



# SENATE BILL No. 972

April 23, 1996, Introduced by Senator SHUGARS and referred to the Committee on Health Policy and Senior Citizens.

A bill to amend sections 16106 and 17708 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," section 17708 as amended by Act No. 384 of the Public Acts of 1994, being sections 333.16106 and 333.17708 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 16106 and 17708 of Act No. 368 of the  
2 Public Acts of 1978, section 17708 as amended by Act No. 384 of  
3 the Public Acts of 1994, being sections 333.16106 and 333.17708  
4 of the Michigan Compiled Laws, are amended to read as follows:

5 Sec. 16106. (1) "Incompetence" means a departure from, or  
6 failure to conform to, minimal standards of acceptable and  
7 prevailing practice for the health profession, whether or not  
8 actual injury to an individual occurs.

1       (2) "License", EXCEPT AS OTHERWISE PROVIDED IN THIS  
2 SUBSECTION, means an authorization issued under this article to  
3 practice where practice would otherwise be unlawful. ~~It~~  
4 LICENSE includes an authorization to use a designated title which  
5 use would otherwise be prohibited under this article and may be  
6 used to refer to a health profession subfield license, limited  
7 license, or a temporary license. FOR PURPOSES OF THE DEFINITION  
8 OF "PRESCRIBER" CONTAINED IN SECTION 17708(2) ONLY, LICENSE  
9 INCLUDES AN AUTHORIZATION ISSUED UNDER THE LAWS OF ANOTHER STATE  
10 TO PRACTICE WHERE PRACTICE WOULD OTHERWISE BE UNLAWFUL.

11       (3) "Licensee", as used in a part that regulates a specific  
12 health profession, means a person to whom a license is issued  
13 under that part, and as used in this part means each licensee  
14 regulated by this article.

15       (4) "Limitation" means an action by which a board imposes  
16 restrictions or conditions, or both, on a license.

17       (5) "Limited license" means a license to which restrictions  
18 or conditions, or both, as to scope of practice, place of prac-  
19 tice, supervision of practice, duration of licensed status, or  
20 type or condition of patient or client served are imposed by a  
21 board.

22       Sec. 17708. (1) "Preceptor" means a pharmacist approved by  
23 the board to direct the training of an intern in an approved  
24 pharmacy.

25       (2) "Prescriber" means a licensed dentist, A LICENSED doctor  
26 of medicine, A LICENSED doctor of osteopathic medicine and  
27 surgery, A LICENSED doctor of podiatric medicine and surgery, A

1 LICENSED optometrist certified under part 174 to administer and  
2 prescribe therapeutic pharmaceutical agents, A LICENSED veteri-  
3 narian, or ~~other~~ ANOTHER licensed health professional acting  
4 under the delegation and using, recording, or otherwise indicat-  
5 ing the name of the delegating licensed doctor of medicine or  
6 LICENSED doctor of osteopathic medicine and surgery.

7 (3) "Prescription" means an order for ~~drugs or devices~~ A  
8 DRUG OR DEVICE written and signed or transmitted by other means  
9 of communication by a prescriber to be filled, compounded, or  
10 dispensed. Prescribing ~~shall be~~ IS limited to a prescriber.  
11 An order transmitted in other than written form shall be recorded  
12 or written and immediately dated by the pharmacist, and that  
13 record constitutes the original prescription. In a health facil-  
14 ity or AGENCY LICENSED UNDER ARTICLE 17 OR other medical  
15 institution, an order for ~~drugs or devices~~ A DRUG OR DEVICE in  
16 the patient's chart constitutes for the purposes of this defini-  
17 tion the original prescription. PRESCRIPTION INCLUDES, BUT IS  
18 NOT LIMITED TO, AN ORDER FOR A DRUG, NOT INCLUDING A CONTROLLED  
19 SUBSTANCE AS DEFINED IN SECTION 7104, WRITTEN AND SIGNED OR  
20 TRANSMITTED BY OTHER MEANS OF COMMUNICATION BY A PRESCRIBER  
21 LICENSED TO PRACTICE IN A STATE OTHER THAN MICHIGAN, BUT ONLY IF  
22 THE PHARMACIST IN THE EXERCISE OF HIS OR HER PROFESSIONAL JUDG-  
23 MENT DETERMINES ALL OF THE FOLLOWING:

24 (A) THAT THE PRESCRIPTION WAS ISSUED PURSUANT TO AN EXISTING  
25 HEALTH PROFESSIONAL-PATIENT RELATIONSHIP.

26 (B) THAT THE PRESCRIPTION IS AUTHENTIC.

1 (C) THAT THE PRESCRIBED DRUG IS NECESSARY FOR THE TREATMENT  
2 OF A CHRONIC OR RECURRENT CONDITION.

3 (4) "Prescription drug" means ~~any~~ 1 OR MORE of the  
4 following:

5 (a) A drug dispensed pursuant to a prescription.

6 (b) A drug bearing the federal legend "CAUTION: federal law  
7 prohibits dispensing without prescription".

8 (c) A drug designated by the board as a drug that may only  
9 be dispensed pursuant to a prescription.