

Michigan Office of Administrative Hearings and Rules
MOAHR-Rules@michigan.gov

**AGENCY REPORT TO THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)**

1. Agency Information

Agency name:

Licensing and Regulatory Affairs

Division/Bureau/Office:

Bureau of Professional Licensing

Name of person completing this form:

Andria Ditschman

Phone number of person completing this form:

517-290-3361

E-mail of person completing this form:

DitschmanA@michigan.gov

Name of Department Regulatory Affairs Officer reviewing this form:

Elizabeth Arasim

2. Rule Set Information

MOAHR assigned rule set number:

2021-93 LR

Title of proposed rule set:

Central Fill Pharmacies

3. Purpose for the proposed rules and background:

The purpose of the Centralized Prescription Processing Pharmacies Rules is to regulate the processing by a pharmacy of a request from another pharmacy to fill or refill a prescription drug order, to perform processing functions such as dispensing, performing drug utilization review, completing claims adjudication, obtaining refill authorization, initiating therapeutic intervention, and other functions related to the practice of pharmacy.

4. Summary of proposed rules:

The proposed rules will: clarify that a pharmacy that participates in centralized prescription processing services must maintain prescription records from the time the prescription is dispensed; clarify that the originating pharmacy must maintain a prescription for 5 years from the date the prescription was filled and may make an electronic duplicate of the original paper prescription 2 years after the prescription was filled; and clarify that a pharmacy that receives a transmitted prescription must maintain a record that includes the date the prescription was dispensed and the method of dispensing.

5. List names of newspapers in which the notice of public hearing was published and publication dates:

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The Flint Journal: November 10, 2022
 The Grand Rapids Press: November 10, 2022
 The Mining Journal: November 23, 2022

6. Date of publication of rules and notice of public hearing in Michigan Register:

12/1/2022

7. Date, time, and location of public hearing:

12/14/2022 09:00 AM at Location: G. Mennen Williams Building Auditorium 525 W. Ottawa Street, Lansing, Michigan , 525 W. Ottawa Street, Lansing, Michigan

8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:

<https://ARS.apps.lara.state.mi.us/Transaction/RFRTransaction?TransactionID=1351>

9. List of the name and title of agency representative(s) who attended the public hearing:

Weston MacIntosh, Departmental Specialist, Bureau of Professional Licensing
 Stephanie Wysack, Board Support Technician, Bureau of Professional Licensing

10. Persons submitting comments of support:

No persons submitted comments of support.

11. Persons submitting comments of opposition:

No persons submitted comments in opposition.

12. Persons submitting other comments:

Charlie Mollien submitted comments with suggested changes to the rules.

13. Identify any changes made to the proposed rules based on comments received during the public comment period:

	Name & Organization	Comments made at public hearing	Written Comments	Agency Rationale for Rule Change and Description of Change(s) Made	Rule number & citation changed
1	Mollien		Add "and shared pharmacy services to title as rules regulate both central fill pharmacies and shared pharmacy services.	The Board agrees to modify the title to Central Fill and Shared Pharmacy Services as the rules regulate both.	Ruleset Title

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2	Mollien		<p>Defining "central fill pharmacy" as the all-encompassing term for any pharmacy engaged in centralized prescription processing incorrectly combines industry terms used to delineate between shared pharmacy services, a pharmacy engaged in non-dispensing centralized prescription processing, and central fill pharmacy, a pharmacy that engages in dispensing functions of centralized prescription processing.</p>	<p>The Board agrees with the comment to modify (1) to clarify that a central fill pharmacy is a pharmacy that handles dispensing functions versus shared pharmacy services that describes a pharmacy that engages in processing non-dispensing functions.</p>	<p>R 338.3051 (1)(b)</p>
3	Mollien		<p>The rules appear to regulate both central fill pharmacies and shared pharmacy services. Consider updating the title to "Central Fill and Shared Pharmacy Services rules; prevail over other pharmacy rules".</p>	<p>Title: The Board agrees with the comment to modify the title to include both central fill and shared pharmacy services.</p>	<p>R 338.3052 Title</p>

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4	Mollien		Add “dispensing” to title.	The Board agrees with the comment to add “dispensing” to the title.	R 338.3053 Title
5	Mollien		(1) Delete central fill from (1). Add: (2) Shared pharmacy services for processing functions of centralized pharmacy processing that do not involve the dispensing process, such as completing claims adjudication or remote data entry, may be performed under the general supervision of a pharmacist. For this subrule, dispensing process means the physical preparing, compounding, packaging, or labeling of a drug product intended for delivery to the patient.	(1) and (2): The Board agrees with the comment that the rule should be divided into two provisions, and accepts the language recommended in (1) to delete “central fill” and the addition of (2) to reflect that central fill involves dispensing versus other shared pharmacy services for processing functions of centralized pharmacy processing that does not involve dispensing.	R 338.3052 (1)

14. Date report completed:
4/3/2023