

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.17724a Ordering and administration of qualified laboratory tests by pharmacist; requirements and duties; promulgation of rules; exceptions; "qualified laboratory test" defined.

Sec. 17724a.

(1) Subject to this section, a pharmacist may order a qualified laboratory test for and administer the qualified laboratory test to an individual if the qualified laboratory test meets all of the following requirements:

(a) The qualified laboratory test is classified as waived by the Food and Drug Administration.
(b) The qualified laboratory test requires only the use of a specimen collected by a nasal or throat swab or a finger prick.

(c) The qualified laboratory test is used to detect or screen for any of the following:

- (i) COVID-19.
- (ii) Influenza.
- (iii) A respiratory infection.

(2) Before ordering or administering a qualified laboratory test under this section, a pharmacist shall successfully complete the training program approved under subsection (5).

(3) A pharmacist who orders a qualified laboratory test for or administers a qualified laboratory test to an individual under this section shall advise the individual of the test result and refer the individual to a physician, or another health professional, designated by the individual.

(4) A pharmacist who orders a qualified laboratory test for and administers that qualified laboratory test to an individual under this section for purposes of detecting or screening for COVID-19 or influenza may, without a prescription, dispense a drug to the individual if all of the following are met:

(a) The pharmacist determines that the drug is needed to treat the individual for COVID-19 or influenza based on the individual's test result.

(b) The drug is an antiviral drug and is available at the pharmacy.

(c) The drug is provided pursuant to protocols established by the Centers for Disease Control and Prevention or public health guidelines established by the department of health and human services.

(d) The pharmacist complies with subsection (3) and any other requirement established by rule under this section.

(5) The department, in consultation with the board, shall promulgate rules to implement this section. The rules must require the training program required under this section to require a pharmacist to demonstrate sufficient knowledge of how to administer and interpret each laboratory test that the pharmacist may order or administer under this section and to demonstrate sufficient knowledge of each illness, condition, or disease described in subsection (1) for which the pharmacist provides treatment based on the results of a qualified laboratory test.

(6) This section does not prohibit a pharmacist from doing any of the following:

(a) Ordering or administering a laboratory test as a delegated act of a physician or another health professional under section 16215.

(b) Ordering or administering a laboratory test pursuant to federal law or an emergency order.

(c) Dispensing a drug to a patient without a prescription pursuant to federal law or an emergency order.

(7) As used in this section, "qualified laboratory test" means a laboratory test meeting the requirements described in subsection (1).

History: Add. 2023, Act 97, Imd. Eff. July 19, 2023

Popular Name: Act 368