

SENATE BILL No. 1384

June 10, 2010, Introduced by Senators BARCIA, JACOBS, KAHN, BIRKHOLZ and ALLEN and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16333, 17705, 17707, 17709, 17711, and 17731
(MCL 333.16333, 333.17705, 333.17707, 333.17709, 333.17711, and
333.17731), section 16333 as added by 1993 PA 80, section 17705
as amended by 1986 PA 304, section 17707 as amended by 1990 PA
333, section 17709 as amended by 2006 PA 672, section 17711 as
amended by 2006 PA 390, and section 17731 as amended by 1994 PA
234, and by adding sections 17735, 17736, and 17744.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 16333. (1) Fees for a person licensed or seeking
- 2 licensure to engage in the practice of pharmacy or other

1 practices regulated under part 177 are as follows:

2	(a)	Application processing fees:	
3	(i)	Pharmacist.....	\$ 20.00
4	(ii)	Pharmacy.....	35.00
5	(iii)	Drug control.....	20.00
6	(iv)	Manufacturer or wholesaler.....	50.00
7	(v)	Clinical thermometer.....	50.00
8	(vi)	PHARMACY TECHNICIAN.....	10.00
9	(b)	Examination fees:	
10		Jurisprudence examination.....	30.00
11	(c)	License fees, per year:	
12	(i)	Pharmacist.....	30.00
13	(ii)	Pharmacy.....	50.00
14	(iii)	Drug control.....	15.00
15	(iv)	Manufacturer or wholesaler.....	25.00
16	(v)	Clinical thermometer.....	25.00
17	(vi)	PHARMACY TECHNICIAN.....	15.00
18	(d)	Temporary license for pharmacist.....	25.00
19	(e)	Limited license for pharmacist, per year...	15.00

20 (2) FEES FOR A PERSON REGISTERED OR SEEKING REGISTRATION TO
 21 SERVE AS A PHARMACY TECHNICIAN REGULATED UNDER PART 177 ARE AS
 22 FOLLOWS:

23	(A)	APPLICATION PROCESSING FEE.....	20.00
24	(B)	REGISTRATION FEE, PER YEAR.....	30.00

25 Sec. 17705. (1) "Label" means a display of written, printed,
 26 or graphic matter on the immediate container of a drug or device,

1 but does not include package liners. A requirement made by or
2 under authority of this part that a word, statement, or other
3 information appear on the label is not complied with unless the
4 word, statement, or other information appears on the outside
5 container or wrapper of the retail package of the drug or device
6 as displayed for sale or is easily legible through an outside
7 container or wrapper.

8 (2) "Labeling" means the labels and other written, printed,
9 or graphic matter on a drug or device or its container or
10 wrapper, or accompanying the drug or device.

11 (3) "License" in addition to the definition in section 16106
12 means a pharmacy license, **PHARMACY TECHNICIAN LICENSE**, drug
13 control license, or a manufacturer or wholesale distributor of
14 drugs or devices license.

15 (4) **"LICENSED PHARMACY TECHNICIAN" MEANS AN INDIVIDUAL WHO**
16 **IS LICENSED UNDER THIS PART TO SERVE AS A PHARMACY TECHNICIAN.**

17 Sec. 17707. (1) "Personal charge" means the immediate
18 physical presence of a pharmacist or dispensing prescriber.

19 (2) "Pharmacist" means an individual licensed under this
20 article to engage in the practice of pharmacy.

21 (3) "Pharmacist intern" or "intern" means an individual who
22 satisfactorily completes the requirements set forth in rules
23 promulgated by the board and is licensed by the board for the
24 purpose of obtaining instruction in the practice of pharmacy from
25 a preceptor approved by the board.

26 (4) "Pharmacy" means a building or part of a building in
27 which the practice of pharmacy is conducted.

(5) "PHARMACY TECHNICIAN" MEANS AN INDIVIDUAL WHO IS
REQUIRED TO BE LICENSED OR ALLOWED TO BE REGISTERED UNDER THIS
PART TO SERVE AS A PHARMACY TECHNICIAN.

(6) ~~(5)~~—"Practice of pharmacy" means a health service, the
clinical application of which includes the encouragement of
safety and efficacy in the prescribing, dispensing,
administering, and use of drugs and related articles for the
prevention of illness, and the maintenance and management of
health. **PRACTICE OF PHARMACY INCLUDES THE DIRECT OR INDIRECT
PROVISION OF PROFESSIONAL FUNCTIONS ASSOCIATED WITH THE PRACTICE
OF PHARMACY.** Professional functions associated with the practice
of pharmacy include:

(a) The interpretation and evaluation of the prescription.

(b) Drug product selection.

(c) The compounding, dispensing, safe storage, and
distribution of drugs and devices.

(d) The maintenance of legally required records.

(e) Advising the prescriber and the patient as required as
to contents, therapeutic action, utilization, and possible
adverse reactions or interactions of drugs.

Sec. 17709. (1) **"REGISTERED PHARMACY TECHNICIAN" MEANS AN
INDIVIDUAL WHO IS REGISTERED UNDER THIS PART TO SERVE AS A
CERTIFIED PHARMACY TECHNICIAN IN THE MANNER PRESCRIBED IN RULES
PROMULGATED UNDER SECTION 17736(2).**

(2) ~~(1)~~—"Sign" means to affix one's signature manually to a
document or to use an electronic signature when transmitting a
prescription electronically.

(3) ~~(2)~~—"Substitute" means to dispense, without the prescriber's authorization, a different drug in place of the drug prescribed.

(4) ~~(3)~~—"Wholesale distributor" means a person, other than a manufacturer, who supplies, distributes, sells, offers for sale, barter, or otherwise disposes of, to other persons for resale, compounding, or dispensing, a drug or device salable on prescription only that the distributor has not prepared, produced, derived, propagated, compounded, processed, packaged, or repackaged, or otherwise changed the container or the labeling thereof.

Sec. 17711. (1) A person shall not engage in the practice of pharmacy **OR SERVE AS A PHARMACY TECHNICIAN** unless licensed or otherwise authorized by this article.

(2) The following words, titles, or letters or a combination thereof, with or without qualifying words or phrases, are restricted in use only to those persons authorized under this part to use the terms and in a way prescribed in this part:

"pharmacy", "pharmacist", **"PHARMACY TECHNICIAN"**, **"LICENSED PHARMACY TECHNICIAN"**, **"REGISTERED PHARMACY TECHNICIAN"**, **"CERTIFIED PHARMACY TECHNICIAN"**, "apothecary", "drugstore", "druggist", "medicine store", "prescriptions", and "r.ph.".

Sec. 17731. (1) Notwithstanding the requirements of part 161, the board may require a licensee seeking renewal of a pharmacist's license to furnish the board with satisfactory evidence that during the 2 years immediately preceding application for renewal the applicant has attended continuing

1 education courses or programs, approved by the board, totaling
2 not less than 30 hours or ~~the satisfactory completion of~~
3 **SATISFACTORILY COMPLETED** a proficiency examination according to
4 rules promulgated by the board. **NOTWITHSTANDING THE REQUIREMENTS**
5 **OF PART 161, THE BOARD MAY REQUIRE A LICENSEE SEEKING RENEWAL OF**
6 **A PHARMACY TECHNICIAN'S LICENSE TO FURNISH THE BOARD WITH**
7 **SATISFACTORY EVIDENCE THAT DURING THE 2 YEARS IMMEDIATELY**
8 **PRECEDING APPLICATION FOR RENEWAL THE APPLICANT HAS ATTENDED**
9 **CONTINUING EDUCATION COURSES OR PROGRAMS, APPROVED BY THE BOARD,**
10 **TOTALING NOT LESS THAN 20 HOURS OR SATISFACTORILY COMPLETED A**
11 **PROFICIENCY EXAMINATION ACCORDING TO RULES PROMULGATED BY THE**
12 **BOARD.**

13 (2) As required under section 16204, the board shall
14 promulgate rules requiring each applicant for license renewal to
15 complete as part of the continuing education or proficiency
16 examination requirement of subsection (1) an appropriate number
17 of hours or courses in pain and symptom management.

18 **SEC. 17735. (1) AN INDIVIDUAL WHO ASSISTS IN A PHARMACY AND**
19 **PERFORMS ANY OF THE FOLLOWING FUNCTIONS IS CONSIDERED TO BE**
20 **SERVING AS A PHARMACY TECHNICIAN AND, EXCEPT AS OTHERWISE**
21 **PROVIDED IN THIS PART, IS REQUIRED TO BE LICENSED UNDER THIS PART**
22 **AS A PHARMACY TECHNICIAN:**

23 (A) ASSISTING IN THE DISPENSING PROCESS.

24 (B) PROCESSING MEDICAL COVERAGE CLAIMS.

25 (C) HANDLING PRESCRIPTION TRANSFERS.

26 (D) ORDERING AND STOCKING OF MEDICATIONS.

27 (E) CASHIERING.

1 (F) DISPENSING PROCESS.

2 (G) PRESCRIBER CONTACT CONCERNING PRESCRIPTION DRUG ORDER
3 CLARIFICATION, WHICH DOES NOT INCLUDE DRUG REGIMEN REVIEW AND
4 CLINICAL OR THERAPEUTIC INTERPRETATION.

5 (H) RECEIPT OF VERBAL PRESCRIPTION DRUG ORDERS.

6 (I) SUBJECT TO SECTION 16215, OTHER ACTIVITIES OR FUNCTIONS
7 AS PRESCRIBED IN RULES PROMULGATED UNDER THIS PART.

8 (2) A PHARMACY THAT UTILIZES THE SERVICES OF A PHARMACY
9 TECHNICIAN SHALL ENSURE THAT ALL OF THE FOLLOWING REQUIREMENTS,
10 AS APPLICABLE, ARE MET:

11 (A) THE PHARMACY TECHNICIAN IS LICENSED, REGISTERED, OR
12 OTHERWISE AUTHORIZED TO SERVE AS A PHARMACY TECHNICIAN UNDER THIS
13 PART.

14 (B) THE PHARMACY TECHNICIAN ONLY PERFORMS THE ACTIVITIES OR
15 FUNCTIONS THAT HE OR SHE IS LICENSED, REGISTERED, OR OTHERWISE
16 AUTHORIZED TO PERFORM UNDER THIS PART OR AS PRESCRIBED IN RULES
17 PROMULGATED UNDER THIS PART.

18 (C) THE PHARMACY TECHNICIAN ONLY PERFORMS THE ACTIVITIES OR
19 FUNCTIONS DESCRIBED IN SUBDIVISION (B) UNDER THE SUPERVISION AND
20 PERSONAL CHARGE OF THE PHARMACIST.

21 (3) AN INDIVIDUAL WHO IS ANY OF THE FOLLOWING MAY SERVE AS A
22 PHARMACY TECHNICIAN UNDER THIS PART WITHOUT A LICENSE:

23 (A) AS PROVIDED IN SECTION 16171(A), A STUDENT IN A PHARMACY
24 TECHNICIAN PROGRAM APPROVED BY THE BOARD, REGARDLESS OF HIS OR
25 HER AGE, WHICH STUDENT MAY CONTINUE TO SERVE AS A PHARMACY
26 TECHNICIAN UNDER THIS PART WITHOUT A LICENSE FOR A PERIOD OF 210
27 DAYS AFTER GRADUATION FROM THE APPROVED PROGRAM.

(B) AN INDIVIDUAL WHO HAS GRADUATED FROM A PHARMACY
TECHNICIAN PROGRAM APPROVED BY THE BOARD, WHICH INDIVIDUAL MAY
CONTINUE TO SERVE AS A PHARMACY TECHNICIAN UNDER THIS PART
WITHOUT A LICENSE FOR A PERIOD OF 210 DAYS AFTER GRADUATION FROM
THE APPROVED PROGRAM.

(C) AN INDIVIDUAL WHO MEETS ALL OF THE FOLLOWING
REQUIREMENTS:

(i) THE INDIVIDUAL WAS EMPLOYED BY A PHARMACY ON THE DAY
BEFORE THE EFFECTIVE DATE OF THIS SECTION.

(ii) THE INDIVIDUAL WAS SERVING AS A PHARMACY TECHNICIAN IN
THE PHARMACY DESCRIBED IN SUBPARAGRAPH (i) .

(iii) THE INDIVIDUAL CONTINUES TO WORK FOR THE PHARMACY
DESCRIBED IN SUBDIVISION (i) .

(iv) THE INDIVIDUAL DOES NOT SERVE AS A PHARMACY TECHNICIAN
IN ANY OTHER PHARMACY THAN THE PHARMACY DESCRIBED IN SUBPARAGRAPH
(i) .

(D) AN INDIVIDUAL WHO IS REGISTERED AS A CERTIFIED PHARMACY
TECHNICIAN UNDER THIS PART AS LONG AS THE INDIVIDUAL ONLY
PERFORMS THE ACTIVITIES OR FUNCTIONS AUTHORIZED IN RULES
PROMULGATED UNDER SECTION 17736(2) .

SEC. 17736. (1) AN INDIVIDUAL WHO MEETS ALL OF THE FOLLOWING
REQUIREMENTS MAY BE LICENSED AS A PHARMACY TECHNICIAN UNDER THIS
PART:

(A) HAS SUBMITTED A COMPLETE WRITTEN APPLICATION ON A FORM
PRESCRIBED BY THE DEPARTMENT.

(B) NOTWITHSTANDING SECTION 16174(1)(A), IS 17 YEARS OF AGE
OR OLDER.

1 (C) HAS GRADUATED FROM AN ACCREDITED HIGH SCHOOL OR
2 COMPARABLE SCHOOL OR EDUCATIONAL INSTITUTION OR HAS PASSED THE
3 GENERAL EDUCATIONAL DEVELOPMENT TEST OR OTHER GRADUATE
4 EQUIVALENCY EXAMINATION.

5 (D) SUBMITS PROOF OF PASSAGE OF THE CERTIFIED PHARMACY
6 TECHNICIAN EXAMINATION GIVEN BY THE PHARMACY TECHNICIAN
7 CERTIFICATION BOARD.

8 (2) THE DEPARTMENT, IN CONSULTATION WITH THE BOARD, SHALL
9 PROMULGATE RULES TO IMPLEMENT A PROGRAM TO REGISTER AN INDIVIDUAL
10 WHO HAS PASSED THE CERTIFIED PHARMACY TECHNICIAN EXAMINATION
11 GIVEN BY THE PHARMACY TECHNICIAN CERTIFICATION BOARD. AN
12 INDIVIDUAL WHO IS REGISTERED UNDER THIS PART AS A CERTIFIED
13 PHARMACY TECHNICIAN MAY PERFORM CERTAIN ACTIVITIES OR FUNCTIONS
14 INVOLVED IN THE PRACTICE OF PHARMACY AS PRESCRIBED IN THE RULES
15 PROMULGATED UNDER THIS SECTION. THE DEPARTMENT SHALL INCLUDE IN
16 RULES PROMULGATED UNDER THIS SECTION A PROVISION THAT PROHIBITS
17 AN INDIVIDUAL WHO HOLDS A HEALTH PROFESSION LICENSE UNDER THIS
18 ARTICLE, WHICH LICENSE HAS BEEN DENIED, REVOKED, SUSPENDED, OR
19 RESTRICTED FOR DISCIPLINARY PURPOSES, FROM BEING ELIGIBLE TO BE A
20 REGISTERED PHARMACY TECHNICIAN UNDER THIS PART.

21 SEC. 17744. (1) AN INDIVIDUAL WHO IS NOT A PHARMACIST,
22 PHARMACIST INTERN, OR PHARMACY TECHNICIAN SHALL NOT DO ANY OF THE
23 FOLLOWING IN A PHARMACY OR WHILE PERFORMING A FUNCTION OF A
24 PHARMACY:

25 (A) ENGAGE IN THE COMPOUNDING OF ANY DRUG.

26 (B) PACKAGE OR LABEL ANY DRUG.

27 (C) PREPARE OR MIX ANY INTRAVENOUS DRUG TO BE INJECTED INTO

1 A HUMAN PATIENT.

2 (2) A PHARMACIST SHALL NOT ALLOW ANY PERSON EMPLOYED OR
3 OTHERWISE UNDER THE PERSONAL CHARGE OF THE PHARMACIST TO VIOLATE
4 SUBSECTION (1). A PERSON WHO OWNS, MANAGES, OR CONDUCTS A
5 PHARMACY SHALL NOT ALLOW ANY PERSON EMPLOYED OR OTHERWISE UNDER
6 THE CONTROL OF THE PERSON WHO OWNS, MANAGES, OR CONDUCTS THE
7 PHARMACY TO VIOLATE SUBSECTION (1).