

# HOUSE BILL No. 6166

September 22, 1998, Introduced by Reps. Hale, Murphy, Stallworth, Thomas, Scott, Schroer, Curtis, Leland, Harder, Price, Mathieu, Hanley, Agee and Vaughn and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 17745a (MCL 333.17745a), as added by 1993 PA 305.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 "Sec. 17745a. (1) As used in this section:

2 (a) "Medicaid" means the program of medical assistance  
3 established under title XIX of the social security act, chapter  
4 531, 49 Stat. 620, 42 U.S.C. 1396 to ~~1396g and 1396i to 1396v~~  
5 1396f AND 1396g-1 TO 1396r-6, AND 1396r-8 TO 1396v.

6 (b) "Medicare" means the federal medicare program estab-  
7 lished under title XVIII of the social security act, chapter 531,  
8 49 Stat. 620, 42 U.S.C. 1395 to 1395b, 1395b-2, 1395b-6 TO  
9 1395b-7, 1395c to 1395i, 1395i-2 to ~~1395i-4~~ 1395i-5, 1395j to

1 1395t, 1395u to 1395w, 1395w-2 ~~—, TO 1395w-4, ~~to 1395ccc~~~~  
 2 1395w-21 TO 1395w-28, 1395x, 1395yy, AND 1395bbb TO 1395ggg.

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

4 (i) A local health department.

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

9 (iii) A family planning program designated by the department  
 10 of social services as a provider type 23 under the social welfare  
 11 act, ~~Act No. 280 of the Public Acts of 1939, being sections~~  
 12 ~~400.1 to 440.119b of the Michigan Compiled Laws 1939 PA 280,~~  
 13 MCL 400.1 TO 400.119B, and verified by the department of ~~public~~  
 14 COMMUNITY health.

15 (iv) A methadone treatment program licensed under article  
 16 6.

17 (v) A rural health clinic.

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

20 (d) "Rural health clinic" means that term as defined in sec-  
 21 tion 1861 of part C of title XVIII of the social security act,  
 22 ~~chapter 531, 49 Stat. 620,~~ 42 U.S.C. 1395x, and which clinic is  
 23 certified to participate in medicaid and medicare.

24 (2) Except as otherwise provided in ~~subsection~~ SUBSECTIONS  
 25 (3) AND (4), in a public health program without an on-site phar-  
 26 macy, a dispensing prescriber may delegate the dispensing of  
 27 prescription drugs only to the following individuals:

1 (a) A registered professional nurse licensed under part  
2 172.

3 (b) A physician's assistant licensed under part 170 or part  
4 175, if the dispensing prescriber is responsible for the clinical  
5 supervision of the physician's assistant.

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

10 (a) The delivery is delegated to an appropriately trained  
11 individual.

12 (b) The delivery is performed pursuant to specific, written  
13 protocols.

14 (4) IN A METHADONE TREATMENT PROGRAM LICENSED UNDER ARTICLE  
15 6 WITHOUT AN ON-SITE PHARMACY, A DISPENSING PRESCRIBER MAY DELE-  
16 GATE THE DELIVERY OF A PRESCRIPTION DRUG CONSISTING ONLY OF A  
17 SINGLE DOSE OF METHADONE TO A REGISTERED CLIENT OF THE METHADONE  
18 TREATMENT PROGRAM IF ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

19 (A) THE DELIVERY IS DELEGATED TO 1 OF THE FOLLOWING  
20 INDIVIDUALS:

21 (i) A REGISTERED PROFESSIONAL NURSE OR A LICENSED PRACTICAL  
22 NURSE LICENSED UNDER PART 172.

23 (ii) A PHYSICIAN'S ASSISTANT LICENSED UNDER PART 170 OR PART  
24 175, BUT ONLY IF THE DELEGATING DISPENSING PRESCRIBER IS RESPON-  
25 SIBLE FOR THE CLINICAL SUPERVISION OF THE PHYSICIAN'S ASSISTANT.

26 (B) THE DELIVERY IS PERFORMED PURSUANT TO SPECIFIC, WRITTEN  
27 PROTOCOLS.

1 (C) THE PRESCRIPTION DRUG DESCRIBED IN THIS SUBSECTION IS  
2 LABELED IN ACCORDANCE WITH SECTION 17745.