

REPRINT

**SUBSTITUTE FOR
SENATE BILL NO. 436**

(As Passed the Senate May 19, 1999)

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, 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

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1 1395t, 1395u to 1395w, 1395w-2 ~~,~~ TO 1395w-4, ~~to 1395ccc~~
2 1395w-21 TO 1395w-28, 1395x TO 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
10 ~~department of social services~~ FAMILY INDEPENDENCE AGENCY as a
11 provider type 23 under the social welfare act, ~~Act No. 280 of~~
12 ~~the Public Acts of 1939, being sections 400.1 to 440.119b of the~~
13 ~~Michigan Compiled Laws~~ 1939 PA 280, MCL 400.1 TO 400.119B, and
14 verified by the department of ~~public~~ 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~~ A RURAL HEALTH
21 CLINIC as defined in section 1861 of part C of title XVIII of the
22 social security act, ~~chapter 531, 49 Stat. 620,~~ 42
23 U.S.C. 1395x, ~~and which clinic~~ THAT is certified to participate
24 in medicaid and medicare.

25 (2) Except as otherwise provided in ~~subsection~~ SUBSECTIONS
26 (3) AND (4), in a public health program without an on-site

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1 pharmacy, a dispensing prescriber may delegate the dispensing of
2 prescription drugs only to the following individuals:

3 (a) A registered professional nurse licensed under part
4 172.

5 (b) A physician's assistant licensed under part 170 or part
6 175, if the DELEGATING dispensing prescriber is responsible for
7 the clinical supervision of the physician's assistant.

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

12 (a) The delivery is delegated to an appropriately trained
13 individual.

14 (b) The delivery is performed pursuant to specific, written
15 protocols.

16 (4) IN A METHADONE TREATMENT PROGRAM LICENSED UNDER ARTICLE
17 6 WITHOUT AN ON-SITE PHARMACY, A DISPENSING PRESCRIBER MAY DELE-
18 GATE THE DELIVERY OF A PRESCRIPTION DRUG CONSISTING ONLY OF 1 OR
19 MORE SINGLE DOSES OF METHADONE, UP TO THE MAXIMUM NUMBER OF
20 SINGLE DOSES ALLOWED BY LAW, TO A REGISTERED CLIENT OF THE METHA-
21 DONE TREATMENT PROGRAM, IF ALL OF THE FOLLOWING REQUIREMENTS ARE
22 MET:

23 (A) THE DELIVERY IS DELEGATED TO 1 OF THE FOLLOWING
24 INDIVIDUALS:

25 (i) A REGISTERED PROFESSIONAL NURSE OR A LICENSED PRACTICAL
26 NURSE LICENSED UNDER PART 172.

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1 (ii) A PHYSICIAN'S ASSISTANT LICENSED UNDER PART 170 OR PART
2 175, BUT ONLY IF THE DELEGATING DISPENSING PRESCRIBER IS
3 RESPONSIBLE FOR THE CLINICAL SUPERVISION OF THE PHYSICIAN'S
4 ASSISTANT.

5 (B) THE DELIVERY IS PERFORMED PURSUANT TO SPECIFIC, WRITTEN
6 PROTOCOLS.

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