

HOUSE BILL No. 6024

September 15, 1998, Introduced by Rep. Scranton and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 17752 (MCL 333.17752).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17752. (1) A LICENSEE OR A DISPENSING PRESCRIBER SHALL
2 PRESERVE A prescription —, or an equivalent record ~~thereof~~ OF
3 THE PRESCRIPTION approved by the board —, ~~shall be preserved by a~~
4 ~~licensee or dispensing prescriber~~ for not less than 5 years
5 AFTER THE DATE THE PRESCRIPTION IS RECEIVED.
6 (2) A prescription or AN equivalent record OF THE PRESCRIP-
7 TION APPROVED BY THE BOARD on file in a pharmacy is not a public
8 record. EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A PHAR-
9 MACIST, PHARMACY EMPLOYEE, OR OTHER PERSON HAVING CUSTODY OF OR
10 ACCESS TO A PRESCRIPTION OR AN EQUIVALENT RECORD OF THE
11 PRESCRIPTION SHALL NOT DISCLOSE THE CONTENTS OF THE PRESCRIPTION

1 TO A MANUFACTURER OR A DISTRIBUTOR WITHOUT THE WRITTEN, INFORMED
2 CONSENT OF THE PATIENT FOR WHOM THE PRESCRIPTION WAS ISSUED. A
3 PHARMACIST, PHARMACY EMPLOYEE, OR OTHER person having custody of
4 or access to ~~prescriptions~~ A PRESCRIPTION OR AN EQUIVALENT
5 RECORD OF THE PRESCRIPTION shall not disclose ~~their~~ ITS con-
6 tents or provide ~~copies~~ A COPY OF THE PRESCRIPTION OR EQUIVA-
7 LENT RECORD TO ANOTHER without the patient's authorization, ~~to~~
8 ~~any person~~ except ~~to~~ AS FOLLOWS:

9 (a) ~~The~~ TO THE patient for whom the prescription was
10 issued, or another pharmacist acting on behalf of the patient.

11 (b) ~~The~~ TO THE authorized prescriber who issued the pre-
12 scription, or TO a licensed health professional who is currently
13 treating the patient.

14 (c) ~~An~~ TO AN agency or agent of government responsible for
15 the enforcement of laws relating to drugs and devices.

16 (d) ~~A~~ TO A person authorized by a court order.

17 (e) ~~A~~ TO A person engaged in research projects or studies
18 with protocols approved by the board.

19 (3) A PHARMACIST OR PHARMACY THAT VIOLATES THIS SECTION IS
20 SUBJECT TO SECTION 16221(G) AND TO THE CORRESPONDING ADMINISTRA-
21 TIVE SANCTIONS PRESCRIBED BY SECTION 16226.

22 (4) ~~(3)~~ A pharmacist may refill a copy of a prescription
23 from another pharmacy if the original prescription has remaining
24 authorized refills, and the copy is issued according to the fol-
25 lowing procedure:

26 (a) The pharmacist issuing a written or oral copy of a
27 prescription shall cancel the original prescription and record

1 the cancellation. The record of cancellation shall include the
2 date the copy was issued, to whom issued, and the identification
3 of the pharmacist who issued the copy.

4 (b) The written or oral copy issued shall be a duplicate of
5 the original prescription except that it shall also include the
6 prescription number, the name of the pharmacy issuing the copy,
7 the date the copy was issued, and the number of authorized
8 refills remaining available to the patient.

9 (c) The pharmacist receiving a written or oral copy of the
10 prescription shall exercise reasonable diligence to determine
11 whether it is a valid copy, and having done so may treat the copy
12 as an original prescription.

13 (d) Except as described in this part, all other copies fur-
14 nished shall be used for ~~information~~ INFORMATIONAL OR REFERENCE
15 purposes only and clearly marked "for informational or reference
16 purposes only".