

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.17754 Electronic transmission of prescription; conditions; information; confidentiality; professional judgment as to accuracy, validity, and authenticity; original prescription; inapplicable after October 1, 2021.

Sec. 17754.

(1) Except as otherwise provided under article 7, article 8, and the federal act, a prescription may be transmitted electronically if the prescription is transmitted in compliance with the health insurance portability and accountability act of 1996, Public Law 104-191, or regulations promulgated under that act, 45 CFR parts 160 and 164, by a prescriber or his or her agent and the data are not altered or modified in the transmission process. The electronically transmitted prescription must include all of the following information:

- (a) The name, address, and telephone number of the prescriber.
- (b) Except as otherwise authorized under section 5110, 17744a, or 17744b, the full name of the patient for whom the prescription is issued.
- (c) An electronic signature or other identifier that specifically identifies and authenticates the prescriber or his or her agent.
- (d) The time and date of the transmission.
- (e) The identity of the pharmacy intended to receive the transmission.
- (f) Any other information required by the federal act or state law.

(2) The electronic equipment or system utilized in the transmission and communication of prescriptions must provide adequate confidentiality safeguards and be maintained to protect patient confidentiality as required under any applicable federal and state law and to ensure against unauthorized access. The electronic transmission of a prescription must be communicated in a retrievable, recognizable form acceptable to the intended recipient. The electronic form utilized in the transmission of a prescription must not include "dispense as written" or "d.a.w." as the default setting.

(3) Before dispensing a prescription that is electronically transmitted, the pharmacist shall exercise professional judgment regarding the accuracy, validity, and authenticity of the transmitted prescription.

(4) An electronically transmitted prescription that meets the requirements of this section is the original prescription.

(5) This section does not apply beginning on the date on which section 17754a applies.

History: Add. 2006, Act 672, Imd. Eff. Jan. 10, 2007 ;-- Am. 2012, Act 209, Imd. Eff. June 27, 2012 ;-- Am. 2013, Act 186, Eff. Mar. 14, 2014 ;-- Am. 2013, Act 268, Imd. Eff. Dec. 30, 2013 ;-- Am. 2014, Act 311, Imd. Eff. Oct. 14, 2014 ;-- Am. 2014, Act 525, Imd. Eff. Jan. 14, 2015 ;-- Am. 2020, Act 134, Imd. Eff. July 8, 2020

Popular Name: Act 368