

SUBSTITUTE FOR
HOUSE BILL NO. 4001

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 17752 (MCL 333.17752).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17752. (1) A LICENSEE OR A DISPENSING PRESCRIBER SHALL
2 PRESERVE A prescription ~~—~~ or an equivalent record ~~thereof~~ OF
3 THE PRESCRIPTION approved by the board ~~—, shall be preserved by a~~
4 ~~licensee or dispensing prescriber~~ for not less than 5 years
5 AFTER THE DATE THE PRESCRIPTION IS WRITTEN.
6 (2) A prescription or AN equivalent record OF THE PRESCRIP-
7 TION APPROVED BY THE BOARD on file in a pharmacy OR IN THE OFFICE
8 OF A DISPENSING PRESCRIBER is not a public record. EXCEPT AS
9 OTHERWISE PROVIDED IN SUBSECTION (3), A PHARMACIST, PHARMACY
10 EMPLOYEE, DISPENSING PRESCRIBER, DISPENSING PRESCRIBER'S
11 EMPLOYEE, OR OTHER PERSON HAVING CUSTODY OF OR ACCESS TO A

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1 PRESCRIPTION OR AN EQUIVALENT RECORD OF THE PRESCRIPTION APPROVED
2 BY THE BOARD SHALL NOT DISCLOSE THE IDENTITY OF THE PATIENT FOR
3 WHOM THE PRESCRIPTION WAS ISSUED TO A MANUFACTURER, A DISTRIBUTOR,
4 OR ANY OTHER PERSON WITHOUT THE WRITTEN, INFORMED CONSENT OF
5 THE PATIENT.

6 (3) A PHARMACIST, PHARMACY EMPLOYEE, DISPENSING PRESCRIBER,
7 DISPENSING PRESCRIBER'S EMPLOYEE, OR OTHER person having custody
8 of or access to ~~prescriptions~~ A PRESCRIPTION OR AN EQUIVALENT
9 RECORD OF THE PRESCRIPTION APPROVED BY THE BOARD shall not dis-
10 close ~~their~~ ITS contents or provide ~~copies~~ A COPY OF THE PRE-
11 SCRIPTION OR EQUIVALENT RECORD TO ANOTHER without the patient's
12 WRITTEN OR ORAL authorization, ~~to any person~~ except ~~to~~ AS
13 FOLLOWS:

14 (a) ~~The~~ TO THE patient for whom the prescription was
15 issued, or another pharmacist OR DISPENSING PRESCRIBER acting on
16 behalf of the patient. IN DISCUSSING A PRESCRIPTION WITH THE
17 PATIENT, A PHARMACIST OR PHARMACY EMPLOYEE AND A DISPENSING PRE-
18 SCRIBER OR DISPENSING PRESCRIBER'S EMPLOYEE SHALL TAKE EVERY REA-
19 SONABLE PRECAUTION UNDER THE CIRCUMSTANCES TO PREVENT OTHER CUS-
20 TOMERS OR PATIENTS FROM OVERHEARING OR OTHERWISE DISCERNING THE
21 NAME OF THE PRESCRIBED DRUG. THIS SUBDIVISION DOES NOT REQUIRE A
22 PHARMACIST OR A DISPENSING PRESCRIBER TO PROVIDE A PRIVATE CON-
23 SULTATION ROOM OR AREA.

24 (b) ~~The~~ TO THE authorized prescriber who issued the pre-
25 scription, or TO a licensed health professional who is currently
26 treating the patient.

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1 (c) ~~Am~~ TO AN agency or agent of government responsible for
2 the enforcement of laws relating to drugs and devices.

3 (d) ~~A~~ TO A person authorized by a court order.

4 (e) ~~A~~ TO A person engaged in research projects or studies
5 ~~with protocols approved by the board~~ CONDUCTED IN ACCORDANCE
6 WITH 45 C.F.R. 46 AND 21 C.F.R. 50 AND 56.

7 (F) TO A PERSON REPRESENTING A PUBLIC OR PRIVATE HEALTH CARE
8 PAYMENT OR BENEFITS PLAN OR A HEALTH MANAGEMENT SERVICES PROVIDER
9 FOR THE PURPOSE OF PROVIDING PAYMENT, REIMBURSEMENT, AUDIT, OR
10 ADMINISTRATION OF A PATIENT'S HEALTH CARE BENEFITS OR SERVICES,
11 OR AS OTHERWISE REQUIRED UNDER THE AGREEMENT BETWEEN THE PHARMACY
12 OR THE DISPENSING PRESCRIBER AND THE PUBLIC OR PRIVATE HEALTH
13 CARE PAYMENT OR BENEFITS PLAN OR THE HEALTH MANAGEMENT SERVICES
14 PROVIDER.

15 (4) A PHARMACIST OR PHARMACY OR DISPENSING PRESCRIBER WHO
16 VIOLATES THIS SECTION IS SUBJECT TO SECTION 16221(G) AND TO THE
17 CORRESPONDING ADMINISTRATIVE SANCTIONS PRESCRIBED BY SECTION
18 16226.

19 (5) ~~(3)~~ A pharmacist may refill a copy of a prescription
20 from another pharmacy if the original prescription has remaining
21 authorized refills, and the copy is issued according to the fol-
22 lowing procedure:

23 (a) The pharmacist issuing a written or oral copy of a pre-
24 scription shall cancel the original prescription and record the
25 cancellation. The record of cancellation shall include the date
26 the copy was issued, to whom issued, and the identification of
27 the pharmacist who issued the copy.

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1 (b) The written or oral copy issued shall be a duplicate of
2 the original prescription except that it shall also include the
3 prescription number, the name of the pharmacy issuing the copy,
4 the date the copy was issued, and the number of authorized
5 refills remaining available to the patient.

6 (c) The pharmacist receiving a written or oral copy of the
7 prescription shall exercise reasonable diligence to determine
8 whether it is a valid copy, and having done so may treat the copy
9 as an original prescription.

10 (d) Except as described in this part, all other copies fur-
11 nished shall be used for ~~information~~ INFORMATIONAL OR REFERENCE
12 purposes only and clearly marked "for informational or reference
13 purposes only".

14 (6) THIS SECTION DOES NOT PROHIBIT OR RESTRICT ACCESS TO
15 PRESCRIPTION INFORMATION FOR HEALTH RESEARCH IF PATIENT IDENTIFI-
16 ERS HAVE BEEN REMOVED BY CODING OR ENCRYPTION.