptives under the following circumstances:

7 (a) The delivery is delegated to an appropriately trained
8 individual.

9 (b) The delivery is performed pursuant to specific, written
10 protocols.

11 (4) In a methadone treatment program licensed under article 6
12 without an on-site pharmacy, a dispensing prescriber may delegate
13 the delivery of a prescription drug consisting only of 1 or more
14 single doses of methadone, up to the maximum number of single doses
15 allowed by law, to a registered client of the methadone treatment
16 program, if all of the following requirements are met:

17 (a) The delivery is delegated to ~~1 of the following~~
18 ~~individuals:~~

19 ~~—— (i) A A~~ registered professional nurse or a licensed practical
20 nurse licensed under part 172.

21 ~~—— (ii) A physician's assistant licensed under part 170 or part~~
22 ~~175, but only if the delegating dispensing prescriber is~~
23 ~~responsible for the clinical supervision of the physician's~~
24 ~~assistant.~~

25 (b) The delivery is performed pursuant to specific, written
26 protocols.

27 (c) The prescription drug described in this subsection is

1 labeled in accordance with section 17745.

2 Sec. 17745b. (1) Subject to subsection (3), in an industrial
3 clinic or other prescriber practice location without an on-site
4 pharmacy, a dispensing prescriber may delegate the dispensing of
5 prescription drugs only to ~~the following individuals:~~

6 ~~— (a) A registered professional nurse licensed under part 172.~~

7 ~~— (b) A physician's assistant licensed under part 170 or part~~
8 ~~175, if the dispensing prescriber is responsible for the clinical~~
9 ~~supervision of the physician's assistant.~~

10 (2) In an industrial clinic or other prescriber practice
11 location without an on-site pharmacy, if a dispensing prescriber
12 does not delegate the dispensing of a prescription drug, the
13 dispensing prescriber shall do both of the following:

14 (a) Be physically present at the time the prescription drug is
15 dispensed.

16 (b) Immediately before the prescription drug is dispensed,
17 perform a final inspection of the type of prescription drug,
18 labeling, dosage, and amount of the prescription drug dispensed.

19 (3) A dispensing prescriber who delegates the dispensing of a
20 prescription drug to a patient in an industrial clinic or other
21 prescriber practice location without an on-site pharmacy shall not
22 delegate the dispensing of more than a 72-hour supply of the
23 prescription drug.

24 (4) Before dispensing a prescription drug to a patient in an
25 industrial clinic or other prescriber practice location without an
26 on-site pharmacy, a dispensing prescriber who intends to charge for
27 dispensing the drug shall give a written prescription to the

1 patient and shall instruct the patient that he or she may elect to
2 have the prescription filled by the dispensing prescriber or the
3 patient's pharmacy of choice.

4 (5) If a dispensing prescriber intends to charge for
5 dispensing a prescription drug to a patient in an industrial clinic
6 or other prescriber practice location without an on-site pharmacy,
7 the dispensing prescriber shall inform the patient of that fact
8 before dispensing the prescription drug to the patient. The
9 dispensing prescriber also shall list the charge for dispensing the
10 prescription drug as a separate item on the patient's bill.

11 (6) This section does not apply to public health programs as
12 defined in section 17745a.

13 Sec. 18001. (1) As used in this part:

14 (A) **"MEDICAL CARE SERVICES" MEANS THOSE SERVICES WITHIN THE**
15 **SCOPE OF PRACTICE OF PODIATRISTS LICENSED BY THE BOARD, EXCEPT**
16 **THOSE SERVICES THAT THE BOARD PROHIBITS OR OTHERWISE RESTRICTS**
17 **WITHIN A PRACTICE AGREEMENT OR DETERMINES SHALL NOT BE DELEGATED BY**
18 **A PODIATRIST WITHOUT ENDANGERING THE HEALTH AND SAFETY OF PATIENTS**
19 **AS PROVIDED FOR IN SECTION 18048.**

20 (B) **"PARTICIPATING PODIATRIST" MEANS A PODIATRIST OR A**
21 **PODIATRIST DESIGNATED BY A GROUP OF PODIATRISTS UNDER SECTION 18049**
22 **TO REPRESENT THAT GROUP.**

23 (C) ~~(a)~~-"Podiatrist" means a physician and surgeon licensed
24 under this article to engage in the practice of podiatric medicine
25 and surgery.

26 (D) **"PRACTICE AGREEMENT" MEANS AN AGREEMENT DESCRIBED IN**
27 **SECTION 18047.**

1 (E) ~~(b)~~—"Practice as a physician's assistant" means the
2 practice of ~~medicine, osteopathic medicine and surgery, and~~
3 podiatric medicine and surgery ~~under the supervision of a physician~~
4 ~~or podiatrist licensed under this article.~~**WITH A PARTICIPATING**
5 **PODIATRIST UNDER A PRACTICE AGREEMENT.**

6 (F) ~~(e)~~—"Practice of podiatric medicine and surgery" means the
7 examination, diagnosis, and treatment of abnormal nails,
8 superficial excrescences occurring on the human hands and feet,
9 including corns, warts, callosities, and bunions, and arch troubles
10 or the treatment medically, surgically, mechanically, or by
11 physiotherapy of ailments of human feet or ankles as they affect
12 the condition of the feet. It does not include amputation of human
13 feet, or the use or administration of anesthetics other than local.

14 ~~——(d) "Supervision" means that term as defined under section~~
15 ~~16109 except that it includes the existence of a predetermined plan~~
16 ~~for emergency situations including, but not limited to, the~~
17 ~~designation of a podiatrist to supervise a physician's assistant in~~
18 ~~the absence of the primary supervising podiatrist.~~

19 (G) ~~(e)~~—"Task force" means the joint task force created in
20 section 17025.

21 (2) In addition to the definitions in this part, article 1
22 contains general definitions and principles of construction
23 applicable to all articles in this code and part 161 contains
24 definitions applicable to this part.

25 Sec. 18021. (1) The Michigan board of podiatric medicine and
26 surgery is created in the department and ~~shall consist~~**CONSISTS** of
27 the following 9 voting members who shall meet the requirements of

1 part 161: 5 podiatrists, 1 physician's assistant, and 3 public
2 members.

3 (2) ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, THE**
4 board of podiatric medicine and surgery does not have the powers
5 and duties vested in the task force by sections 17060 to 17084.

6 (3) The terms of office of individual members of the board
7 created under this section, except those appointed to fill
8 vacancies, expire 4 years after appointment on June 30 of the year
9 in which the term expires.

10 **SEC. 18047. (1) A PHYSICIAN'S ASSISTANT SHALL NOT ENGAGE IN**
11 **THE PRACTICE AS A PHYSICIAN'S ASSISTANT EXCEPT UNDER THE TERMS OF A**
12 **PRACTICE AGREEMENT THAT MEETS THE REQUIREMENTS OF THIS SECTION.**

13 (2) A PRACTICE AGREEMENT MUST INCLUDE ALL OF THE FOLLOWING:

14 (A) A PROCESS BETWEEN THE PHYSICIAN'S ASSISTANT AND
15 PARTICIPATING PODIATRIST FOR COMMUNICATION, AVAILABILITY, AND
16 DECISION MAKING WHEN PROVIDING MEDICAL TREATMENT TO A PATIENT. THE
17 PROCESS MUST UTILIZE THE KNOWLEDGE AND SKILLS OF THE PHYSICIAN'S
18 ASSISTANT AND PARTICIPATING PODIATRIST BASED ON THEIR EDUCATION,
19 TRAINING, AND EXPERIENCE.

20 (B) A PROTOCOL FOR DESIGNATING AN ALTERNATIVE PHYSICIAN FOR
21 CONSULTATION IN SITUATIONS IN WHICH THE PARTICIPATING PODIATRIST IS
22 NOT AVAILABLE FOR CONSULTATION.

23 (C) THE SIGNATURE OF THE PHYSICIAN'S ASSISTANT AND THE
24 PARTICIPATING PODIATRIST.

25 (D) A TERMINATION PROVISION THAT ALLOWS THE PHYSICIAN'S
26 ASSISTANT OR PARTICIPATING PODIATRIST TO TERMINATE THE PRACTICE
27 AGREEMENT BY PROVIDING WRITTEN NOTICE AT LEAST 30 DAYS BEFORE THE

1 DATE OF TERMINATION.

2 (E) SUBJECT TO SECTION 18048, THE DUTIES AND RESPONSIBILITIES
3 OF THE PHYSICIAN'S ASSISTANT AND PARTICIPATING PODIATRIST. THE
4 PRACTICE AGREEMENT SHALL NOT INCLUDE AS A DUTY OR RESPONSIBILITY OF
5 THE PHYSICIAN'S ASSISTANT OR PARTICIPATING PODIATRIST AN ACT, TASK,
6 OR FUNCTION THAT THE PHYSICIAN'S ASSISTANT OR PARTICIPATING
7 PODIATRIST IS NOT QUALIFIED TO PERFORM BY EDUCATION, TRAINING, OR
8 EXPERIENCE AND THAT IS NOT WITHIN THE SCOPE OF THE LICENSE HELD BY
9 THE PHYSICIAN'S ASSISTANT OR PARTICIPATING PODIATRIST.

10 (F) A REQUIREMENT THAT THE PARTICIPATING PODIATRIST VERIFY THE
11 PHYSICIAN'S ASSISTANT'S CREDENTIALS.

12 (3) THE BOARD, IN CONSULTATION WITH THE MICHIGAN BOARD OF
13 MEDICINE AND THE MICHIGAN BOARD OF OSTEOPATHIC MEDICINE AND
14 SURGERY, SHALL CONSIDER WHETHER TO LIMIT THE NUMBER OF PHYSICIAN'S
15 ASSISTANTS FOR EACH PARTICIPATING PHYSICIAN IN A PRACTICE AGREEMENT
16 AND MAY PROMULGATE RULES ESTABLISHING THE MAXIMUM RATIO OF
17 PHYSICIAN'S ASSISTANTS TO PARTICIPATING PODIATRISTS IN A PRACTICE
18 AGREEMENT.

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

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

5 ~~———— (3) The department may promulgate rules for the appropriate~~
6 ~~delegation and utilization of a physician's assistant by a~~
7 ~~podiatrist, including, but not limited to, rules to prohibit or~~
8 ~~otherwise restrict the delegation of certain podiatric services or~~
9 ~~require higher levels of supervision if the board determines that~~
10 ~~these services require~~ **EXCEPT FOR A MEDICAL CARE SERVICE WITHIN A**
11 **PRACTICE AGREEMENT, TO THE EXTENT THAT A PARTICULAR SELECTED**
12 **MEDICAL CARE SERVICE REQUIRES** extensive training, education, or
13 ability or ~~pose~~ **POSES** serious risks to the health or safety of
14 patients, **THE BOARD MAY PROHIBIT OR OTHERWISE RESTRICT THE**
15 **DELEGATION OF THAT MEDICAL CARE SERVICE OR MAY REQUIRE HIGHER**
16 **LEVELS OF SUPERVISION. TO THE EXTENT THAT A PARTICULAR MEDICAL CARE**
17 **SERVICE REQUIRES EXTENSIVE TRAINING, EDUCATION, OR ABILITY OR POSES**
18 **SERIOUS RISKS TO THE HEALTH OR SAFETY OF PATIENTS, THE BOARD MAY**
19 **PROHIBIT OR OTHERWISE RESTRICT THAT MEDICAL CARE SERVICE WITHIN A**
20 **PRACTICE AGREEMENT.**

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

24 ~~———— (a) Verification of the physician's assistant's credentials.~~

25 ~~———— (b) Evaluation of the physician's assistant's performance.~~

26 ~~———— (c) Monitoring the physician's assistant's practice and~~
27 ~~provision of podiatric services.~~

1 ~~—— (2) Subject to section 16215 or 18048, as applicable, a~~
2 ~~podiatrist who supervises a physician's assistant may only delegate~~
3 ~~to the physician's assistant the performance of podiatric services~~
4 ~~for a patient who is under the case management responsibility of~~
5 ~~the podiatrist, if the delegation is consistent with the~~
6 ~~physician's assistant's training. A podiatrist shall only supervise~~
7 ~~a physician's assistant in the performance of those duties included~~
8 ~~within his or her scope of practice.~~

9 ~~—— (3) A podiatrist who supervises a physician's assistant is~~
10 ~~responsible for the clinical supervision of each physician's~~
11 ~~assistant to whom the physician delegates the performance of~~
12 ~~podiatric services under subsection (2).~~

13 ~~—— (4) Subject to subsection (5), a podiatrist who supervises a~~
14 ~~physician's assistant shall keep on file in the physician's office~~
15 ~~or in the health facility or agency in which the podiatrist~~
16 ~~supervises the physician's assistant a permanent, written record~~
17 ~~that includes the podiatrist's name and license number and the name~~
18 ~~and license number of each physician's assistant supervised by the~~
19 ~~podiatrist.~~

20 (1) ~~(5)~~ A group of podiatrists practicing other than as sole
21 practitioners may designate 1 or more podiatrists in the group to
22 fulfill the requirements of subsections (1) and (4). **ENTER INTO A**
23 **PRACTICE AGREEMENT UNDER SECTION 18047.**

24 (2) **NOTWITHSTANDING ANY LAW OR RULE TO THE CONTRARY, A**
25 **PODIATRIST IS NOT REQUIRED TO COUNTERSIGN ORDERS WRITTEN IN A**
26 **PATIENT'S CLINICAL RECORD BY A PHYSICIAN'S ASSISTANT WITH WHOM THE**
27 **PODIATRIST HAS A PRACTICE AGREEMENT. NOTWITHSTANDING ANY LAW OR**

1 RULE TO THE CONTRARY, A PODIATRIST IS NOT REQUIRED TO SIGN AN
2 OFFICIAL FORM THAT LISTS THE PODIATRIST'S SIGNATURE AS THE REQUIRED
3 SIGNATORY IF THAT OFFICIAL FORM IS SIGNED BY A PHYSICIAN'S
4 ASSISTANT WITH WHOM THE PODIATRIST HAS A PRACTICE AGREEMENT.

5 Sec. 18050. (1) In addition to its other powers and duties
6 under this article, the board may prohibit a podiatrist ~~from~~
7 ~~supervising 1 or more physician's assistants~~ OR A PHYSICIAN'S
8 ASSISTANT FROM ENTERING INTO A PRACTICE AGREEMENT for any of the
9 grounds set forth in section 16221. ~~or for failure to supervise a~~
10 ~~physician's assistant in accordance with this part and rules~~
11 ~~promulgated under this part.~~

12 (2) FOR PURPOSES OF SECTION 18051, THE BOARD MAY PROMULGATE
13 RULES CONCERNING THE PRESCRIBING OF DRUGS BY A PHYSICIAN'S
14 ASSISTANT. SUBJECT TO SECTION 18051, THE RULES MAY DEFINE THE DRUGS
15 OR CLASSES OF DRUGS THAT A PHYSICIAN'S ASSISTANT MAY NOT PRESCRIBE
16 AND OTHER PROCEDURES AND PROTOCOLS NECESSARY TO PROMOTE CONSISTENCY
17 WITH FEDERAL AND STATE DRUG CONTROL AND ENFORCEMENT LAWS.

18 SEC. 18051. (1) A PHYSICIAN'S ASSISTANT MAY MAKE CALLS OR GO
19 ON ROUNDS IN PRIVATE HOMES, PUBLIC INSTITUTIONS, EMERGENCY
20 VEHICLES, AMBULATORY CARE CLINICS, HOSPITALS, INTERMEDIATE OR
21 EXTENDED CARE FACILITIES, HEALTH MAINTENANCE ORGANIZATIONS, NURSING
22 HOMES, OR OTHER HEALTH CARE FACILITIES IN ACCORDANCE WITH A
23 PRACTICE AGREEMENT. NOTWITHSTANDING ANY LAW OR RULE TO THE
24 CONTRARY, A PHYSICIAN'S ASSISTANT MAY MAKE CALLS OR GO ON ROUNDS AS
25 PROVIDED IN THIS SUBSECTION WITHOUT RESTRICTIONS ON THE TIME OR
26 FREQUENCY OF VISITS BY A PODIATRIST OR THE PHYSICIAN'S ASSISTANT.

27 (2) A PHYSICIAN'S ASSISTANT WHO IS A PARTY TO A PRACTICE

1 AGREEMENT MAY PRESCRIBE A DRUG IN ACCORDANCE WITH PROCEDURES AND
2 PROTOCOLS FOR THE PRESCRIPTION ESTABLISHED BY RULE OF THE
3 APPROPRIATE BOARD. A PHYSICIAN'S ASSISTANT MAY PRESCRIBE A DRUG,
4 INCLUDING A CONTROLLED SUBSTANCE THAT IS INCLUDED IN SCHEDULES 2 TO
5 5 OF PART 72. IF A PHYSICIAN'S ASSISTANT PRESCRIBES A DRUG UNDER
6 THIS SUBSECTION, THE PHYSICIAN'S ASSISTANT'S NAME SHALL BE USED,
7 RECORDED, OR OTHERWISE INDICATED IN CONNECTION WITH THAT
8 PRESCRIPTION. IF A PHYSICIAN'S ASSISTANT PRESCRIBES A DRUG UNDER
9 THIS SUBSECTION THAT IS INCLUDED IN SCHEDULES 2 TO 5, THE
10 PHYSICIAN'S ASSISTANT'S DEA REGISTRATION NUMBER SHALL BE USED,
11 RECORDED, OR OTHERWISE INDICATED IN CONNECTION WITH THAT
12 PRESCRIPTION.

13 (3) A PHYSICIAN'S ASSISTANT MAY ORDER, RECEIVE, AND DISPENSE
14 COMPLIMENTARY STARTER DOSE DRUGS, INCLUDING CONTROLLED SUBSTANCES
15 THAT ARE INCLUDED IN SCHEDULES 2 TO 5 OF PART 72. IF A PHYSICIAN'S
16 ASSISTANT ORDERS, RECEIVES, OR DISPENSES A COMPLIMENTARY STARTER
17 DOSE DRUG UNDER THIS SUBSECTION, THE PHYSICIAN'S NAME SHALL BE
18 USED, RECORDED, OR OTHERWISE INDICATED IN CONNECTION WITH THAT
19 ORDER, RECEIPT, OR DISPENSING. IF A PHYSICIAN'S ASSISTANT ORDERS,
20 RECEIVES, OR DISPENSES A COMPLIMENTARY STARTER DOSE DRUG UNDER THIS
21 SUBSECTION THAT IS INCLUDED IN SCHEDULES 2 TO 5, THE PHYSICIAN'S
22 ASSISTANT'S DEA REGISTRATION NUMBER SHALL BE USED, RECORDED, OR
23 OTHERWISE INDICATED IN CONNECTION WITH THAT ORDER, RECEIPT, OR
24 DISPENSING. AS USED IN THIS SUBSECTION, "COMPLIMENTARY STARTER
25 DOSE" MEANS THAT TERM AS DEFINED IN SECTION 17745. IT IS THE INTENT
26 OF THE LEGISLATURE IN ENACTING THIS SUBSECTION TO ALLOW A
27 PHARMACEUTICAL MANUFACTURER OR WHOLESALE DISTRIBUTOR, AS THOSE

1 TERMS ARE DEFINED IN PART 177, TO DISTRIBUTE COMPLIMENTARY STARTER
2 DOSE DRUGS TO A PHYSICIAN'S ASSISTANT, AS DESCRIBED IN THIS
3 SUBSECTION, IN COMPLIANCE WITH SECTION 503(D) OF THE FEDERAL FOOD,
4 DRUG, AND COSMETIC ACT, 21 USC 353.

5 SEC. 20174. A HEALTH FACILITY OR AGENCY MAY DESIGNATE 1 OR
6 MORE PHYSICIANS TO ENTER INTO A PRACTICE AGREEMENT UNDER SECTION
7 17047 OR 17547.

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

1 record by the attending physician or a physician's assistant to
2 ~~whom the physician has delegated the performance of medical care~~
3 ~~services.~~ **WITH WHOM THE PHYSICIAN HAS A PRACTICE AGREEMENT.**

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, WITH WHOM THE PHYSICIAN HAS A~~
14 **PRACTICE AGREEMENT, WITH HIS OR HER** attorney, or **WITH** any other
15 ~~person~~**INDIVIDUAL** of his or her choice and to send and receive
16 personal mail unopened on the same day it is received at the health
17 facility or agency, unless medically contraindicated as documented
18 in the medical record by the attending physician or a physician's
19 assistant ~~to whom the physician has delegated the performance of~~
20 ~~medical care services. WITH WHOM THE PHYSICIAN HAS A PRACTICE~~
21 **AGREEMENT.** A patient's or resident's civil and religious liberties,
22 including the right to independent personal decisions and the right
23 to knowledge of available choices, shall not be infringed and the
24 health facility or agency shall encourage and assist in the fullest
25 possible exercise of these rights. A patient or resident may meet
26 with, and participate in, the activities of social, religious, and
27 community groups at his or her discretion, unless medically

1 contraindicated as documented in the medical record by the
2 attending physician or a physician's assistant ~~to whom the~~
3 ~~physician has delegated the performance of medical care~~
4 ~~services.~~ **WITH WHOM THE PHYSICIAN HAS A PRACTICE AGREEMENT.**

5 (l) A patient or resident is entitled to be free from mental
6 and physical abuse and from physical and chemical restraints,
7 except those restraints authorized in writing by the attending
8 physician or a physician's assistant ~~to whom the physician has~~
9 ~~delegated the performance of medical care services~~ **WITH WHOM THE**
10 **PHYSICIAN HAS A PRACTICE AGREEMENT** for a specified and limited time
11 or as are necessitated by an emergency to protect the patient or
12 resident from injury to self or others, in which case the restraint
13 may only be applied by a qualified professional who shall set forth
14 in writing the circumstances requiring the use of restraints and
15 who shall promptly report the action to the attending physician or
16 physician's assistant. In case of a chemical restraint, a physician
17 shall be consulted within 24 hours after the commencement of the
18 chemical restraint.

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

22 (n) A patient or resident is entitled to information about the
23 health facility or agency rules and regulations affecting patient
24 or resident care and conduct.

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

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

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

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

26 (c) A nursing home patient or home for the aged resident is
27 entitled to retain and use personal clothing and possessions as

1 space permits, unless to do so would infringe upon the rights of
2 other patients or residents, or unless medically contraindicated as
3 documented in the medical record by the attending physician or a
4 physician's assistant ~~to whom the physician has delegated the~~
5 ~~performance of medical care services.~~ **WITH WHOM THE PHYSICIAN HAS A**
6 **PRACTICE AGREEMENT.** Each nursing home patient or home for the aged
7 resident shall be provided with reasonable space. At the request of
8 a patient, a nursing home shall provide for the safekeeping of
9 personal effects, ~~funds,~~ **MONEY,** and other property of a patient in
10 accordance with section 21767, except that a nursing home is not
11 required to provide for the safekeeping of a property that would
12 impose an unreasonable burden on the nursing home.

13 (d) A nursing home patient or home for the aged resident is
14 entitled to the opportunity to participate in the planning of his
15 or her medical treatment. The attending physician or a physician's
16 assistant ~~to whom the physician has delegated the performance of~~
17 ~~medical care services~~ **WITH WHOM THE PHYSICIAN HAS A PRACTICE**
18 **AGREEMENT** shall fully inform the nursing home patient of the
19 patient's medical condition unless medically contraindicated as
20 documented in the medical record by a physician or a physician's
21 assistant ~~to whom the physician has delegated the performance of~~
22 ~~medical care services.~~ **WITH WHOM THE PHYSICIAN HAS A PRACTICE**
23 **AGREEMENT.** Each nursing home patient shall be afforded the
24 opportunity to discharge himself or herself from the nursing home.

25 (e) A home for the aged resident may be transferred or
26 discharged only for medical reasons, for his or her welfare or that
27 of other residents, or for nonpayment of his or her stay, except as

1 provided by title XVIII or title XIX. A nursing home patient may be
2 transferred or discharged only as provided in sections 21773 to
3 21777. A nursing home patient or home for the aged resident is
4 entitled to be given reasonable advance notice to ensure orderly
5 transfer or discharge. Those actions shall be documented in the
6 medical record.

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

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

27 (h) A nursing home patient or a person authorized by the

1 patient in writing may inspect and copy the patient's personal and
2 medical records. The records shall be made available for inspection
3 and copying by the nursing home within a reasonable time, not
4 exceeding 1 week, after the receipt of a written request.

5 (i) If a nursing home patient desires treatment by a licensed
6 member of the healing arts, the treatment shall be made available
7 unless it is medically contraindicated, and the medical
8 contraindication is justified in the patient's medical record by
9 the attending physician or a physician's assistant ~~to whom the~~
10 ~~physician has delegated the performance of medical care~~
11 ~~services.~~ **WITH WHOM THE PHYSICIAN HAS A PRACTICE AGREEMENT.**

12 (j) A nursing home patient has the right to have his or her
13 parents, if a minor, or his or her spouse, next of kin, or
14 patient's representative, if an adult, stay at the facility 24
15 hours a day if the patient is considered terminally ill by the
16 physician responsible for the patient's care or a physician's
17 assistant ~~to whom the physician has delegated the performance of~~
18 ~~medical care services.~~ **WITH WHOM THE PHYSICIAN HAS A PRACTICE**
19 **AGREEMENT.**

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

24 (l) Each nursing home patient has the right to receive
25 representatives of approved organizations as provided in section
26 21763.

27 (4) A nursing home, its owner, administrator, employee, or

1 representative shall not discharge, harass, or retaliate or
2 discriminate against a patient because the patient has exercised a
3 right protected under this section.

4 (5) In the case of a nursing home patient, the rights
5 enumerated in subsection (2)(c), (g), and (k) and subsection
6 (3)(d), (g), and (h) may be exercised by the patient's
7 representative.

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

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

21 (8) As used in this section:

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

24 **(B) "PRACTICE AGREEMENT" MEANS AN AGREEMENT DESCRIBED IN**
25 **SECTION 17047, 17547, OR 18047.**

26 (C) ~~(b)~~ "Title XVIII" means title XVIII of the social security
27 act, 42 USC 1395 to ~~1395kkk-1~~.1395lll.

1 (D) ~~(e)~~—"Title XIX" means title XIX of the social security
2 act, 42 USC 1396 to 1396w-5.

3 Enacting section 1. Section 17066 of the public health code,
4 1978 PA 368, MCL 333.17066, is repealed.

5 Enacting section 2. This amendatory act takes effect 90 days
6 after the date it is enacted into law.