

**SUBSTITUTE FOR
SENATE BILL NO. 104**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 17708 (MCL 333.17708), as amended by 1997 PA
153.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

4 (2) "Prescriber" means a licensed dentist, a licensed doctor
5 of medicine, a licensed doctor of osteopathic medicine and sur-
6 gery, a licensed doctor of podiatric medicine and surgery, a
7 licensed optometrist certified under part 174 to administer and
8 prescribe therapeutic pharmaceutical agents, A LICENSED
9 REGISTERED PROFESSIONAL NURSE WITH SPECIALTY CERTIFICATION WHO IS
10 A NURSE MIDWIFE OR A NURSE PRACTITIONER AND WHO MEETS THE

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1 REQUIREMENTS OF SUBSECTION (5), a licensed veterinarian, or
2 another licensed health professional acting under the delegation
3 and using, recording, or otherwise indicating the name of the
4 delegating licensed doctor of medicine or licensed doctor of
5 osteopathic medicine and surgery.

6 (3) "Prescription" means an order for a drug or device writ-
7 ten and signed or transmitted by other means of communication by
8 a prescriber to be filled, compounded, or dispensed. Prescribing
9 is limited to a prescriber. An order transmitted in other than
10 written form shall be recorded or written and immediately dated
11 by the pharmacist, and that record constitutes the original
12 prescription. In a health facility or agency licensed under
13 article 17 or other medical institution, an order for a drug or
14 device in the patient's chart constitutes for the purposes of
15 this definition the original prescription. Subject to
16 section 17751(2), prescription includes, but is not limited to,
17 an order for a drug, not including a controlled substance as
18 defined in section 7104 except under circumstances described in
19 section 17763(g), written and signed or transmitted by other
20 means of communication by a physician prescriber licensed to
21 practice in a state other than Michigan.

22 (4) "Prescription drug" means 1 or more of the following:

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

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

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

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1 (5) IN ORDER TO BE A PRESCRIBER FOR PURPOSES OF SUBSECTION
2 (2), A REGISTERED PROFESSIONAL NURSE WITH A SPECIALTY CERTIFICA-
3 TION ISSUED UNDER SECTION 17210 WHO IS A NURSE MIDWIFE OR A NURSE
4 PRACTITIONER SHALL MEET ALL OF THE FOLLOWING REQUIREMENTS:

5 (A) BIENNIALLY FILE WITH THE DEPARTMENT OF CONSUMER AND
6 INDUSTRY SERVICES BOTH OF THE FOLLOWING:

7 (i) AN EMERGENCY PLAN FOR THE MANAGEMENT AND REFERRAL TO
8 APPROPRIATE MEDICAL SERVICES OF A PATIENT WHO EXPERIENCES AN
9 ADVERSE DRUG REACTION FROM A DRUG PRESCRIBED BY THE REGISTERED
10 PROFESSIONAL NURSE WITH SPECIALTY CERTIFICATION.

11 (ii) A COLLABORATIVE AGREEMENT BETWEEN THE REGISTERED PRO-
12 FESSIONAL NURSE WITH SPECIALTY CERTIFICATION AND 1 OR MORE PHYSI-
13 CIANS ACTIVELY ENGAGED IN THE PRACTICE OF MEDICINE OR THE PRAC-
14 TICE OF OSTEOPATHIC MEDICINE AND SURGERY FOR SUPERVISION AND FOR
15 THE REFERRAL AND TREATMENT OF PATIENTS DESCRIBED IN
16 SUBPARAGRAPH (i) AND SUBSECTION (6). THE COLLABORATIVE AGREEMENT
17 SHALL REQUIRE THE REGISTERED PROFESSIONAL NURSE WITH SPECIALTY
18 CERTIFICATION TO PRESCRIBE ONLY UNDER THE SUPERVISION OF THE PHY-
19 SICIAN SIGNING THE COLLABORATIVE AGREEMENT AND SHALL SPECIFY THAT
20 THE PHYSICIAN NAMED IN THE AGREEMENT WILL BE AVAILABLE FOR TIMELY
21 CONSULTATION AND FOR THE REFERRAL OR TREATMENT, OR BOTH, OF
22 PATIENTS REFERRED BY THE REGISTERED PROFESSIONAL NURSE WITH SPE-
23 CIALTY CERTIFICATION FOR THE PERIOD OF TIME THE COLLABORATIVE
24 AGREEMENT IS VALID. A COLLABORATIVE AGREEMENT IS VALID FOR A
25 PERIOD OF 2 YEARS AFTER THE DATE IT IS EXECUTED. IF THE REGIS-
26 TERED PROFESSIONAL NURSE WITH SPECIALTY CERTIFICATION IS NOT
27 LOCATED IN THE SAME PRACTICE LOCATION AS THE PHYSICIAN OR

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1 PHYSICIANS WITH WHOM HE OR SHE ENTERED INTO A COLLABORATIVE
2 AGREEMENT, HE OR SHE SHALL INCLUDE IN THE COLLABORATIVE AGREEMENT
3 THE SPECIFIC OPERATING PARAMETERS OF HIS OR HER PRACTICE
4 LOCATION. THE COLLABORATIVE AGREEMENT FILED UNDER THIS SUBPARA-
5 GRAPH DOES NOT PROHIBIT THE REGISTERED PROFESSIONAL NURSE WITH
6 SPECIALTY CERTIFICATION FROM CONSULTING WITH OR REFERRING TO
7 OTHER PHYSICIANS. A PHYSICIAN SHALL NOT ENTER INTO COLLABORATIVE
8 AGREEMENTS, AS DESCRIBED IN THIS SUBPARAGRAPH, WITH MORE THAN 10
9 REGISTERED PROFESSIONAL NURSES WITH SPECIALTY CERTIFICATION AT
10 ANY 1 TIME. A PHYSICIAN WHO ENTERS INTO A COLLABORATIVE AGREE-
11 MENT WITH A REGISTERED PROFESSIONAL NURSE WITH SPECIALTY CERTIFI-
12 CATION, AS DESCRIBED IN THIS SUBPARAGRAPH, IS NOT RESPONSIBLE FOR
13 THE ACTS OR OMISSIONS OF THE REGISTERED PROFESSIONAL NURSE WITH
14 SPECIALTY CERTIFICATION IN PRESCRIBING DRUGS AND OTHERWISE PRO-
15 VIDING HEALTH CARE TREATMENT AND SERVICES TO PATIENTS.

16 (B) IF HIS OR HER SPECIALTY CERTIFICATION WAS ISSUED AFTER
17 JANUARY 1, 1993, HAVE RECEIVED A MASTER'S DEGREE IN ADVANCED
18 PRACTICE NURSING FROM AN ACCREDITED COLLEGE OR UNIVERSITY
19 APPROVED BY THE MICHIGAN BOARD OF NURSING.

20 (C) HAVE COMPLETED AT LEAST A 1-YEAR PRESCRIBING INTERNSHIP
21 WITH A LICENSED ALLOPATHIC PHYSICIAN, A LICENSED OSTEOPATHIC PHY-
22 SICIAN, OR A REGISTERED PROFESSIONAL NURSE WITH SPECIALTY CERTI-
23 FICATION WHO IS A PRESCRIBER IN WHICH THE REGISTERED PROFESSIONAL
24 NURSE WITH SPECIALTY CERTIFICATION UNDERGOING THE INTERNSHIP PRE-
25 SCRIBES ONLY UNDER THE DELEGATED AUTHORITY OF THE PHYSICIAN OR
26 REGISTERED PROFESSIONAL NURSE WITH SPECIALTY CERTIFICATION WHO IS

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1 A PRESCRIBER. THE PRESCRIBING INTERNSHIP REQUIRED UNDER THIS
2 SUBDIVISION SHALL MEET ALL OF THE FOLLOWING REQUIREMENTS:

3 (i) INVOLVE A SIGNIFICANT AND ONGOING EXPERIENCE WITH PRE-
4 SCRIBING THE FULL RANGE OF PRESCRIPTION DRUGS RELATED TO HEALTH
5 CONDITIONS THAT MAY BE TREATED AND TREATMENTS THAT ARE ALLOWED
6 UNDER THE REGISTERED PROFESSIONAL NURSE'S SPECIALTY
7 CERTIFICATION.

8 (ii) BE COMPLETED NOT MORE THAN 12 MONTHS BEFORE BECOMING A
9 PRESCRIBER UNDER THIS SECTION. IF A REGISTERED PROFESSIONAL
10 NURSE WITH SPECIALTY CERTIFICATION IS INVOLVED IN A PRESCRIBING
11 INTERNSHIP THAT MEETS THE REQUIREMENTS OF THIS SUBDIVISION ON
12 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBPARA-
13 GRAPH, HE OR SHE MAY COUNT THAT TIME FOR PURPOSES OF MEETING THE
14 12-MONTH REQUIREMENT OF THIS SUBPARAGRAPH.

15 (D) THE PRESCRIBING INTERNSHIP REQUIREMENT OF SUBDIVISION
16 (C) IS MET IF 1 OR MORE LICENSED ALLOPATHIC PHYSICIANS OR
17 LICENSED OSTEOPATHIC PHYSICIANS CERTIFY TO THE DEPARTMENT ON A
18 FORM PROVIDED BY THE DEPARTMENT THAT THE REGISTERED PROFESSIONAL
19 NURSE WITH SPECIALTY CERTIFICATION WHO SEEKS TO BECOME A PRE-
20 SCRIBER HAS FULFILLED THE REQUIREMENT OF A PRESCRIBING INTERNSHIP
21 UNDER SUBDIVISION (C). A PHYSICIAN MAKING CERTIFICATION TO THE
22 DEPARTMENT UNDER THIS SUBDIVISION MUST BE ACTIVELY ENGAGED IN THE
23 PRACTICE OF MEDICINE IN THIS STATE OR THE PRACTICE OF OSTEOPATHIC
24 MEDICINE AND SURGERY IN THIS STATE AND FAMILIAR WITH THE
25 EXPERIENCE AND PRACTICE PATTERNS OF THE REGISTERED PROFESSIONAL
26 NURSE WHO IS THE SUBJECT OF THE CERTIFICATION.

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1 (6) IF A REGISTERED PROFESSIONAL NURSE WITH SPECIALTY
2 CERTIFICATION WHO IS A PRESCRIBER DETERMINES FROM INTERVIEWING OR
3 EXAMINING A PATIENT, USING JUDGMENT AND THAT DEGREE OF SKILL,
4 CARE, KNOWLEDGE, AND ATTENTION ORDINARILY POSSESSED AND EXERCISED
5 BY REGISTERED PROFESSIONAL NURSES WITH SPECIALTY CERTIFICATIONS
6 IN GOOD STANDING UNDER LIKE CIRCUMSTANCES, THAT THE PATIENT
7 REQUIRES MEDICAL CARE THAT IS OUTSIDE OF HIS OR HER SCOPE OF
8 PRACTICE, THE REGISTERED PROFESSIONAL NURSE WITH SPECIALTY CERTI-
9 FICATION SHALL DO BOTH OF THE FOLLOWING:

10 (A) PROMPTLY ADVISE THE PATIENT TO SEEK EVALUATION BY AN
11 APPROPRIATE PHYSICIAN FOR DIAGNOSIS AND POSSIBLE TREATMENT.

12 (B) NOT ATTEMPT TO PROVIDE THE MEDICAL CARE THAT IS OUTSIDE
13 OF HIS OR HER SCOPE OF PRACTICE BY PRESCRIBING MEDICATION OR BY
14 ANY OTHER MEANS.

15 (7) A REGISTERED PROFESSIONAL NURSE WITH SPECIALTY CERTIFI-
16 CATION WHO IS A PRESCRIBER IS SUBJECT TO ALL OF THE FOLLOWING
17 LIMITATIONS WHEN PRESCRIBING:

18 (A) IF THE REGISTERED PROFESSIONAL NURSE'S SPECIALTY CERTI-
19 FICATION IS IN THE SPECIALTY FIELD OF NURSE MIDWIFERY, HE OR SHE
20 MAY PRESCRIBE A CONTROLLED SUBSTANCE INCLUDED IN SCHEDULE 2 UNDER
21 SECTION 7214 ONLY IF ALL OF THE FOLLOWING CIRCUMSTANCES EXIST:

22 (i) THE PRESCRIPTION IS WRITTEN DURING THE PATIENT'S INTRA-
23 PARTUM PERIOD OR IMMEDIATE POSTPARTUM PERIOD.

24 (ii) THE PATIENT IS IN A LICENSED HOSPITAL OR IN A BIRTHING
25 CENTER AT THE TIME THE PRESCRIPTION IS WRITTEN.

26 (B) IF THE REGISTERED PROFESSIONAL NURSE'S SPECIALTY
27 CERTIFICATION IS IN THE SPECIALTY FIELD OF NURSE PRACTITIONER, HE

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1 OR SHE MAY PRESCRIBE A CONTROLLED SUBSTANCE INCLUDED IN SCHEDULE
2 2 UNDER SECTION 7214 ONLY IF THE PATIENT IS SUFFERING FROM A TER-
3 MINAL ILLNESS. AS USED IN THIS SUBDIVISION, "TERMINAL ILLNESS"
4 MEANS THAT TERM AS DEFINED IN SECTION 5653.

5 (C) HE OR SHE SHALL NOT PRESCRIBE A DEVICE, EXCEPT FOR A
6 GLUCOSE-MONITORING DEVICE FOR A PATIENT WHO HAS BEEN DIAGNOSED
7 WITH DIABETES MELLITUS.

8 (D) HE OR SHE SHALL NOT PRESCRIBE A DRUG WHOSE PRIMARY PHAR-
9 MACOLOGICAL EFFECT IS PSYCHOTROPIC, INCLUDING, BUT NOT LIMITED
10 TO, A DRUG THAT IS CLASSIFIED AS AN ANTIDEPRESSANT, AN ANTIPSY-
11 CHOTIC, AN ANXIOLYTIC, OR A MOOD STABILIZER.

12 (8) AS A CONDITION OF BEING A PRESCRIBER UNDER THIS SECTION,
13 A REGISTERED PROFESSIONAL NURSE WITH SPECIALTY CERTIFICATION
14 SHALL NOT DO 1 OR MORE OF THE FOLLOWING:

15 (A) PRESCRIBE INTRAVENOUS ANTINEOPLASTIC DRUGS.

16 (B) PRESCRIBE A DRUG OR DEVICE INDIVIDUALLY, IN COMBINATION,
17 OR IN SUCCESSION FOR A WOMAN KNOWN TO BE PREGNANT WITH THE INTEN-
18 TION OF CAUSING EITHER A MISCARRIAGE OR FETAL DEATH.

19 (9) IN ADDITION TO ANY OTHER CONTINUING EDUCATION REQUIRED
20 UNDER THIS ARTICLE OR THE RULES PROMULGATED UNDER THIS ARTICLE, A
21 REGISTERED PROFESSIONAL NURSE WITH SPECIALTY CERTIFICATION WHO IS
22 A PRESCRIBER UNDER THIS SECTION SHALL BIENNIALLY COMPLETE NOT
23 LESS THAN 20 HOURS OF CONTINUING EDUCATION IN PHARMACOLOGY.

24 (10) IT IS THE INTENT OF THE LEGISLATURE IN ENACTING THE
25 AMENDATORY ACT THAT ADDED THIS SUBSECTION THAT A PUBLIC OR PRI-
26 VATE HEALTH CARE PAYMENT OR BENEFITS PLAN NOT LIMIT AN

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1 ENROLLEE'S, SUBSCRIBER'S, OR INSURED'S CHOICE OF PROVIDERS UNDER
2 THE PLAN.