

**SUBSTITUTE FOR
HOUSE BILL NO. 4399**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 17201, 17211a, 17212, 17708, and 17745 (MCL
333.17201, 333.17211a, 333.17212, 333.17708, and 333.17745),
sections 17201, 17212, and 17745 as amended and section 17211a as
added by 2016 PA 499 and section 17708 as amended by 2024 PA 242,
and by adding sections 17210a and 17211b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 17201. (1) As used in this part:
- 2 (a) "Advanced practice registered nurse" or "a.p.r.n." means a
- 3 registered professional nurse who has been granted a specialty
- 4 certification under section 17210 in 1 of the following health
- 5 profession specialty fields:



(i) Nurse midwifery.

(ii) Nurse practitioner.

(iii) Clinical nurse specialist.

(b) "Physician" means a physician who is licensed under part 170 or part 175.

(c) ~~"Practice"~~ **Subject to sections 17210 and 17210a, "practice** of nursing" means the systematic application of substantial specialized knowledge and skill, derived from the biological, physical, and behavioral sciences, to the care, treatment, counsel, and health teaching of individuals who are experiencing changes in the normal health processes or who require assistance in the maintenance of health and the prevention or management of illness, injury, or disability.

(d) "Practice of nursing as a licensed practical nurse" or "l.p.n." means the practice of nursing based on less comprehensive knowledge and skill than that required of a registered professional nurse and performed under the supervision of a registered professional nurse, physician, or dentist.

(e) "Registered professional nurse" or "r.n." means an individual who is licensed under this part to engage in the practice of nursing which scope of practice includes the teaching, direction, and supervision of less skilled personnel in the performance of delegated nursing activities.

(f) "Qualified delegating practitioner" means any of the following:

(i) A physician.

(ii) An advanced practice registered nurse defined in subdivision (a) (ii) who is certified under section 17211b.

(2) In addition to the definitions in this part, article 1



1 contains general definitions and principles of construction
2 applicable to all articles in the code and part 161 contains
3 definitions applicable to this part.

4 **Sec. 17210a. (1) To be granted a specialty certification as a**
5 **nurse practitioner under section 17210, a registered professional**
6 **nurse must meet all of the following requirements:**

7 **(a) Has completed a graduate, postgraduate, or doctoral level**
8 **nursing education program that the department, in consultation with**
9 **the board, determines prepares the registered professional nurse**
10 **for the health profession specialty field of nurse practitioner.**
11 **The program described in this subdivision must be accredited by a**
12 **nationally accredited certification body approved by the**
13 **department, in consultation with the board, and include course-**
14 **specific education in pharmacology, pathophysiology, assessment,**
15 **and clinical practicum, or their equivalent as determined by the**
16 **department, in consultation with the board.**

17 **(b) Meets the standards for a certification demonstrating role**
18 **and population-focused competencies from a nationally accredited**
19 **certification body approved by the department, in consultation with**
20 **the board.**

21 **(c) Meets any other requirement established by rule.**

22 **(2) All of the following apply to a registered professional**
23 **nurse who holds a specialty certification as a nurse practitioner:**

24 **(a) In addition to performing duties within the practice of**
25 **nursing, the individual's scope of practice includes all of the**
26 **following:**

27 **(i) Performing comprehensive assessments, providing physical**
28 **examinations and other health assessments, and providing screening**
29 **activities.**



1 (ii) Diagnosing, treating, and managing patients with acute and
2 chronic illnesses and diseases.

3 (iii) Ordering, performing, supervising, and interpreting
4 laboratory and imaging studies.

5 (iv) Prescribing pharmacological and nonpharmacological
6 interventions and treatments that are within the registered
7 professional nurse's specialty role.

8 (v) Engaging in health promotion and disease prevention.

9 (vi) Providing health education.

10 (vii) Counseling patients and families with potential, acute,
11 and chronic health disorders.

12 (b) The individual shall comply with the standards established
13 by the department, in consultation with the board, and with the
14 national accreditation standards of the national professional
15 nursing associations applicable to the individual's specialty
16 certification.

17 (c) The individual shall consult with other health
18 professionals and refer a patient to other health professionals, as
19 the department, in consultation with the board, considers
20 appropriate.

21 (d) The individual may supervise registered professional
22 nurses, licensed practical nurses, and other individuals performing
23 health occupations.

24 Sec. 17211a. (1) An advanced practice registered nurse may
25 prescribe any of the following:

26 (a) A nonscheduled prescription drug.

27 (b) Subject to subsection (2), a controlled substance included
28 in schedules 2 to 5 of part 72, as follows:

29 (i) For an advanced practice registered nurse defined in



1 **section 17201(1) (a) (i) and (iii), as a delegated act of a physician.**

2 **(ii) Except as otherwise provided in section 17211b, for an**
 3 **advanced practice registered nurse defined in section**
 4 **17201(1) (a) (ii), as a delegated act of a qualified delegating**
 5 **practitioner.**

6 (2) If an advanced practice registered nurse prescribes a
 7 controlled substance under subsection ~~(1) (b),~~ **(1),** both the
 8 advanced practice registered nurse's name and the ~~physician's~~
 9 **delegator's** name ~~shall~~ **must** be used, recorded, or otherwise
 10 indicated in connection with that prescription, ~~. If an advanced~~
 11 ~~practice registered nurse prescribes a controlled substance under~~
 12 ~~subsection (1) (b),~~ **and** both the advanced practice registered
 13 nurse's and the ~~physician's~~ **delegator's** DEA registration numbers
 14 ~~shall~~ **must** be used, recorded, or otherwise indicated in connection
 15 with that prescription.

16 (3) ~~The amendatory act that added this~~ **This** section does not
 17 require new or additional third-party reimbursement or mandated
 18 worker's compensation benefits for services rendered by an advanced
 19 practice registered nurse who is authorized to prescribe
 20 nonscheduled prescription drugs and controlled substances included
 21 in schedules 2 to 5 of part 72. ~~under this section.~~

22 **Sec. 17211b. (1) An advanced practice registered nurse defined**
 23 **in section 17201(1) (a) (ii) may engage in the conduct described in**
 24 **sections 17211a(1) (b) and 17212(3) without delegation from a**
 25 **qualified delegating practitioner if the advanced practice**
 26 **registered nurse is certified under this section as being qualified**
 27 **to engage in that conduct. Subject to subsection (4), to be**
 28 **certified as qualified to engage in the conduct described in this**
 29 **subsection, an advanced practice registered nurse defined in**



1 section 17201(1)(a)(ii) shall demonstrate to the satisfaction of the
2 department, in consultation with the board, that the advanced
3 practice registered nurse has practiced in the health profession
4 specialty field of nurse practitioner for not less than 1,000 hours
5 in this state or another state.

6 (2) If an advanced practice registered nurse who is certified
7 under subsection (1) engages in the conduct described in section
8 17211a(1)(b) or 17212(3), only the name of the advanced practice
9 registered nurse must be used, recorded, or otherwise indicated in
10 connection with the prescription or the order, receipt, or
11 dispensing, and only the advanced practice registered nurse's DEA
12 registration number must be used, recorded, or otherwise indicated
13 in connection with the prescription or the order, receipt, or
14 dispensing.

15 (3) An advanced practice registered nurse who is certified
16 under subsection (1) shall furnish the department with satisfactory
17 evidence that, in the license cycle immediately preceding
18 application for renewal, the advanced practice registered nurse has
19 successfully completed continuing education courses or programs
20 approved by the department, in consultation with the board, and
21 totaling not less than 15 hours in subjects related to
22 pharmacology, therapeutics, or prescribing, that are relevant to
23 the health profession specialty field of nurse practitioner. This
24 subsection applies to a license renewal of an advanced practice
25 registered nurse beginning with the first renewal cycle after the
26 advanced practice registered nurse is certified under subsection
27 (1).

28 (4) The department, in consultation with the board, shall
29 promulgate rules to implement this section not later than 18 months



1 **after the effective date of the amendatory act that added this**
 2 **section.**

3 Sec. 17212. (1) Subject to subsections (2) and (3), in
 4 addition to acts, tasks, and functions delegated under section
 5 16215, 17211a(1)(b), 17745, 17745a, or 17745b, a supervising
 6 physician may delegate in writing to a registered professional
 7 nurse the ordering, receipt, and dispensing of complimentary
 8 starter dose drugs other than controlled substances as defined in
 9 article 7 or federal law. If a delegated ordering, receipt, or
 10 dispensing of complimentary starter dose drugs described in this
 11 subsection occurs, both the registered professional nurse's name
 12 and the supervising physician's name ~~shall~~**must** be used, recorded,
 13 or otherwise indicated in connection with each order, receipt, or
 14 dispensing.

15 (2) ~~Subject to subsection (3), an~~ **An** advanced practice
 16 registered nurse may order, receive, and dispense a complimentary
 17 starter dose drug **other than a controlled substance** without
 18 delegation from a physician. Only the name of the advanced practice
 19 registered nurse ~~shall~~**must** be used, recorded, or otherwise
 20 indicated in connection with an order, receipt, or dispensing of a
 21 complimentary starter dose drug under this subsection.

22 (3) ~~An~~ **Subject to subsection (4), an** advanced practice
 23 registered nurse may order, receive, and dispense **a** complimentary
 24 starter ~~doses~~**dose** of **a** controlled ~~substances~~**substance** included in
 25 schedules 2 to 5 of part 72 as **follows:**

26 **(a) For an advanced practice registered nurse defined in**
 27 **section 17201(1)(a)(i) and (iii), as** a delegated act of a physician.

28 **(b) Except as otherwise provided in section 17211b, for an**
 29 **advanced practice registered nurse defined in section**



1 **17201(1) (a) (ii) , as a delegated act of a qualified delegating**
 2 **practitioner.**

3 (4) If a delegated ordering, receipt, or dispensing of
 4 complimentary starter dose drugs described in ~~this subsection~~ (3)
 5 occurs, the advanced practice registered nurse's name and the
 6 ~~delegating physician's~~ **delegator's** name ~~shall~~ **must** be used,
 7 recorded, or otherwise indicated in connection with each order,
 8 receipt, or dispensing and both the advanced practice registered
 9 nurse's and the ~~delegating physician's~~ **delegator's** DEA registration
 10 number ~~shall~~ **must** be used, recorded, or otherwise indicated in
 11 connection with each order, receipt, or dispensing.

12 (5) ~~(4)~~ It is the intent of the legislature in enacting this
 13 section to allow a ~~pharmaceutical~~ manufacturer or wholesale
 14 distributor, as those terms are defined in ~~part 177,~~ **sections 17706**
 15 **and 17709**, to distribute complimentary starter dose drugs to an
 16 advanced practice registered nurse described in subsections (2),
 17 and (3), or to a registered professional nurse described in
 18 subsection (1), in compliance with ~~section 503(d) of the federal~~
 19 ~~food, drug, and cosmetic act,~~ 21 USC 353.

20 (6) ~~(5)~~ As used in this section, "complimentary starter dose"
 21 means that term as defined in section 17745.

22 Sec. 17708. (1) "Preceptor" means a pharmacist approved by the
 23 board to direct the training of an intern in an approved pharmacy.

24 (2) "Prescriber" means a licensed dentist; a licensed doctor
 25 of medicine; a licensed doctor of osteopathic medicine and surgery;
 26 a licensed doctor of podiatric medicine and surgery; a licensed
 27 physician's assistant; subject to part 174, a licensed optometrist;
 28 subject to ~~section 17211a,~~ **part 172**, an advanced practice
 29 registered nurse; a licensed veterinarian; subject to subsection



(7), a registered professional nurse who holds a specialty certification as a nurse anesthetist under section 17210 when engaging in the practice of nursing and providing the anesthesia and analgesia services described in section 17210(3); or any other licensed health professional acting under the delegation and using, recording, or otherwise indicating the name of the delegating licensed doctor of medicine or licensed doctor of osteopathic medicine and surgery. As used in this subsection:

(a) "Advanced practice registered nurse" means that term as defined in section 17201 and includes a licensed advanced practice registered nurse.

(b) "License" means that term as defined in section 16106 and includes an authorization issued under the laws of another state or province of Canada to practice a profession described in this subsection in that state or province of Canada where practice would otherwise be unlawful.

(3) "Prescription" means an order by a prescriber to fill, compound, or dispense a drug or device written and signed; written or created in an electronic format, signed, and transmitted by facsimile; or transmitted electronically or by other means of communication. An order transmitted in other than written or hard-copy form must be electronically recorded, printed, or written and immediately dated by the pharmacist, and that record is considered the original prescription. In a health facility or agency licensed under article 17 or other medical institution, an order for a drug or device in the patient's chart is considered for the purposes of this definition the original prescription. For purposes of this part, prescription also includes a standing order issued under section 17744e and an order to dispense a hormonal contraceptive

1 patch, a self-administered hormonal contraceptive, an emergency
2 contraceptive, or a vaginal ring hormonal contraceptive issued by a
3 pharmacist under section 17744g. Subject to section 17751(2) and
4 (5), prescription includes, but is not limited to, an order for a
5 drug, not including a controlled substance except under
6 circumstances described in section 17763(e), written and signed;
7 written or created in an electronic format, signed, and transmitted
8 by facsimile; or transmitted electronically or by other means of
9 communication by a prescriber in another state or province of
10 Canada.

11 (4) Subject to subsection (5), "prescription drug" means a
12 drug to which 1 or more of the following apply:

13 (a) The drug is dispensed pursuant to a prescription.

14 (b) The drug bears the federal legend "CAUTION: federal law
15 prohibits dispensing without prescription" or "Rx only".

16 (c) The drug is designated by the board as a drug that may
17 only be dispensed pursuant to a prescription.

18 (5) For purposes of this part, prescription drug also includes
19 a drug dispensed pursuant to section 17724a or 17744f.

20 (6) "Remote pharmacy" means a pharmacy described in sections
21 17742a and 17742b.

22 (7) The authority of a registered professional nurse who holds
23 a specialty certification as a nurse anesthetist under section
24 17210 to prescribe pharmacological agents is limited to
25 pharmacological agents for administration to patients as described
26 in section 17210(3) (b), (c), or (d). Subsection (2) does not
27 require new or additional ~~third party~~ **third-party** reimbursement or
28 mandated worker's compensation benefits for anesthesia and
29 analgesia services provided under section 17210(3) by a registered

1 professional nurse who holds a specialty certification as a nurse
2 anesthetist under section 17210.

3 Sec. 17745. (1) Except as otherwise provided in this
4 subsection, a prescriber who wishes to dispense prescription drugs
5 shall obtain from the board a drug control license for each
6 location in which the storage and dispensing of prescription drugs
7 occur. A drug control license is not necessary if the dispensing
8 occurs in the emergency department, emergency room, or trauma
9 center of a hospital licensed under article 17 or if the dispensing
10 involves only the issuance of complimentary starter dose drugs.

11 (2) Except as otherwise authorized for expedited partner
12 therapy in section 5110 or as provided in section 17744a or 17744b,
13 a dispensing prescriber shall dispense prescription drugs only to
14 ~~his or her~~ **the dispensing prescriber's** own patients.

15 (3) A dispensing prescriber shall include in a patient's chart
16 or clinical record a complete record, including prescription drug
17 names, dosages, and quantities, of all prescription drugs dispensed
18 directly by the dispensing prescriber or indirectly under ~~his or~~
19 ~~her~~ **the dispensing prescriber's** delegatory authority. If
20 prescription drugs are dispensed under the prescriber's delegatory
21 authority, the delegatee who dispenses the prescription drugs shall
22 initial the patient's chart, clinical record, or log of
23 prescription drugs dispensed. In a patient's chart or clinical
24 record, a dispensing prescriber shall distinguish between
25 prescription drugs dispensed to the patient, prescription drugs
26 prescribed for the patient, prescription drugs dispensed or
27 prescribed for expedited partner therapy as authorized in section
28 5110, and prescription drugs dispensed or prescribed as authorized
29 under section 17744a or 17744b. A dispensing prescriber shall



1 retain information required under this subsection for not less than
2 5 years after the information is entered in the patient's chart or
3 clinical record.

4 (4) A dispensing prescriber shall store prescription drugs
5 under conditions that will maintain their stability, integrity, and
6 effectiveness and will ensure that the prescription drugs are free
7 of contamination, deterioration, and adulteration.

8 (5) A dispensing prescriber shall store prescription drugs in
9 a substantially constructed, securely lockable cabinet. Access to
10 the cabinet must be limited to individuals authorized to dispense
11 prescription drugs in compliance with this part and article 7.

12 (6) Unless otherwise requested by a patient, a dispensing
13 prescriber shall dispense a prescription drug in a safety closure
14 container that complies with the poison prevention packaging act of
15 1970, 15 USC 1471 to 1477.

16 (7) A dispensing prescriber shall dispense a drug in a
17 container that bears a label containing all of the following
18 information:

19 (a) The name and address of the location from which the
20 prescription drug is dispensed.

21 (b) Except as otherwise authorized under section 5110, 17744a,
22 or 17744b, the patient's name and record number.

23 (c) The date the prescription drug was dispensed.

24 (d) The prescriber's name or, if dispensed under the
25 prescriber's delegatory authority, the name of the delegatee.

26 (e) The directions for use.

27 (f) The name and strength of the prescription drug.

28 (g) The quantity dispensed.

29 (h) The expiration date of the prescription drug or the



1 statement required under section 17756.

2 (8) A dispensing prescriber who dispenses a complimentary
3 starter dose drug to a patient, or an advanced practice registered
4 nurse as that term is defined in section 17201 who dispenses a
5 complimentary starter dose drug to a patient under section **17211b**
6 **or** 17212, shall give the patient the information required in this
7 subsection, by dispensing the complimentary starter dose drug to
8 the patient in a container that bears a label containing the
9 required information or by giving the patient a written document
10 that may include, but is not limited to, a preprinted insert that
11 comes with the complimentary starter dose drug and that contains
12 the required information. The information required to be given to
13 the patient under this subsection includes all of the following:

14 (a) The name and strength of the complimentary starter dose
15 drug.

16 (b) Directions for the patient's use of the complimentary
17 starter dose drug.

18 (c) The expiration date of the complimentary starter dose drug
19 or the statement required under section 17756.

20 (9) The information required under subsection (8) is in
21 addition to, and does not supersede or modify, other state or
22 federal law regulating the labeling of prescription drugs.

23 (10) In addition to meeting the requirements of this part, a
24 dispensing prescriber who dispenses controlled substances shall
25 comply with section 7303a.

26 (11) The board may periodically inspect locations from which
27 prescription drugs are dispensed.

28 (12) The act, task, or function of dispensing prescription
29 drugs shall be delegated only as provided in this part and sections



1 16215, 17048, 17211a, 17212, and 17548.

2 (13) A supervising physician may delegate in writing to a
3 pharmacist practicing in a hospital pharmacy within a hospital
4 licensed under article 17 the receipt of complimentary starter dose
5 drugs other than controlled substances as defined in article 7 or
6 federal law. When the delegated receipt of complimentary starter
7 dose drugs occurs, both the pharmacist's name and the supervising
8 physician's name ~~shall~~**must** be used, recorded, or otherwise
9 indicated in connection with each receipt. A pharmacist described
10 in this subsection may dispense a prescription for complimentary
11 starter dose drugs written or transmitted by facsimile, electronic
12 transmission, or other means of communication by a prescriber.

13 (14) As used in this section, "complimentary starter dose"
14 means a prescription drug packaged, dispensed, and distributed in
15 accordance with state and federal law that is provided to a
16 dispensing prescriber free of charge by a manufacturer or **wholesale**
17 distributor and dispensed free of charge by the dispensing
18 prescriber to ~~his or her~~**the dispensing prescriber's** patients.

