

SENATE BILL No. 26

January 27, 2009, Introduced by Senator STAMAS and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 17048 (MCL 333.17048), as amended by 1996 PA
355.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17048. (1) Except as otherwise provided in this
2 subsection and section 17049(5), a physician who is a sole
3 practitioner or who practices in a group of physicians and treats
4 patients on an outpatient basis shall not supervise more than 4
5 physician's assistants. If a physician described in this subsection
6 supervises physician's assistants at more than 1 practice site, the
7 physician shall not supervise more than 2 physician's assistants by
8 a method other than the physician's actual physical presence at the
9 practice site.

1 (2) A physician who is employed by, under contract or
2 subcontract to, or has privileges at a health facility or agency
3 licensed under article 17 or a state correctional facility may
4 supervise more than 4 physician's assistants at the health facility
5 or agency or state correctional facility.

6 (3) To the extent that a particular selected medical care
7 service requires extensive medical training, education, or ability
8 or pose serious risks to the health and safety of patients, the
9 board may prohibit or otherwise restrict the delegation of that
10 medical care service or may require higher levels of supervision.

11 (4) A physician shall not delegate ultimate responsibility for
12 the quality of medical care services, even if the medical care
13 services are provided by a physician's assistant.

14 (5) The board may promulgate rules for the delegation by a
15 supervising physician to a physician's assistant of the function of
16 prescription of drugs. The rules may define the drugs or classes of
17 drugs the prescription of which shall not be delegated and other
18 procedures and protocols necessary to promote consistency with
19 federal and state drug control and enforcement laws. Until the
20 rules are promulgated, a supervising physician may delegate the
21 prescription of drugs other than controlled substances as defined
22 by article 7 or federal law. When delegated prescription occurs,
23 both the physician's assistant's name and the supervising
24 physician's name shall be used, recorded, or otherwise indicated in
25 connection with each individual prescription.

26 (6) A supervising physician may delegate in writing to a
27 physician's assistant the ordering, receipt, and dispensing of

1 complimentary starter dose drugs other than controlled substances
2 as defined by article 7 or federal law. When the delegated
3 ordering, receipt, or dispensing of complimentary starter dose
4 drugs occurs, both the physician's assistant's name and the
5 supervising physician's name shall be used, recorded, or otherwise
6 indicated in connection with each order, receipt, or dispensing. As
7 used in this subsection, "complimentary starter dose" means that
8 term as defined in section 17745. It is the intent of the
9 legislature in enacting this subsection to allow a pharmaceutical
10 manufacturer or wholesale distributor, as those terms are defined
11 in part 177, to distribute complimentary starter dose drugs to a
12 physician's assistant, as described in this subsection, in
13 compliance with section 503(d) of the federal food, drug, and
14 cosmetic act, ~~chapter 675, 52 Stat. 1051, 21 U.S.C. 21 USC 353.~~

15 (7) IF 1 OR MORE PHYSICIANS AND 1 OR MORE PHYSICIAN'S
16 ASSISTANTS ORGANIZE A PROFESSIONAL SERVICE CORPORATION PURSUANT TO
17 SECTION 4 OF THE PROFESSIONAL SERVICE CORPORATION ACT, 1962 PA 192,
18 MCL 450.224, OR A PROFESSIONAL LIMITED LIABILITY COMPANY PURSUANT
19 TO SECTION 904 OF THE MICHIGAN LIMITED LIABILITY COMPANY ACT, 1993
20 PA 23, MCL 450.4904, THE SUPERVISING PHYSICIAN OR PHYSICIANS OF THE
21 PHYSICIAN'S ASSISTANTS MUST MEET ALL OF THE APPLICABLE REQUIREMENTS
22 OF PART 170, 175, OR 180. IF 1 OR MORE PHYSICIAN'S ASSISTANTS
23 ORGANIZED A PROFESSIONAL SERVICE CORPORATION PURSUANT TO SECTION 4
24 OF THE PROFESSIONAL SERVICE CORPORATION ACT, 1962 PA 192, MCL
25 450.224, OR A PROFESSIONAL LIMITED LIABILITY COMPANY PURSUANT TO
26 SECTION 904 OF THE MICHIGAN LIMITED LIABILITY COMPANY ACT, 1993 PA
27 23, MCL 450.4904, BEFORE MAY 1, 2008 THAT HAS ONLY PHYSICIAN'S

1 ASSISTANTS AS SHAREHOLDERS, THE SUPERVISING PHYSICIAN OR PHYSICIANS
2 OF THE PHYSICIAN'S ASSISTANTS MUST MEET ALL OF THE APPLICABLE
3 REQUIREMENTS OF PART 170, 175, OR 180. AS USED IN THIS SUBSECTION,
4 "PHYSICIAN" MEANS AN INDIVIDUAL LICENSED UNDER THIS ARTICLE TO
5 ENGAGE IN THE PRACTICE OF MEDICINE, AN INDIVIDUAL LICENSED UNDER
6 THIS ARTICLE TO ENGAGE IN THE PRACTICE OF OSTEOPATHIC MEDICINE AND
7 SURGERY, OR AN INDIVIDUAL LICENSED UNDER THIS ARTICLE TO ENGAGE IN
8 THE PRACTICE OF PODIATRIC MEDICINE AND SURGERY.

9 Enacting section 1. This amendatory act does not take effect
10 unless all of the following bills of the 95th Legislature are
11 enacted into law:

12 (a) Senate Bill No. 27.

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14 (b) Senate Bill No. 28.

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