

HOUSE BILL No. 4508

March 4, 2009, Introduced by Reps. Caul, Ball, Booher, Sheltroun and Dean and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 17751a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 17751A. (1) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE
2 OR ARTICLE 7 TO THE CONTRARY AND SUBJECT TO THIS SECTION, A
3 PHARMACIST, UPON THE REQUEST OF A PATIENT OR THE PATIENT'S
4 CAREGIVER, MAY PLACE PRESCRIBED DRUG PRODUCTS IN A CUSTOMIZED
5 PATIENT MEDICATION PACKAGE REGARDLESS OF WHETHER THE PHARMACIST
6 ORIGINALLY DISPENSED THE DRUG PRODUCTS. IF THE PHARMACIST IS
7 DISPENSING THE DRUG PRODUCTS, HE OR SHE SHALL COMPLY WITH R
8 338.479C OF THE MICHIGAN ADMINISTRATIVE CODE. IF PREVIOUSLY-
9 DISPENSED DRUG PRODUCTS ARE BROUGHT TO A PHARMACIST BY A PATIENT OR
10 THE PATIENT'S CAREGIVER FOR PLACEMENT IN A CUSTOMIZED PATIENT

1 MEDICATION PACKAGE UNDER THIS SECTION, ALL OF THE FOLLOWING
2 REQUIREMENTS SHALL BE MET:

3 (A) THE PHARMACIST SHALL COMPLY AS MUCH AS POSSIBLE WITH R
4 338.479C OF THE MICHIGAN ADMINISTRATIVE CODE AND IDENTIFY FOR THE
5 PATIENT ON A FORM PRESCRIBED BY THE DEPARTMENT THE PORTIONS OF R
6 338.479C OF THE MICHIGAN ADMINISTRATIVE CODE THAT HE OR SHE IS
7 UNABLE TO COMPLY WITH BECAUSE HE OR SHE IS REPACKAGING DRUG
8 PRODUCTS PREVIOUSLY DISPENSED BY ANOTHER PHARMACY.

9 (B) THE PATIENT OR THE PATIENT'S CAREGIVER SHALL COMPLETE AND
10 SIGN A FORM PRESCRIBED BY THE DEPARTMENT THAT DESCRIBES THE DRUG
11 PRODUCTS TO BE PLACED IN THE CUSTOMIZED PATIENT MEDICATION PACKAGE,
12 AUTHORIZES THE PHARMACIST TO PLACE THE PREVIOUSLY-DISPENSED DRUG
13 PRODUCTS IN A CUSTOMIZED MEDICATION PACKAGE, AND RELEASES THE
14 PHARMACIST WHO PLACES THE DRUG PRODUCTS IN A CUSTOMIZED MEDICATION
15 PACKAGE FROM LIABILITY AS PROVIDED FOR UNDER SUBSECTION (3).

16 (C) THE PATIENT OR THE PATIENT'S CAREGIVER SHALL DELIVER THE
17 DRUG PRODUCTS TO THE PHARMACIST IN THEIR ORIGINAL CONTAINERS
18 BEARING THE LABELS REQUIRED FOR PRESCRIPTION DRUG PRODUCTS UNDER
19 THIS ACT AND FEDERAL LAW.

20 (D) THE PHARMACIST SHALL MAINTAIN COMPLETE RECORDS OF DRUG
21 PRODUCTS PLACED IN CUSTOMIZED PATIENT MEDICATION PACKAGES UNDER
22 THIS SECTION AND MAINTAIN THOSE RECORDS IN THE SAME MANNER AND FOR
23 THE SAME PERIOD OF TIME AS IS REQUIRED FOR OTHER RECORDS OF DRUG
24 PRODUCTS DISPENSED UNDER THIS ARTICLE.

25 (E) IF THE PHARMACIST DOES NOT IMMEDIATELY PLACE THE DRUG
26 PRODUCTS IN CUSTOMIZED PATIENT MEDICATION PACKAGES UNDER THIS
27 SECTION, THE PHARMACIST SHALL STORE THE DRUG PRODUCTS IN A SECURE

1 LOCATION AND UNDER CONDITIONS THAT WILL MAINTAIN THEIR STABILITY,
2 INTEGRITY, AND EFFECTIVENESS UNTIL PLACED IN THE CUSTOMIZED PATIENT
3 MEDICATION PACKAGE UNDER THIS SECTION AND RETURNED TO THE PATIENT
4 OR THE PATIENT'S CAREGIVER.

5 (2) A PHARMACIST WHO IS NOT CERTAIN THAT PREVIOUSLY-DISPENSED
6 DRUG PRODUCTS ARE EXACTLY AS DESCRIBED ON THE PRESCRIPTION DRUG
7 CONTAINER'S LABEL SHALL NOT PLACE THE DRUG PRODUCTS IN A CUSTOMIZED
8 PATIENT MEDICATION PACKAGE UNDER THIS SECTION.

9 (3) A PHARMACIST WHO PLACES PREVIOUSLY-DISPENSED DRUG PRODUCTS
10 IN A CUSTOMIZED PATIENT MEDICATION PACKAGE IN COMPLIANCE WITH THIS
11 SECTION IS IMMUNE FROM CIVIL LIABILITY ARISING FROM HARM CAUSED BY
12 1 OR MORE OF THE DRUG PRODUCTS DUE TO ACTS OR OMISSIONS OF OTHER
13 PERSONS OUTSIDE OF THE CONTROL OF THE PHARMACIST.

14 (4) THIS SECTION DOES NOT REQUIRE A PHARMACIST TO PLACE ANY
15 DRUG PRODUCT IN A CUSTOMIZED PATIENT MEDICATION PACKAGE. A
16 PHARMACIST MAY CHARGE A REASONABLE FEE FOR PLACING DRUG PRODUCTS IN
17 CUSTOMIZED PATIENT MEDICATION PACKAGES UNDER THIS SECTION.

18 (5) BEFORE THE EXPIRATION OF 90 DAYS AFTER THE EFFECTIVE DATE
19 OF THIS SECTION, THE DEPARTMENT SHALL CREATE AND MAKE WIDELY
20 AVAILABLE TO PHARMACISTS THE FORMS REQUIRED UNDER THIS SECTION.

21 (6) THIS SECTION APPLIES TO PHARMACISTS AFTER THE EXPIRATION
22 OF 90 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION.