



HOUSE BILL No. 4686

May 4, 1993, Introduced by Reps. Bennane, Shepich and Rivers and referred to the Committee on Public Health.

A bill to amend section 17707 of Act No. 368 of the Public Acts of 1978, entitled as amended
"Public health code,"
as amended by Act No. 333 of the Public Acts of 1990, being section 333.17707 of the Michigan Compiled Laws; and to add sections 17712 and 17713.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 17707 of Act No. 368 of the Public Acts
2 of 1978, as amended by Act No. 333 of the Public Acts of 1990,
3 being section 333.17707 of the Michigan Compiled Laws, is amended
4 and sections 17712 and 17713 are added to read as follows:

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

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

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

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

8 (5) "Practice of pharmacy" means a health service, the clin-
9 ical application of which includes the encouragement of safety
10 and efficacy in the prescribing, dispensing, administering, and
11 use of drugs and related articles for the prevention of illness,
12 and the maintenance and management of health. Professional func-
13 tions associated with the practice of pharmacy include ALL OF THE
14 FOLLOWING:

15 (a) The interpretation and evaluation of the prescription.

16 (b) Drug product selection.

17 (c) The compounding, dispensing, safe storage, and distribu-
18 tion of drugs and devices.

19 (d) The maintenance of legally required records.

20 (e) Advising the prescriber and DISCUSSING WITH the patient
21 as required as to contents, therapeutic action, utilization, and
22 possible adverse reactions or interactions of drugs AS DESCRIBED
23 IN SECTION 17712.

24 SEC. 17712. (1) BEFORE DISPENSING OR DELIVERING A NEW PRE-
25 SCRIPTON TO A PATIENT OR A PERSON ACTING ON BEHALF OF THE
26 PATIENT, A PHARMACIST SHALL CONDUCT A PROSPECTIVE DRUG REVIEW. A
27 PHARMACIST MAY CONDUCT A PROSPECTIVE DRUG REVIEW BEFORE REFILLING

1 A PRESCRIPTION, TO THE EXTENT CONSIDERED APPROPRIATE BY THE
2 PHARMACIST IN HIS OR HER PROFESSIONAL JUDGMENT. A PHARMACIST
3 SHALL CONSIDER ALL OF THE FOLLOWING IN CONDUCTING A PROSPECTIVE
4 DRUG REVIEW UNDER THIS SUBSECTION:

5 (A) POTENTIAL DRUG THERAPY PROBLEMS DUE TO THERAPEUTIC
6 DUPLICATION.

7 (B) DRUG-DRUG INTERACTIONS, INCLUDING SERIOUS POTENTIAL
8 INTERACTIONS WITH NONPRESCRIPTION OR OVER-THE-COUNTER DRUGS
9 OBTAINED BY THE PATIENT FROM THE PHARMACY PROVIDING TOTAL COMPRE-
10 HENSIVE SERVICES.

11 (C) INCORRECT DRUG DOSAGE OR INCORRECT DURATION OF DRUG
12 TREATMENT.

13 (D) DRUG-ALLERGY REACTIONS.

14 (E) CLINICAL ABUSE OR MISUSE.

15 (F) DRUG-DISEASE CONTRAINDICATION, ONLY IF THE DIAGNOSIS IS
16 INDICATED ON THE PRESCRIPTION BY THE PRESCRIBER.

17 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5) AND
18 UNLESS CONSIDERED UNNECESSARY OR INAPPROPRIATE BY THE PHARMACIST
19 IN HIS OR HER PROFESSIONAL JUDGMENT, UPON RECEIPT OF A NEW PRE-
20 SCRIPTON, A PHARMACIST OR THE PHARMACIST'S DESIGNEE FACE-TO-FACE
21 SHALL OFFER TO DISCUSS WITH THE PATIENT OR THE PERSON PRESENTING
22 THE NEW PRESCRIPTION ON BEHALF OF THE PATIENT APPROPRIATE INFOR-
23 MATION REGARDING THE PRESCRIPTION. A PHARMACIST OR THE
24 PHARMACIST'S DESIGNEE MAY MAKE A SIMILAR OFFER OF DISCUSSION TO A
25 PERSON WHO RECEIVES A REFILL OF A PRESCRIPTION TO THE EXTENT CON-
26 SIDERED APPROPRIATE BY THE PHARMACIST, IN HIS OR HER PROFESSIONAL
27 JUDGMENT. ONLY IF THE PHARMACIST DETERMINES THAT A FACE-TO-FACE

1 OFFER TO DISCUSS IS UNNECESSARY OR INAPPROPRIATE, THE PHARMACIST
2 MAY MAKE THE OFFER TO DISCUSS DESCRIBED IN THIS SUBSECTION IN 1
3 OR MORE OF THE FOLLOWING WAYS:

4 (A) IN WRITING.

5 (B) BY TELEPHONE.

6 (C) IN A MANNER DETERMINED APPROPRIATE BY THE PHARMACIST.

7 (3) IF THE PATIENT OR PERSON ACTING ON BEHALF OF THE PATIENT
8 ACCEPTS THE OFFER OF DISCUSSION DESCRIBED IN SUBSECTION (2), THE
9 PHARMACIST SHALL CONDUCT THE DISCUSSION FACE-TO-FACE, IF PRACTI-
10 CABLE, OR BY TELEPHONE. IF THE PATIENT OR PERSON ACTING ON
11 BEHALF OF THE PATIENT REFUSES THE OFFER OF DISCUSSION, THE PHAR-
12 MACIST IS NOT REQUIRED TO GIVE THE PATIENT OR THE PERSON ACTING
13 ON BEHALF OF THE PATIENT THE INFORMATION DESCRIBED IN THIS
14 SECTION. THE PHARMACIST SHALL INCLUDE IN THE DISCUSSION ELEMENTS
15 OF MEDICATION INFORMATION CONSIDERED APPROPRIATE BY THE PHARMA-
16 CIST INCLUDING, BUT NOT LIMITED TO, ALL OF THE FOLLOWING:

17 (A) THE NAME AND DESCRIPTION OF THE PRESCRIBED DRUG.

18 (B) THE DOSAGE FORM, DOSE, ROUTE OF ADMINISTRATION, AND
19 DURATION OF THE PRESCRIBED DRUG THERAPY.

20 (C) THE INTENDED USE AND EXPECTED ACTION OF THE PRESCRIBED
21 DRUG, ONLY IF THE DIAGNOSIS IS INDICATED ON THE PRESCRIPTION BY
22 THE PRESCRIBER.

23 (D) SPECIAL DIRECTIONS AND PRECAUTIONS FOR PREPARATION,
24 ADMINISTRATION, AND USE BY THE PATIENT.

25 (E) COMMON SEVERE SIDE OR ADVERSE EFFECTS OR INTERACTIONS
26 AND THERAPEUTIC CONTRAINDICATIONS.

(F) TECHNIQUES FOR SELF-MONITORING DRUG THERAPY.

(G) PROPER STORAGE OF THE PRESCRIBED DRUG.

(H) PRESCRIPTION REFILL INFORMATION.

(I) COMMENTS RELEVANT TO THE PATIENT'S DRUG THERAPY, INCLUDING, BUT NOT LIMITED TO, INFORMATION PERTAINING TO THAT PARTICULAR PATIENT OR THE PRESCRIBED DRUG.

(4) A PHARMACIST MAY SUPPLEMENT THE DISCUSSION PROVIDED UNDER THIS SECTION WITH ADDITIONAL INFORMATION IN ELECTRONIC, PRINT, OR VIDEO FORM.

(5) THIS SECTION DOES NOT APPLY IF THE PRESCRIPTION DISPENSED BY THE PHARMACIST IS FOR AN INPATIENT IN A HEALTH FACILITY OR AGENCY LICENSED UNDER ARTICLE 17 IN WHICH OTHER LICENSEES ARE AUTHORIZED TO ADMINISTER THE PRESCRIBED DRUG, EXCEPT TO THE EXTENT REQUIRED BY REGULATIONS PROMULGATED BY THE FEDERAL HEALTH CARE FINANCING ADMINISTRATION UNDER SECTION 1927(g)(2)(A) OF TITLE XIX OF THE SOCIAL SECURITY ACT, CHAPTER 531, 49 STAT. 620, 42 U.S.C. 1396r-8.

SEC. 17713. (1) A PHARMACIST OR PHARMACIST'S DESIGNEE SHALL MAKE REASONABLE EFFORTS TO OBTAIN, RECORD, AND MAINTAIN ALL OF THE FOLLOWING PATIENT INFORMATION AT THE PHARMACY WHERE THE PHARMACIST OR PHARMACIST'S DESIGNEE PRACTICES:

(A) EACH PATIENT'S NAME, ADDRESS, TELEPHONE NUMBER, DATE OF BIRTH OR AGE, AND GENDER.

(B) IF CONSIDERED SIGNIFICANT BY THE PHARMACIST, AN INDIVIDUAL PATIENT HISTORY INCLUDING, BUT NOT LIMITED TO, EACH PATIENT'S KNOWN DRUG ALLERGIES AND DRUG REACTIONS, A COMPREHENSIVE LIST OF

1 DRUGS AND DEVICES USED BY THE PATIENT, AND THE PATIENT'S CHRONIC
2 CONDITIONS OR DISEASES IF THAT INFORMATION IS AVAILABLE.

3 (C) ADDITIONAL COMMENTS BY THE PHARMACIST RELEVANT TO THE
4 PATIENT'S DRUG USE.

5 (2) A PHARMACIST OR PHARMACIST'S DESIGNEE SHALL RECORD THE
6 INFORMATION REQUIRED UNDER SUBSECTION (1) IN THE PATIENT'S MANUAL
7 OR ELECTRONIC PROFILE. DOCUMENTATION OF THE OFFER TO DISCUSS
8 REQUIRED UNDER SECTION 17712 OR A PATIENT'S REFUSAL OF THE OFFER
9 TO DISCUSS MAY BE RECORDED IN THE PATIENT'S MANUAL OR ELECTRONIC
10 PROFILE, IN THE PRESCRIPTION SIGNATURE LOG, OR ANY OTHER SYSTEM
11 OF RECORDS. A PHARMACIST MAY CONSIDER THE INFORMATION REQUIRED
12 UNDER SUBSECTION (1) IN THE EXERCISE OF HIS OR HER PROFESSIONAL
13 JUDGMENT CONCERNING BOTH THE OFFER TO DISCUSS UNDER SECTION 17712
14 AND THE CONTENT OF THE DISCUSSION.

15 (3) IF THERE IS NO RECORD THAT THE PATIENT REFUSED THE
16 PHARMACIST'S OFFER TO DISCUSS, THERE IS A PRESUMPTION THAT THE
17 PHARMACIST MADE THE OFFER TO DISCUSS UNDER SECTION 17712, THE
18 PATIENT ACCEPTED THE OFFER, AND THE PHARMACIST PROVIDED THE
19 DISCUSSION.