

# HOUSE BILL No. 4368

March 3, 1999, Introduced by Reps. Scranton, Brater, Martinez, Schauer, LaForge, Baird, Bogardus, Jacobs, Clarke, Jellema, Rocca, Cassis, Voorhees, Kowall, Gosselin, Birkholz, Sanborn, Tabor, Spade and Hale and referred to the Committee on Health Policy.

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 is not a public  
8 record. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), A PHAR-  
9 MACIST, PHARMACY EMPLOYEE, OR OTHER PERSON HAVING CUSTODY OF OR  
10 ACCESS TO A PRESCRIPTION OR AN EQUIVALENT RECORD OF THE  
11 PRESCRIPTION SHALL NOT DISCLOSE THE IDENTITY OF THE PATIENT FOR

1 WHOM THE PRESCRIPTION WAS WRITTEN TO A MANUFACTURER, A  
2 DISTRIBUTOR, OR ANY OTHER PERSON WITHOUT THE WRITTEN, INFORMED  
3 CONSENT OF THE PATIENT FOR WHOM THE PRESCRIPTION WAS ISSUED.

4 (3) A PHARMACIST, PHARMACY EMPLOYEE, OR OTHER person having  
5 custody of or access to ~~prescriptions~~ A PRESCRIPTION OR AN  
6 EQUIVALENT RECORD OF THE PRESCRIPTION shall not disclose ~~their~~  
7 ITS contents or provide ~~copies~~ A COPY OF THE PRESCRIPTION OR  
8 EQUIVALENT RECORD TO ANOTHER without the patient's authorization,  
9 ~~to any person~~ except ~~to~~ AS FOLLOWS:

10 (a) ~~The~~ TO THE patient for whom the prescription was  
11 issued, or another pharmacist acting on behalf of the patient.  
12 IN DISCUSSING A PRESCRIPTION WITH THE PATIENT, A PHARMACIST OR  
13 PHARMACY EMPLOYEE SHALL NOT DISCLOSE THE NAME OF THE PRESCRIBED  
14 DRUG IN A MANNER THAT ALLOWS OTHER CUSTOMERS TO OVERHEAR THAT  
15 INFORMATION.

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

19 (c) ~~An~~ TO AN agency or agent of government responsible for  
20 the enforcement of laws relating to drugs and devices.

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

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

25 (F) TO A PERSON REPRESENTING A PUBLIC OR PRIVATE HEALTH CARE  
26 PAYMENT OR BENEFITS PLAN FOR THE PURPOSE OF PROVIDING PAYMENT OR  
27 REIMBURSEMENT FOR HEALTH CARE BENEFITS OR SERVICES.

1 (4) A PHARMACIST OR PHARMACY OR DISPENSING PRESCRIBER WHO  
2 VIOLATES THIS SECTION IS SUBJECT TO SECTION 16221(G) AND TO THE  
3 CORRESPONDING ADMINISTRATIVE SANCTIONS PRESCRIBED BY SECTION  
4 16226.

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

9 (a) The pharmacist issuing a written or oral copy of a pre-  
10 scription shall cancel the original prescription and record the  
11 cancellation. The record of cancellation shall include the date  
12 the copy was issued, to whom issued, and the identification of  
13 the pharmacist who issued the copy.

14 (b) The written or oral copy issued shall be a duplicate of  
15 the original prescription except that it shall also include the  
16 prescription number, the name of the pharmacy issuing the copy,  
17 the date the copy was issued, and the number of authorized  
18 refills remaining available to the patient.

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

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

- 1 (6) THIS SECTION DOES NOT PROHIBIT OR RESTRICT ACCESS TO
- 2 PRESCRIPTION INFORMATION FOR HEALTH RESEARCH IF PATIENT
- 3 IDENTIFIERS HAVE BEEN REMOVED BY CODING OR ENCRYPTION.