

# SENATE BILL No. 1145

May 24, 2012, Introduced by Senator MARLEAU and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending sections 17048 and 17548 (MCL 333.17048 and 333.17548),  
as amended by 2011 PA 210.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

1 site.

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

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

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

15 (5) ~~The~~ **SUBJECT TO SECTION 17076(3) AND (4), THE** board may  
16 promulgate rules for the delegation by a supervising physician to a  
17 physician's assistant of the function of prescription of drugs. The  
18 rules may define the drugs or classes of drugs the prescription of  
19 which shall not be delegated and other procedures and protocols  
20 necessary to promote consistency with federal and state drug  
21 control and enforcement laws. ~~When delegated prescription occurs,~~  
22 ~~both the physician's assistant's name and the supervising~~  
23 ~~physician's name shall be used, recorded, or otherwise indicated in~~  
24 ~~connection with each individual prescription.~~

25 (6) A supervising physician may delegate in writing to a  
26 physician's assistant the ordering, receipt, and dispensing of  
27 complimentary starter dose drugs including controlled substances

1 that are included in schedules 2 to 5 of part 72. When the  
2 delegated ordering, receipt, or dispensing of complimentary starter  
3 dose drugs occurs, both the physician's assistant's name and the  
4 supervising physician's name shall be used, recorded, or otherwise  
5 indicated in connection with each order, receipt, or dispensing.  
6 When the delegated ordering, receipt, or dispensing of  
7 complimentary starter dose drugs that are included in schedules 2  
8 to 5 occurs, both the physician's assistant's and the supervising  
9 physician's DEA registration numbers shall be used, recorded, or  
10 otherwise indicated in connection with each order, receipt, or  
11 dispensing. As used in this subsection, "complimentary starter  
12 dose" means that term as defined in section 17745. It is the intent  
13 of the legislature in enacting this subsection to allow a  
14 pharmaceutical manufacturer or wholesale distributor, as those  
15 terms are defined in part 177, to distribute complimentary starter  
16 dose drugs to a physician's assistant, as described in this  
17 subsection, in compliance with section 503(d) of the federal food,  
18 drug, and cosmetic act, 21 USC 353.

19 (7) Beginning on July 19, 2010, if 1 or more individuals  
20 licensed under part 170 to engage in the practice of medicine,  
21 licensed under part 175 to engage in the practice of osteopathic  
22 medicine and surgery, or licensed under part 180 to engage in the  
23 practice of podiatric medicine and surgery, and 1 or more  
24 physician's assistants organize a professional service corporation  
25 pursuant to section 4 of the professional service corporation act,  
26 1962 PA 192, MCL 450.224, or a professional limited liability  
27 company pursuant to section 904 of the Michigan limited liability

1 company act, 1993 PA 23, MCL 450.4904, the individuals who are the  
2 supervising physicians of the physician's assistants shall be  
3 shareholders in the same professional service corporation or  
4 members in the same professional limited liability company as the  
5 physician's assistants and shall meet all of the applicable  
6 requirements of part 170, 175, or 180. If 1 or more physician's  
7 assistants organized a professional service corporation pursuant to  
8 section 4 of the professional service corporation act, 1962 PA 192,  
9 MCL 450.224, or a professional limited liability company pursuant  
10 to section 904 of the Michigan limited liability company act, 1993  
11 PA 23, MCL 450.4904, before July 19, 2010 that has only physician's  
12 assistants as shareholders or members, the individuals who are the  
13 supervising physicians of the physician's assistants shall meet all  
14 of the applicable requirements of part 170, 175, or 180.

15 (8) In addition to the requirements of section 17068 and  
16 beginning on July 19, 2010, the department shall include on the  
17 form used for renewal of licensure a space for a physician's  
18 assistant to disclose whether he or she is a shareholder in a  
19 professional service corporation pursuant to section 4 of the  
20 professional service corporation act, 1962 PA 192, MCL 450.224, or  
21 a member in a professional limited liability company pursuant to  
22 section 904 of the Michigan limited liability company act, 1993 PA  
23 23, MCL 450.4904, which corporation or company was organized before  
24 July 19, 2010. A physician's assistant who is a shareholder in a  
25 professional service corporation or a member in a professional  
26 limited liability company described in this subsection shall  
27 disclose all of the following in the form used for renewal of

1 licensure provided by the department:

2 (a) Whether any individuals licensed under part 170 to engage  
3 in the practice of medicine, licensed under part 175 to engage in  
4 the practice of osteopathic medicine and surgery, or licensed under  
5 part 180 to engage in the practice of podiatric medicine and  
6 surgery are shareholders in the professional service corporation or  
7 members in the professional limited liability company.

8 (b) The name and license number of the individual licensed  
9 under part 170 to engage in the practice of medicine, licensed  
10 under part 175 to engage in the practice of osteopathic medicine  
11 and surgery, or licensed under part 180 to engage in the practice  
12 of podiatric medicine and surgery who supervises the physician's  
13 assistant.

14 (c) Whether the individual licensed under part 170 to engage  
15 in the practice of medicine, licensed under part 175 to engage in  
16 the practice of osteopathic medicine and surgery, or licensed under  
17 part 180 to engage in the practice of podiatric medicine and  
18 surgery disclosed in subdivision (b) is a shareholder in the same  
19 professional service corporation or member in a professional  
20 limited liability company as the physician's assistant.

21 Sec. 17548. (1) Except as otherwise provided in this  
22 subsection and section 17549(5), a physician who is a sole  
23 practitioner or who practices in a group of physicians and treats  
24 patients on an outpatient basis shall not supervise more than 4  
25 physician's assistants. If a physician described in this subsection  
26 supervises physician's assistants at more than 1 practice site, the  
27 physician shall not supervise more than 2 physician's assistants by

1 a method other than the physician's actual physical presence at the  
2 practice site.

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

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

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

16 (5) A PHYSICIAN'S ASSISTANT MAY MAKE CALLS OR GO ON ROUNDS  
17 UNDER THE SUPERVISION OF A PHYSICIAN IN PRIVATE HOMES, PUBLIC  
18 INSTITUTIONS, EMERGENCY VEHICLES, AMBULATORY CARE CLINICS,  
19 HOSPITALS, INTERMEDIATE OR EXTENDED CARE FACILITIES, HEALTH  
20 MAINTENANCE ORGANIZATIONS, NURSING HOMES, OR OTHER HEALTH CARE  
21 FACILITIES. NOTWITHSTANDING ANY LAW OR RULE TO THE CONTRARY, A  
22 PHYSICIAN'S ASSISTANT MAY MAKE CALLS OR GO ON ROUNDS AS PROVIDED IN  
23 THIS SUBSECTION WITHOUT RESTRICTIONS ON THE TIME OR FREQUENCY OF  
24 VISITS BY THE PHYSICIAN OR THE PHYSICIAN'S ASSISTANT.

25 (6) ~~(5) The~~ SUBJECT TO SUBSECTIONS (7) AND (8), THE board may  
26 promulgate rules for the delegation by a supervising physician to a  
27 physician's assistant of the function of prescription of drugs. The

1 **SUBJECT TO SUBSECTIONS (7) AND (8), THE** rules may define the drugs  
2 or classes of drugs the prescription of which shall not be  
3 delegated and other procedures and protocols necessary to promote  
4 consistency with federal and state drug control and enforcement  
5 laws. ~~When delegated prescription occurs, both the physician's~~  
6 ~~assistant's name and the supervising physician's name shall be~~  
7 ~~used, recorded, or otherwise indicated in connection with each~~  
8 ~~individual prescription.~~

9 (7) A PHYSICIAN'S ASSISTANT MAY PRESCRIBE DRUGS AS A DELEGATED  
10 ACT OF A SUPERVISING PHYSICIAN IN ACCORDANCE WITH PROCEDURES AND  
11 PROTOCOL FOR THE PRESCRIPTION ESTABLISHED BY RULE OF THE  
12 APPROPRIATE BOARD. A PHYSICIAN'S ASSISTANT MAY PRESCRIBE A DRUG,  
13 INCLUDING A CONTROLLED SUBSTANCE THAT IS INCLUDED IN SCHEDULES 2 TO  
14 5 OF PART 72, AS A DELEGATED ACT OF THE SUPERVISING PHYSICIAN. WHEN  
15 DELEGATED PRESCRIPTION OCCURS, BOTH THE PHYSICIAN'S ASSISTANT'S  
16 NAME AND THE SUPERVISING PHYSICIAN'S NAME SHALL BE USED, RECORDED,  
17 OR OTHERWISE INDICATED IN CONNECTION WITH EACH INDIVIDUAL  
18 PRESCRIPTION SO THAT THE INDIVIDUAL WHO DISPENSES OR ADMINISTERS  
19 THE PRESCRIPTION KNOWS UNDER WHOSE DELEGATED AUTHORITY THE  
20 PHYSICIAN'S ASSISTANT IS PRESCRIBING. WHEN DELEGATED PRESCRIPTION  
21 OF DRUGS THAT ARE INCLUDED IN SCHEDULES 2 TO 5 OCCURS, BOTH THE  
22 PHYSICIAN'S ASSISTANT'S AND THE SUPERVISING PHYSICIAN'S DEA  
23 REGISTRATION NUMBERS SHALL BE USED, RECORDED, OR OTHERWISE  
24 INDICATED IN CONNECTION WITH EACH INDIVIDUAL PRESCRIPTION.

25 (8) ~~(6)~~—A supervising physician may delegate in writing to a  
26 physician's assistant the ordering, receipt, and dispensing of  
27 complimentary starter dose drugs including controlled substances

1 that are included in schedules 2 to 5 of part 72. When the  
2 delegated ordering, receipt, or dispensing of complimentary starter  
3 dose drugs occurs, both the physician's assistant's name and the  
4 supervising physician's name shall be used, recorded, or otherwise  
5 indicated in connection with each order, receipt, or dispensing.  
6 When the delegated ordering, receipt, or dispensing of  
7 complimentary starter dose drugs that are included in schedules 2  
8 to 5 occurs, both the physician's assistant's and the supervising  
9 physician's DEA registration numbers shall be used, recorded, or  
10 otherwise indicated in connection with each order, receipt, or  
11 dispensing. As used in this subsection, "complimentary starter  
12 dose" means that term as defined in section 17745. It is the intent  
13 of the legislature in enacting this subsection to allow a  
14 pharmaceutical manufacturer or wholesale distributor, as those  
15 terms are defined in part 177, to distribute complimentary starter  
16 dose drugs to a physician's assistant, as described in this  
17 subsection, in compliance with section 503(d) of the federal food,  
18 drug, and cosmetic act, 21 USC 353.