

**SUBSTITUTE FOR  
HOUSE BILL NO. 5724**

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 16101 (MCL 333.16101), and by adding sections  
16113a and 17715; and to repeal acts and parts of acts.

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

1           Sec. 16101. (1) For purposes of this article, the words and  
2 phrases defined in sections ~~16102-16103~~ to ~~16109-16109a~~ have the  
3 meanings ascribed to them in those sections **unless the context**  
4 **clearly indicates a different meaning.**

5           (2) In addition, article 1 contains general definitions and  
6 principles of construction applicable to all articles in this code.

7           **Sec. 16113a. (1) Notwithstanding any provision of this article**  
8 **or rule promulgated under this article to the contrary, all of the**



1 following apply through June 30, 2021:

2 (a) The provisions of this article that relate to scope of  
3 practice, supervision, and delegation are suspended, in whole or in  
4 part, as provided in this subdivision, to the extent necessary to  
5 allow a licensee or registrant to provide, within the designated  
6 health care facility at which the licensee or registrant is  
7 employed or under contract, a medical service that is necessary to  
8 support the facility's response to the COVID-19 pandemic and is  
9 appropriate to the licensee's or registrant's education, training,  
10 and experience, as determined by the facility in consultation with  
11 the facility's medical leadership. All of the following apply for  
12 purposes of this subdivision:

13 (i) A medical service may be provided under this subdivision  
14 without supervision from a physician licensed under part 170 or 175  
15 and without a written practice agreement with the physician. An  
16 individual who provides a medical service under this subparagraph  
17 is not subject to criminal prosecution, civil liability, or  
18 administrative sanction for an act or omission related to the lack  
19 of physician supervision or the lack of a practice agreement.

20 (ii) The provisions of parts 170, 175, and 180, and any related  
21 provision of this article, that relate to scope of practice,  
22 supervision, and delegation are suspended to the extent necessary  
23 to allow a physician's assistant to provide a medical service  
24 appropriate to his or her education, training, and experience  
25 without a written practice agreement with a physician. An  
26 individual who provides a medical service under this subparagraph  
27 is not subject to criminal prosecution, civil liability, or  
28 administrative sanction for an act or omission related to the lack  
29 of a practice agreement.



1           (iii) The provisions of parts 170, 172, and 175, and any related  
2 provision of this article, that relate to scope of practice,  
3 supervision, and delegation are suspended to the extent necessary  
4 to allow an advanced practice registered nurse to provide a medical  
5 service appropriate to his or her education, training, and  
6 experience without physician supervision. An individual who  
7 provides a medical service under this subparagraph is not subject  
8 to criminal prosecution, civil liability, or administrative  
9 sanction for an act or omission related to the lack of physician  
10 supervision. As used in this subparagraph, "advanced practice  
11 registered nurse" means that term as defined in section 17201 and  
12 includes a nurse anesthetist.

13           (iv) The provisions of parts 170, 172, and 175, and any related  
14 provision of this article, that relate to scope of practice,  
15 supervision, and delegation are suspended to the extent necessary  
16 to allow a registered professional nurse and licensed practical  
17 nurse to order the collection of a throat or nasopharyngeal swab  
18 specimen from an individual suspected of being infected by COVID-  
19 19, for purposes of testing the individual.

20           (v) The provisions of part 172, and any related provision of  
21 this article, that relate to scope of practice, supervision, and  
22 delegation are suspended to the extent necessary to allow a  
23 licensed practical nurse to provide a medical service appropriate  
24 to his or her education, training, and experience without the  
25 supervision of a registered professional nurse. An individual who  
26 provides a medical service under this subparagraph is not subject  
27 to criminal prosecution, civil liability, or administrative  
28 sanction for an act or omission related to the lack of supervision  
29 by a registered professional nurse.



1           (vi) The provisions of part 177, and any related provision of  
2 this article, that relate to scope of practice, supervision, and  
3 delegation are suspended to the extent necessary to allow a  
4 pharmacist to provide care for routine health maintenance, a  
5 chronic disease state, or a similar condition, as appropriate to  
6 his or her education, training, and experience, without physician  
7 supervision. An individual who provides a service described in this  
8 subparagraph is not subject to criminal prosecution, civil  
9 liability, or administrative sanction for an act or omission  
10 related to the lack of supervision by a physician.

11           (b) A student who is enrolled in a program to become licensed  
12 or registered under this article may volunteer or work within a  
13 designated health facility in whatever role is necessary to support  
14 the facility's response to the COVID-19 pandemic and is appropriate  
15 to the student's education, training, and experience, as determined  
16 by the facility in consultation with the facility's medical  
17 leadership.

18           (c) A medical student, physical therapist, or emergency  
19 medical technician may volunteer or work within a designated health  
20 facility to assist in the operation of a ventilator or a related  
21 device under the supervision of a physician, respiratory therapist,  
22 or advanced practice registered nurse. Nothing in this subdivision  
23 precludes a medical student, physical therapist, or emergency  
24 medical technician from providing other services necessary to  
25 support the designated health facility's response to the COVID-19  
26 pandemic and that are appropriate to his or her education,  
27 training, and experience, as determined by the facility in  
28 consultation with the facility's medical leadership.

29           (d) An individual who is licensed to practice a health care



1 profession in another state and is in good standing in that state  
2 may practice in this state. An individual whose license has been  
3 suspended or revoked in another state or who is the subject of  
4 pending disciplinary action in another state is not in good  
5 standing for purposes of this subdivision. If the individual's  
6 license to practice in the other state contains restrictions or  
7 conditions, the restrictions or conditions apply to the  
8 individual's practice in this state. An individual who practices  
9 under this subdivision is not subject to criminal prosecution,  
10 civil liability, or administrative sanction for an act or omission  
11 related to the lack of licensure in this state.

12 (e) A licensee or registrant is not required to complete any  
13 of the following as a condition of licensure, registration, or  
14 renewal of the license or registration:

15 (i) An examination, to the extent that the examination's  
16 administration has been canceled while the emergency declaration is  
17 in effect.

18 (ii) Fingerprinting, to the extent that, in the judgment of the  
19 director, locations to have fingerprints taken are substantially  
20 unavailable on account of closures arising from the COVID-19  
21 pandemic.

22 (iii) Continuing education while the emergency declaration is in  
23 effect.

24 (f) The department may recognize hours worked responding to  
25 the COVID-19 pandemic as hours toward continuing education courses  
26 or programs required for licensure.

27 (g) The department shall waive any requirement under this  
28 article or a rule promulgated under this article for a licensee or  
29 registrant to hold a certificate in basic life support, advanced



1 cardiac life support, or first aid, if the certificate expires or  
2 is due to expire while the emergency declaration is in effect.

3 (2) As used in this section:

4 (a) "COVID-19" means coronavirus disease 2019.

5 (b) "Designated health care facility" or "facility" means 1 or  
6 more of the following:

7 (i) A health facility or agency as that term is defined in  
8 section 20106.

9 (ii) A state-owned surgical center.

10 (iii) A state-operated outpatient facility.

11 (iv) A state-operated veterans facility.

12 (v) An entity used as surge capacity for any of the entities  
13 described in this subdivision.

14 (3) This section is repealed effective July 1, 2021.

15 Sec. 17715. (1) Notwithstanding any provision of this article  
16 or rule promulgated under this article to the contrary, all of the  
17 following apply through June 30, 2021:

18 (a) A pharmacist may dispense an emergency refill of up to a  
19 60-day supply of a prescription drug other than a controlled  
20 substance for a resident of this state if, in the pharmacist's  
21 professional judgment, a failure to refill the prescription might  
22 interrupt the patient's ongoing care and have a significant adverse  
23 effect on the patient's well-being. All of the following apply for  
24 purposes of this subdivision:

25 (i) The pharmacist shall inform the patient that the  
26 prescription was dispensed under this subdivision.

27 (ii) The pharmacist shall inform the prescriber, in writing and  
28 within a reasonable period of time, of any refills that the  
29 pharmacist dispensed under this subdivision.



1 (iii) Before refilling a prescription under this subdivision,  
2 the pharmacist shall make a reasonable effort to communicate with  
3 the prescriber regarding refilling the prescription and make a  
4 record of the efforts made, including the reason for refilling a  
5 prescription under this subdivision.

6 (iv) A prescriber is not subject to criminal prosecution, civil  
7 liability, or administrative sanction as a result of a pharmacist  
8 refilling a prescription under this subdivision.

9 (b) A pharmacist may temporarily operate a pharmacy in a  
10 location that is not designated on a pharmacy license. However, the  
11 pharmacy described in this subdivision may not prepare sterile drug  
12 products beyond low-risk preparations, as defined by USP standards,  
13 for immediate inpatient administration.

14 (c) A pharmacist may dispense and administer a drug as needed  
15 to treat an individual with COVID-19 pursuant to protocols  
16 established by the federal Centers for Disease Control and  
17 Prevention or the National Institute of Health, or as determined by  
18 the chief medical executive in the office of chief medical  
19 executive created within the department of health and human  
20 services or the chief medical executive's designee.

21 (d) A pharmacist may substitute a therapeutically equivalent  
22 drug for a drug that is the subject of a critical shortage. A  
23 pharmacist substituting a drug under this subdivision shall inform  
24 the patient of the substitution and notify the prescriber of the  
25 substitution within a reasonable period of time. A prescriber is  
26 not subject to criminal prosecution, civil liability, or  
27 administrative sanction as a result of a pharmacist's substitution  
28 under this subdivision.

29 (e) A preceptor may supervise a student pharmacist remotely to



1 fulfill eligibility requirements for licensure and to avoid a delay  
2 in graduation.

3 (f) A pharmacist may oversee a pharmacy technician and other  
4 pharmacy staff remotely through the use of a real-time, continuous  
5 audiovisual camera system that is capable of allowing the  
6 pharmacist to visually identify the markings on tablets and  
7 capsules. The pharmacist must have access to all relevant patient  
8 information to accomplish remote oversight and must be available at  
9 all times during the oversight to provide real-time patient  
10 consultation. A pharmacy technician shall not perform sterile or  
11 nonsterile compounding without a pharmacist on the premises.

12 (g) An out-of-state pharmacy that is in good standing is  
13 considered licensed to do business in this state. An out-of-state  
14 pharmacy shall not deliver controlled substances into this state  
15 and shall comply with this part and the rules promulgated by this  
16 part, except that an out-of-state pharmacy is not required to  
17 designate a pharmacist in charge for the out-of-state pharmacy. To  
18 provide sterile compounding services to a patient in this state, an  
19 out-of-state pharmacy shall hold a current accreditation from a  
20 national organization approved by the board.

21 (h) A manufacturer or wholesale distributor that is licensed  
22 in another state is considered to be licensed to do business in  
23 this state. A manufacturer or wholesale distributor that holds a  
24 license in good standing in another state may temporarily  
25 distribute a controlled substance in this state to a hospital or to  
26 a manufacturer or wholesale distributor that is licensed under this  
27 part. An out-of-state license described in this subdivision is not  
28 considered to be in good standing for purposes of this subdivision  
29 if it has been suspended or revoked or is the subject of pending





1 disciplinary action in another state. If an out-of-state license  
2 described in this subdivision contains restrictions or conditions,  
3 those restrictions or conditions apply in this state for purposes  
4 of this subdivision.

5 (2) As used in this section:

6 (a) "COVID-19" means coronavirus disease 2019.

7 (b) "Out-of-state pharmacy" means a facility or part of a  
8 facility that is located outside of this state and that is licensed  
9 in another state to dispense prescription drugs or prepare  
10 prescription drugs for delivery or distribution.

11 (3) This section is repealed effective July 1, 2021.

