

Act No. 72
Public Acts of 2005
Approved by the Governor
July 19, 2005
Filed with the Secretary of State
July 19, 2005
EFFECTIVE DATE: July 19, 2005

STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2005

Introduced by Reps. Hummel, Gaffney, Kahn, Vander Veen, Taub, Ball, Byrnes, Jones, Meyer, Caul, Waters, Plakas, Anderson, Stewart, Phillips, Zelenko, Kolb, Whitmer, Kooiman, Newell, Williams, Adamini, Brown, Virgil Smith, Hunter, Pastor, LaJoy, Kathleen Law, Brandenburg, Bieda, Meisner, Wojno, Condino, Vagnozzi, DeRoche, Accavitti, Amos, Stakoe, Garfield, Hune, Gleason, Caswell, Shaffer, Hoogendyk, Nofs, Ward, Byrum, Emmons, Sak, Nitz, Stahl, Huizenga, Farhat, Palsrok, Gillard, Dillon, Baxter, Clemente, Cushingberry, Donigan, Elsenheimer, Espinoza, Gonzales, Hansen, Kehrl, David Law, Leland, Lemmons, III, Lemmons, Jr., Marleau, Mayes, McDowell, Moore, Mortimer, Palmer, Pavlov, Polidori, Rocca, Schuitmaker, Sheltroun, Alma Smith, Spade and Murphy

ENROLLED HOUSE BILL No. 4434

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," (MCL 333.1101 to 333.25211) by adding section 17753.

The People of the State of Michigan enact:

Sec. 17753. (1) A pharmacy may perform centralized prescription processing services or outsource those services to another pharmacy if each of the following conditions is satisfied:

(a) The pharmacies have the same owner or have a written contract outlining the services to be provided and the responsibilities and accountabilities of each pharmacy in fulfilling the terms of the contract in compliance with federal and state laws and regulations.

(b) The pharmacies share a common electronic file or have appropriate technology to allow access to sufficient information necessary or required to prepare a prescription drug order.

(c) The pharmacies comply with federal and state laws and regulations.

(2) A pharmacy that performs, or contracts for, centralized prescription processing services shall maintain a policy and procedures manual, along with documentation that implementation is occurring, and each shall be made available to the board for inspection and review upon request and the manual shall include, but is not limited to, a detailed description of how the pharmacies will do all of the following:

(a) Maintain appropriate records to identify the responsible pharmacist, or pharmacists, in the various stages of the drug product preparation, dispensing, and counseling process.

(b) Track the prescription drug order during each step in the drug product preparation, dispensing, and counseling process.

(c) Identify on the prescription label each pharmacy involved in the preparation and dispensing of the prescription drug order.

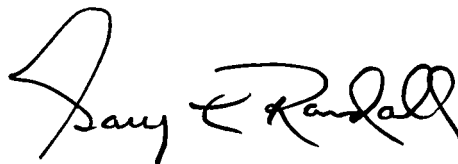
(d) Provide adequate security to protect the confidentiality and integrity of a patient's protected health information.

(e) Implement and maintain a quality improvement program for pharmacy services designed to objectively and systematically monitor and evaluate the quality and appropriateness of patient care, pursue opportunities to improve patient care, and resolve identified problems.

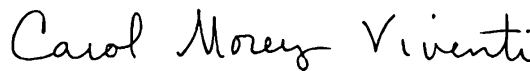
(3) As used in this section, "centralized prescription processing" means the processing by a pharmacy of a request from another pharmacy to fill or refill a prescription drug order or to perform processing functions such as dispensing, performing drug utilization review, completing claims adjudication, obtaining refill authorizations, initiating therapeutic interventions, and other functions related to the practice of pharmacy.

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 352 of the 93rd Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor