

SUBSTITUTE FOR  
HOUSE BILL NO. 4434

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 17752 (MCL 333.17752) and by adding section  
17753.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 17752. (1) A prescription, or an equivalent record  
2 ~~thereof~~ **OF THE PRESCRIPTION** approved by the board, shall be  
3 preserved by a licensee or dispensing prescriber for not less than  
4 5 years.

5       (2) A prescription or equivalent record on file in a pharmacy  
6 is not a public record. A person having custody of or access to

1 prescriptions shall not disclose their contents or provide copies  
2 without the patient's authorization, to any person except to **ANY OF**  
3 **THE FOLLOWING:**

4 (a) The patient for whom the prescription was issued, or  
5 another pharmacist acting on behalf of the patient.

6 (b) The authorized prescriber who issued the prescription, or  
7 a licensed health professional who is currently treating the  
8 patient.

9 (c) An agency or agent of government responsible for the  
10 enforcement of laws relating to drugs and devices.

11 (d) A person authorized by a court order.

12 (e) A person engaged in research projects or studies with  
13 protocols approved by the board.

14 (3) A pharmacist may refill a copy of a prescription from  
15 another pharmacy if the original prescription has remaining  
16 authorized refills, and the copy is issued according to the  
17 following procedure:

18 (a) The pharmacist issuing a written or oral copy of a  
19 prescription shall cancel the original prescription and record the  
20 cancellation. The record of cancellation shall include the date the  
21 copy was issued, to whom issued, and the identification of the  
22 pharmacist who issued the copy.

23 (b) The written or oral copy issued shall be a duplicate of  
24 the original prescription except that it shall also include the  
25 prescription number, the name of the pharmacy issuing the copy, the  
26 date the copy was issued, and the number of authorized refills  
27 remaining available to the patient.

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

5 (d) Except as described in this part, all other copies  
6 furnished shall be used for information purposes only and clearly  
7 marked "for informational or reference purposes only".

8 (4) SUBSECTION (3) DOES NOT APPLY TO PHARMACIES THAT SHARE A  
9 REAL-TIME, ON-LINE DATABASE OR OTHER EQUIVALENT MEANS OF  
10 COMMUNICATION OR TO PHARMACIES THAT TRANSFER PRESCRIPTIONS PURSUANT  
11 TO A WRITTEN CONTRACT FOR CENTRALIZED PRESCRIPTION PROCESSING  
12 SERVICES AS PROVIDED UNDER SECTION 17753.

13 SEC. 17753. (1) A PHARMACY MAY PERFORM CENTRALIZED  
14 PRESCRIPTION PROCESSING SERVICES OR OUTSOURCE THOSE SERVICES TO  
15 ANOTHER PHARMACY IF EACH OF THE FOLLOWING CONDITIONS IS SATISFIED:

16 (A) THE PHARMACIES HAVE THE SAME OWNER OR HAVE A WRITTEN  
17 CONTRACT OUTLINING THE SERVICES TO BE PROVIDED AND THE  
18 RESPONSIBILITIES AND ACCOUNTABILITIES OF EACH PHARMACY IN  
19 FULFILLING THE TERMS OF THE CONTRACT IN COMPLIANCE WITH FEDERAL AND  
20 STATE LAWS AND REGULATIONS.

21 (B) THE PHARMACIES SHARE A COMMON ELECTRONIC FILE OR HAVE  
22 APPROPRIATE TECHNOLOGY TO ALLOW ACCESS TO SUFFICIENT INFORMATION  
23 NECESSARY OR REQUIRED TO PREPARE A PRESCRIPTION DRUG ORDER.

24 (C) THE PHARMACIES COMPLY WITH FEDERAL AND STATE LAWS AND  
25 REGULATIONS.

26 (2) A PHARMACY THAT PERFORMS, OR CONTRACTS FOR, CENTRALIZED  
27 PRESCRIPTION PROCESSING SERVICES SHALL MAINTAIN A POLICY AND

1 PROCEDURES MANUAL, ALONG WITH DOCUMENTATION THAT IMPLEMENTATION IS  
2 OCCURRING, AND EACH SHALL BE MADE AVAILABLE TO THE BOARD FOR  
3 INSPECTION AND REVIEW UPON REQUEST AND THE MANUAL SHALL INCLUDE,  
4 BUT IS NOT LIMITED TO, A DETAILED DESCRIPTION OF HOW THE PHARMACIES  
5 WILL DO ALL OF THE FOLLOWING:

6 (A) MAINTAIN APPROPRIATE RECORDS TO IDENTIFY THE RESPONSIBLE  
7 PHARMACIST, OR PHARMACISTS, IN THE VARIOUS STAGES OF THE DRUG  
8 PRODUCT PREPARATION, DISPENSING, AND COUNSELING PROCESS.

9 (B) TRACK THE PRESCRIPTION DRUG ORDER DURING EACH STEP IN THE  
10 DRUG PRODUCT PREPARATION, DISPENSING, AND COUNSELING PROCESS.

11 (C) IDENTIFY ON THE PRESCRIPTION LABEL EACH PHARMACY INVOLVED  
12 IN THE PREPARATION AND DISPENSING OF THE PRESCRIPTION DRUG ORDER.

13 (D) PROVIDE ADEQUATE SECURITY TO PROTECT THE CONFIDENTIALITY  
14 AND INTEGRITY OF A PATIENT'S PROTECTED HEALTH INFORMATION.

15 (E) IMPLEMENT AND MAINTAIN A QUALITY IMPROVEMENT PROGRAM FOR  
16 PHARMACY SERVICES DESIGNED TO OBJECTIVELY AND SYSTEMATICALLY  
17 MONITOR AND EVALUATE THE QUALITY AND APPROPRIATENESS OF PATIENT  
18 CARE, PURSUE OPPORTUNITIES TO IMPROVE PATIENT CARE, AND RESOLVE  
19 IDENTIFIED PROBLEMS.

20 (3) AS USED IN THIS SECTION, "CENTRALIZED PRESCRIPTION  
21 PROCESSING" MEANS THE PROCESSING BY A PHARMACY OF A REQUEST FROM  
22 ANOTHER PHARMACY TO FILL OR REFILL A PRESCRIPTION DRUG ORDER OR TO  
23 PERFORM PROCESSING FUNCTIONS SUCH AS DISPENSING, PERFORMING DRUG  
24 UTILIZATION REVIEW, COMPLETING CLAIMS ADJUDICATION, OBTAINING  
25 REFILL AUTHORIZATIONS, INITIATING THERAPEUTIC INTERVENTIONS, AND  
26 OTHER FUNCTIONS RELATED TO THE PRACTICE OF PHARMACY.

27 Enacting section 1. This amendatory act does not take effect

1 unless House Bill No. 4405 of the 93rd Legislature is enacted into  
2 law.