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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

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MICHIGAN BOARD OF PHARMACY RULES COMMITTEE WORK GROUP MEETING

MINUTES JULY 28, 2022

The Michigan Board of Pharmacy Rules Committee Work Group met on July 28, 2022. The meeting was held via Zoom.

CALL TO ORDER

Andria Ditschman, Departmental Specialist, called the meeting to order at 9:01 a.m.

ATTENDANCE

Members Present: Pierre Boutros, R.Ph.
Charles Mollien, PharmD, JD
Michael Sleiman, PharmD
Sandra Taylor, R.Ph.

Members Absent: None

Staff Present: Andria Ditschman, Departmental Specialist,
Boards and Committees Section
Stephanie Wysack, Board Support Technician,
Boards and Committees Section

Public Present: Deeb Eid, PharmD – CVS Pharmacy
Ed Rickert – Quarles & Brady/MedAvail
Seema Siddiqui – SpotRx/MedAvail

RULES DISCUSSION

Pharmacy – Program For Utilization of Unused Prescription Drugs (A copy of the draft, used during today’s discussion, is attached.)

Ditschman stated that this set of rules had not been modified since 2014. She explained the purpose of the rule set and asked the rules committee to review the rules for any substantive changes. She will ask for them to be opened at the board meeting on August 17, 2022.

Pharmacy – General Rules (A copy of the draft, used during today’s discussion, is attached)

Ditschman stated that she met with Mollien and Taylor to discuss USP Chapters that may need to be added to the rules.

Mollien provided an overview of the meeting on USP. He stated that USP 795 and 797 address compounding, 800 addresses hazardous materials, and 825 addresses nuclear pharmaceuticals.

He stated that the group is recommending that the current versions of USP 795 and 797 be clarified in the rules as they are officially published. However, as USP 800 and 825 are not yet official, it is the recommendation that the board wait to include them in the rules.

The rules committee agreed to clarify the use of USP 795 and 797 in the rules.

R 338.588 Automated devices.

Ditschman stated that she made changes to subrules (2) and (3) and created new subrule (4) based on discussion at the last rules committee meeting.

Subrule (3): Mollien stated that the last sentence needs clarification.

Discussion was held.

Mollien stated that new subrule (4) covers a locker type of device outside of the portioned pharmacy, held within the retail part of the store.

Ditschman requested further direction on subrule (3) regarding a device used in a physician’s office or medical clinic that is maintained/monitored by a pharmacy.

Discussion was held.

Ditschman suggested adding language to subdivision (2)(h) that would refer to (3) which would tie the rules together.

The rules committee agreed with the suggested change.

Mollien stated that the last sentence in subrule (3) should be removed.

The rules committee agreed with removing the last sentence in subrule (3).

Eid stated that the rule was broad and needed to be clear that it covered three different scenarios: in a pharmacy (locker system), a dispensing kiosk, and in nursing homes for storage and access to staff only.

Taylor asked how security would be handled with a device outside of a pharmacy, such as in a clinic.

Siddiqui provided an overview of how the SpotRx kiosks work. She stated that the kiosks are operated by a pharmacist that approves every dispensed prescription. Prescriptions are available to be picked up after hours if there is a pharmacist available to do counseling. The kiosks are made of steel and bolted to the floor, they are temperature controlled and open only with authorized card access. Each label that is created for a prescription has a code on it that identifies the kiosk/location where it was dispensed.

Rickert stated that the Drug Enforcement Agency (DEA) was currently exploring rules that would embrace this technology. He suggested that any language added to the rule should be broad, allowing for changes that are made by the DEA. He will send Ditschman language that other states utilize.

Boutros asked if the technology would allow for any pharmacy to have a kiosk located in another location.

Siddiqui stated that this was the goal. Such a device would provide a variety of options for patient access to prescriptions.

Ditschman stated that the language is currently written to limit devices to specific locations.

Sleiman stated that if the device is tied to a pharmacy, that the location is not that important.

Mollien stated that guidelines for these devices should include, but not be limited to: labeling that identifies where the drug was dispensed, proper storage, technology that allows for access to patient records outside of a pharmacy, and working audio/visual equipment.

Mollien stated that subrule (4) was for a non-dispensing storage device.

Ditschman will work on clarifying language for the rules committee to review.

R 338.589 Professional responsibility; patient counseling; “caregiver” defined.

Subdivision (4)(d): Ditschman asked the rules committee to clarify which subrule the last sentence in the rule applied to.

Mollien stated that it applied to all of subrule (4).

R 338.591 Dispensing emergency supply of insulin.

Ditschman stated that this is a new rule, based on new legislation and previous discussions at the rules committee work group meetings.

The rules committee agreed with the language as presented.

Subdivision (1)(b): Eid asked if “that pharmacy” meant the physical pharmacy that the patient was at or the entire pharmacy system for that pharmacy.

Mollien stated that the language came from the statute, MCL 333.17744f(1).

Sleiman stated that adding “common ownership” should clarify.

Mollien suggested “a pharmacy with real time access to the qualified prescription.”

The rules committee agreed with the suggested change.

Mollien asked if language should be added to cover filing before a refill is due i.e., “if the smallest single package of insulin available exceeds a 30-day supply, it is permissible.”

The rules committee agreed with the addition.

Ditschman will add as new subrule (2).

Mollien asked what constituted an emergency refill. Was it a one-time occurrence or could it be repeated?

Ditschman stated that the statute, MCL 333.17744f(2) clarified that a new qualifying prescription was needed after 1 emergency refill.

Discussion was held about adding clarifying language.

Ditschman will add new subrule (3) to state “Only 1 emergency refill per qualifying prescription.”

The rules committee agreed with the addition.

Pharmacy Technicians (A copy of the draft, used during today’s discussion, is attached)

Ditschman stated that it was not clear to pharmacies that a student working in a pharmacy required either a temporary license or to be participating in a board approved training program. She will add language for the rules committee to review.

Eid asked that the application for a program clarify the options for either a program, exam, or both.

R 338.3665 Performance of activities and functions; delegation.

Ditschman asked the rules committee if there were additional functions that should be added to this rule.

The rules committee agreed with the language as written.

ADJOURNMENT

Ditschman stated that another rules committee work group would not be necessary as the Pharmacy – General Rules, Pharmacy Technicians, and Pharmacy – Controlled Substances drafts should be available for a vote by the board at the August 17, 2022 meeting.

Ditschman adjourned the meeting at 3:01 p.m.

Prepared by:
Stephanie Wysack, Board Support Technician
Bureau of Professional Licensing

August 1, 2022

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PHARMACY – PROGRAM FOR UTILIZATION OF UNUSED PRESCRIPTION DRUGS

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145(3), 17701, and 17775 of 1978 PA 368, MCL 333.16145(3), 333.17701, and 333.17775 and Executive Reorganization Order No. 2011-4, MCL 445.2030)

R 338.3601. Definitions.

Rule 1. As used in this part:

(a) "Charitable clinic" means a charitable nonprofit corporation or facility that meets all of the following requirements:

(i) Is organized as a not-for-profit corporation pursuant to the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192.

(ii) Holds a valid exemption from federal income taxation issued pursuant to section 501(a) of the internal revenue code, 26 USC 501.

(iii) Is listed as an exempt organization under section 501(c) of the internal revenue code, 26 USC 501.

(iv) Is organized under or operated as a part of a health facility or agency licensed under article 17 of the code, MCL 333.20101 to 333.20211.

(v) Provides on an outpatient basis for a period of less than 24 consecutive hours to persons not residing or confined at the facility advice, counseling, diagnosis, treatment, surgery, care, or services relating to the preservation or maintenance of health.

(vi) Has a licensed pharmacy.

(b) "Chemotherapeutic agent" means a chemical agent used for treating various forms of cancer generally by killing the cancer cells.

(c) "Code" means 1978 PA 368, MCL 333.1101 to 333.25211.

(d) "Eligible facility" means a medical institution as that term is defined in R 338.486.

(e) "Department" means the department of licensing and regulatory affairs, bureau of health care services.

(f) "Eligible participant" means an individual who meets all of the following requirements:

(i) Is a resident of this state.

(ii) Is eligible to receive medicaid or medicare or has no health insurance and otherwise lacks reasonable means to purchase prescription drugs, as prescribed in these rules.

(g) "Hazardous waste" means hazardous waste as defined in R 299.9203.

(h) "Health professional" means any of the following individuals licensed and authorized to prescribe and dispense drugs or to provide medical, dental, or other health-related diagnoses, care, or treatment within the scope of his or her professional license:

(i) A physician licensed to practice medicine or osteopathic medicine and surgery under part 170 or 175 of the code, MCL 333.17001 to 333.17088 or 333.17501 to 333.17556.

- (ii) A physician's assistant licensed under part 170, 175, or 180 of the code; MCL 333.17001 to 333.17088, 333.17501 to 333.17556, or 333.18001 to 333.18058.
- (iii) A dentist licensed under part 166 of the code, MCL 333.16601 to 333.16648.
- (iv) An optometrist licensed under part 174 of the code, MCL 333.17404 to 333.17437.
- (v) A pharmacist licensed under part 177 of the code, MCL 333.17701 to 333.17780.
- (vi) A podiatrist licensed under part 180 of the code, MCL 333.18001 to 333.18058.
- (i) "Program" means the statewide unused prescription drug repository and distribution program known as the program for utilization of unused prescription drugs that is established in section 17775 of the code, MCL 333.17775.
- (j) "Unit dose package" means a package that contains a single dose drug with the name, strength, control number, and expiration date of that drug on the label.
- (k) "Unit of issue package" means a package that provides multiple doses of the same drug, but each drug is individually separated and includes the name, lot number, and expiration date.
- (l) "Waste disposal facility" means a waste diversion center or disposal facility that is in compliance with the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106, for processing or disposal.

History: 2014 AACCS.

R 338.3603. Eligibility criteria; pharmacy; charitable clinics; requirements; withdrawal.

Rule 3. (1) To be eligible for participation in the program, a pharmacy or charitable clinic shall comply with all applicable federal and state laws, including laws applicable to the storage and distribution of drugs and the appropriate licensure standards, and shall hold an active, nonrestricted, state of Michigan license in good standing.

(2) Participation in the program is voluntary.

(3) A pharmacy or charitable clinic may elect to participate in the program by providing, on a form provided by the department, written notification to the department of all of the following:

(a) The name, street address, and telephone number of the pharmacy or charitable clinic, and any state of Michigan license or registration number issued to the pharmacy or charitable clinic.

(b) For a charitable clinic, evidence that the charitable clinic meets the requirements defined in R 338.3601(a).

(c) The name and license number of the responsible pharmacist employed by or under contract with the pharmacy or charitable clinic.

(d) A statement signed and dated by the responsible pharmacist indicating that the pharmacy or charitable clinic meets the eligibility requirements under this rule and shall comply with the requirements of the program.

(4) A pharmacy or charitable clinic may withdraw from participation in the program at any time by providing written notice to the department on a form provided by the department. All of the following information shall be included on the notice of withdrawal form:

(a) Name, address, telephone number, and state of Michigan license or registration number of pharmacy or charitable clinic.

(b) Name and dated signature of the responsible pharmacist, attesting that the pharmacy or charitable clinic will no longer participate in the program.

(c) Date of withdrawal.

History: 2014 AACCS.

R 338.3605 Eligible prescription drugs.

Rule 5. (1) All non-controlled prescription drugs, except those specified in R 338.3607, that have been approved for medical use in the United States, are listed in the United States pharmacopeia and the national formulary (usp-nf), and meet the criteria for donation established by these rules may be accepted for donation under the program.

(2) A new prescription may be transferred to another participating pharmacy or charitable clinic for dispensing.

History: 2014 AACCS.

R 338.3607. Ineligible drugs; controlled substances prohibited.

Rule 7. (1) The following shall not be accepted for dispensing under the program:

(a) Controlled substances, as defined in article 7 of the code or by federal law.

(b) Expired prescription drugs.

(c) Drugs that may be dispensed only to a patient registered with the drug's manufacturer under federal food and drug administration requirements.

(d) Drugs that have been held outside of a health professional's control where sanitation and security cannot be assured.

(e) Compounded drugs.

(f) Drugs that require storage temperatures other than normal room temperature as specified by the manufacturer or the usp-nf shall not be donated or accepted as part of the program. Excluded from this restriction are drugs donated directly from a drug manufacturer.

(2) Controlled substances submitted for donation shall be documented and returned immediately to the eligible facility that donated the drugs. Both of the following apply:

(a) If controlled substances enter the participating pharmacy or charitable clinic and it is not possible or practicable to return the controlled substances to the donating facility, abandoned controlled substances shall be documented and destroyed pursuant to the protocols currently used by the pharmacy.

(b) A destruction record shall be created and maintained for a period of 5 years after destruction for any controlled substances destroyed.

History: 2014 AACCS.

R 338.3609 Donated prescription drugs; participating pharmacy or charitable clinic requirements.

Rule 9. (1) A participating pharmacy or charitable clinic may accept a prescription drug only if all of the following requirements are met:

(a) The drug is in its original sealed and tamper-evident packaging. However, a drug in a single-unit dose, unit of issue package, or blister pack with the outside packaging opened may be accepted if the single-unit-dose packaging or unit of issue packaging is unopened.

(b) The drug has been stored according to manufacturer or USP-NF storage requirements.

(c) The packaging contains the lot number and expiration date of the drug. If the lot number is not retrievable, all specified medications shall be destroyed in the event of a recall.

(d) The drug has an expiration date that is more than 6 months after the date that the drug was donated.

(e) The drug does not have any physical signs of tampering or adulteration, and there is no reason to believe that the drug is adulterated.

(f) The packaging does not have any physical signs of tampering, deterioration, compromised integrity, or adulteration.

(2) A participating pharmacy or charitable clinic may accept donated prescription drugs from more than 1 eligible facility, provided that the donating is done pursuant to the terms of the program.

History: 2014 AACCS.

R 338.3611 Donated prescription drugs; eligible facility requirements.

Rule 11. (1) An eligible facility or manufacturer may donate unused or donated prescription drugs, other than controlled substances, to a participating pharmacy or charitable clinic, if the drug meets the requirements of these rules.

(2) A manufacturer or its representative may donate prescription drugs in complimentary starter doses, other than controlled substances, to a charitable clinic under the program, if the drug meets the requirements of these rules.

History: 2014 AACCS.

R 338.3613 Resident of eligible facility; donations permitted.

Rule 13. (1) A resident of an eligible facility or the representative or guardian of a resident of an eligible facility may donate unused prescription drugs to be dispensed under the terms of the program.

(2) A resident of an eligible facility or the resident's representative or guardian shall complete a resident donation form prior to the eligible facility taking possession of the drugs to be donated. A copy of the resident donation form shall be sent to the participating pharmacy or charitable clinic with the donated drugs.

(3) The prescription drugs donated under the method described in this rule shall have originated from the eligible facility, and prescription drugs obtained prior to the resident being admitted to the facility shall not be accepted.

(4) The prescription drugs donated under the method described in this rule are subject to all the requirements of these rules.

History: 2014 AACCS.

R 338.3615 Transfer and shipment of donated drugs; requirements.

Rule 15. (1) Prior to the initial transfer of donated drugs from an eligible facility or manufacturer to a participating pharmacy or charitable clinic, the eligible facility or manufacturer shall complete the eligible facility donation form. The eligible facility or manufacturer shall transmit the completed eligible facility donation form to the participating pharmacy or charitable clinic and retain a copy for its records.

(2) A completed transfer form shall be included in each shipment of donated drugs from an eligible facility or manufacturer to a participating pharmacy or charitable clinic.

(3) Donated drugs under the program shall be shipped from the eligible facility or manufacturer to the participating pharmacy or charitable clinic via common or contract carrier.

History: 2014 AACCS.

R 338.3617 Inspection and storage of donated prescription drugs; destruction; recall.

Rule 17. (1) A licensed pharmacist employed by or under contract with the participating pharmacy or charitable clinic shall inspect donated prescription drugs to determine, in the professional judgment of the pharmacist, that the drugs are not adulterated, are safe and suitable for dispensing, and are eligible drugs. The pharmacist who inspects the drugs shall sign the transfer form included with the shipment of donated drugs attesting to the above.

(2) The participating pharmacy or charitable clinic shall store donated drugs pursuant to the manufacturer's guidelines or usp-nf guidelines. Donated drugs shall not be stored with non-donated inventory at any time.

(3) When donated drugs are not inspected immediately upon receipt, a participating pharmacy or charitable clinic shall quarantine the donated drugs separately from all dispensing stock until the donated drugs have been inspected and approved for dispensing under the program.

(4) A participating pharmacy or charitable clinic shall destroy donated prescription drugs that are not suitable for dispensing pursuant to protocols currently established by the pharmacy or charitable clinic for the destruction of prescription drugs.

(5) A participating pharmacy or charitable clinic shall create and maintain a destruction and disposal record for donated drugs that are destroyed and disposed of as a result of being expired, adulterated, recalled, or otherwise not eligible for dispensing. A participating pharmacy or charitable clinic shall maintain a destruction record for 5 years after destruction of the donated drugs.

(6) If a participating pharmacy or charitable clinic receives a recall notification, the participating pharmacy or charitable clinic shall perform a uniform destruction of all of the recalled prescription drugs in the participating pharmacy or charitable clinic and complete the destruction record for all donated drugs destroyed. The destruction shall be done pursuant to protocols currently established by the pharmacy or charitable clinic for the destruction and disposal of prescription drugs.

(7) If a recalled drug has been dispensed, the participating pharmacy or charitable clinic shall immediately notify the eligible participant of the recalled drug pursuant to established drug recall procedures.

History: 2014 AACCS.

R 338.3619 Record keeping; inventory; requirements.

Rule 19. (1) A participating pharmacy or charitable clinic shall keep records in conformance with these rules and all applicable federal and state laws, rules, and regulations.

(2) A participating pharmacy or charitable clinic shall maintain documented policies and procedures that will address all the requirements of these rules.

(3) A participating pharmacy or charitable clinic shall document all of the following for each drug accepted for the program:

(a) Brand name or generic name of the drug.

(b) Name of the manufacturer or national drug code number (ndc#).

(c) Quantity and strength of the drug.

(d) Lot number of medication, if available.

(e) Expiration date of medication.

(f) Date the drug was donated and the date the drug was subsequently dispensed.

(g) Name of the eligible facility that donated the drug and the eligible participant subsequently dispensed the drug.

(h) The prescription from a health care professional.

(4) All records required for participation in the program shall be maintained separate from other records for 5 years and shall be readily retrievable for inspection at the request of the department or its agent.

History: 2014 AACCS.

R 338.3621 Forms; eligible facility donation form, resident donation form, eligible participant form, transfer form, destruction form; requirements.

Rule 21. (1) An eligible facility donation form shall include all of the following information:

(a) An eligible facility's or manufacturer's name, address, and telephone number; the name, dated signature, and license number of pharmacist or health care provider authorized to donate the drugs; and, the license number of the facility or manufacturer.

(b) A statement of the facility's intent to participate in the program and donate eligible prescription drugs to the participating pharmacy or charitable clinic identified on the form.

(c) The receiving participating pharmacy's or charitable clinic's name, address, and telephone number.

(d) The name, state of Michigan license number, and dated signature of the responsible pharmacist authorized to receive the donation.

(e) The date the donation was received.

(2) A resident donation form shall include all of the following information:

(a) The eligible facility's name, address, state of Michigan license or registration number, and telephone number; and the name, dated signature, and license number of pharmacist or health care provider authorized to donate the drugs.

(b) The resident's name and dated signature, or the name and dated signature of the resident's representative or guardian.

(c) Attestation to the following statement, "As the legal owner of the listed prescription drug(s), I agree to voluntarily donate the listed eligible unused drugs to the program for utilization of unused prescription drugs."

(d) The drug brand name or generic name, the name of manufacturer or national drug code number (ndc#), the quantity and strength of the drug, and the drug's expiration date.

(e) The date of the donation.

(f) The name, address, telephone number and state of Michigan license or registration number of the pharmacy or charitable clinic receiving donated unused prescription drug.

(g) The date the donated drugs are received by the pharmacy or charitable clinic.

(h) The name, state of Michigan license or registration number, and dated signature of the authorized pharmacist or health care provider receiving the donated prescription drug.

(3) The eligible participant form shall include all of the following information:

(a) The participating pharmacy's or charitable clinic's name, address, telephone number, state of Michigan license or registration number, and the name, state of Michigan license or registration number, and dated signature of dispensing pharmacist.

(b) The drug's brand name or generic name, the name of manufacturer or national drug code number (ndc#), the quantity and strength of the drug, the date the drug was dispensed, and the drug's expiration date.

(c) The eligible participant's name, date of birth, address, and dated signature.

(d) Attestation of all of the following:

(i) The eligible participant is a resident of this state.

(ii) The eligible participant is eligible to receive medicare or medicaid or is uninsured and does not have prescription drug coverage.

(e) The eligible participant acknowledges that the drugs have been donated.

(f) The eligible participant consents to a waiver of the requirement for child resistant packaging, as required by the poison prevention packaging act, being 15 U.S.C. §1471-1477.

(4) The transfer form shall include all of the following information:

(a) The eligible facility or manufacturer's name, state of Michigan license or registration number, address, telephone number, and the name, dated signature, and state of Michigan license number of the responsible pharmacist.

(b) The date of donation.

(c) The drug's brand name or generic name, the name of manufacturer or national drug code number (ndc#), the quantity and strength of the drug, and the drug's expiration date.

(d) The pharmacist of the eligible facility or manufacturer shall attest to the following statement, "I certify that the prescription drugs listed on this form for donation are eligible for donation and meet the requirements for prescription drugs under the program, including any storage requirements."

(e) The receiving participating pharmacy's or charitable clinic's name, address, and telephone number, and name and state of Michigan license number of responsible pharmacist authorized to receive the donation.

(f) The responsible pharmacist shall sign and date the transfer form attesting to the following statement, "Upon receipt and inspection of the above listed donated prescription drugs,

it is in my professional judgment that these drugs are not adulterated, are safe and suitable for dispensing, and are eligible drugs.”

(5) The destruction form shall include all of the following:

(a) The participating pharmacy’s or charitable clinic’s name, state of Michigan license number, address, telephone number, the name, dated signature, and license number of the responsible pharmacist.

(b) The drug’s brand name or generic name, the name of the manufacturer or national drug code number (ndc#), the quantity and strength of the drug, and the drug’s expiration date.

(c) The reason for destruction of the drug.

(d) The name, title, and dated signature of the witness.

(e) The date of destruction.

(f) If off-site disposal is used, the name of the firm destroying or disposing the drug, the name and dated signature of the person at the firm destroying or disposing the drug, and the date of disposal.

(6) All forms required for participation in the program shall be maintained separate from other records for 5 years and shall be readily retrievable for inspection at the request of the department or its agent.

(7) The department shall make available all forms required by the program. The forms shall be available at no cost from the Department of Licensing and Regulatory Affairs, Bureau of Health Care Services, 611 W. Ottawa St., Lansing, MI 48909 or on the department’s website at www.michigan.gov/healthlicense.

History: 2014 AACCS.

R 338.3623 Eligible participants; requirements.

Rule 23. The eligible participant shall complete the eligible participant form attesting to the following statements:

(a) The eligible participant is a resident of the state of Michigan.

(b) The eligible participant is eligible to receive medicare or medicaid or does not have insurance or prescription drug coverage. Verification or written documentation shall not be required.

(c) The eligible participant acknowledges that the drugs have been donated.

(d) The eligible participant consents to a waiver of the requirement for child resistant packaging, as required by the poison prevention packaging act, 15 U.S.C. §1471–1477.

History: 2014 AACCS.

R 338.3625 Dispensing donated prescription drugs; requirements.

Rule 25. (1) A participating pharmacy or charitable clinic shall dispense donated prescription drugs in compliance with applicable federal and state laws and regulations for dispensing prescription drugs, including all requirements relating to packaging, labeling, record keeping, drug utilization review, and patient counseling.

(3) The department and a local participating pharmacy or charitable clinic shall remove any patient identifying information from the package prior to dispensing the drugs.

(4) Prescription drugs donated under this program shall not be resold; however, a participating pharmacy or charitable clinic may collect a handling fee pursuant to the terms of R 338.3627.

R 338.3627 Handling fee.

Rule 27. (1) A participating pharmacy or charitable clinic may charge the eligible participant receiving a donated drug a handling fee, not to exceed a maximum of 300% of the medicaid standard pharmacy dispensing fee as established by the Michigan department of community health, to cover stocking and dispensing costs, provided that the handling fee does not exceed the total cost of obtaining the drug outside the program.

(2) A copy of the medicaid drug dispensing fees can be obtained from the Michigan department of community health, 201 Townsend Street, Lansing, Michigan 48913 or on the department's website at http://www.michigan.gov/mdch/0,1607,7-132-2945_42542_42543_42546_42551-151019--,00.html.

(3) A prescription drug dispensed through the program shall not be eligible for reimbursement under the medical assistance program.

(4) The eligible participant shall not be charged a handling fee if the eligible participant is receiving a professional sample which is distributed to patients at the same charitable clinic whom are ineligible for the program without a handling fee.

History: 2014 AACCS.

R 338.3629 Donation to other participating pharmacy or charitable clinic.

Rule 29. The originating participating pharmacy or charitable clinic may donate drugs donated under this program to other participating pharmacies or charitable clinics for use pursuant to the program. The participating pharmacy or charitable clinic donating the drugs shall complete a transfer form.

History: 2014 AACCS.

R 338.3631 Registry; creation.

Rule 31. The department shall establish and maintain a participating pharmacy and charitable clinic registry for the program on the department's website. The registry shall include the participating pharmacy's or charitable clinic's name, address, and telephone number, and the contact name of the responsible pharmacist.

History: 2014 AACCS.

R 338.3633 Collection of prescription drugs and other medication for destruction and disposal; requirements; limitations.

Rule 33. (1) Pursuant to section 17776 of the code, MCL 333.17776, a participating pharmacy or charitable clinic shall accept from any person a prescription drug or any other medication that is ineligible for distribution under the program for destruction and disposal.

(2) Unless permitted by federal law, controlled substances shall not be collected by a participating pharmacy or charitable clinic for destruction and disposal.

(3) If a participating pharmacy or charitable clinic accepts a chemotherapeutic agent for destruction, the chemotherapeutic agent shall not be mixed with other prescription drugs collected for disposal under the program. The chemotherapeutic agent shall be mixed with the participating pharmacy's or charitable clinic's hazardous waste.

(4) The collection shall occur on-site at the participating pharmacy or charitable clinic and according to these rules and all applicable state and federal laws and regulations.

History: 2014 AACCS.

R 338.3635 Collection device; requirements.

Rule 35. A participating pharmacy or charitable clinic shall utilize a collection device to collect prescription drugs and other medications that are ineligible for distribution under the program for destruction and disposal that meets all of the following criteria:

(a) Is designed to allow contents to be added to the device but not removed, except by authorized personnel for the purpose of destruction and disposal.

(b) Is labeled pursuant to all applicable state and federal laws and regulations.

(c) Is lined with a removable liner that is waterproof, tamper-evident, tear resistant, and capable of being sealed. The contents of the liner shall not be viewable from the outside and the size or capacity of the liner shall be clearly marked on the outside of the liner.

(d) Is secured in a manner that will only allow authorized personnel to remove the contents of the container for the purpose of destruction and disposal.

(e) Uses a design that is tamper resistant and is securely locked.

(f) Is securely fastened to permanent structure within the designated pharmacy area so that it cannot be removed.

(g) Is consistently monitored by security features and pharmacy personnel.

(h) The following statements shall be prominently placed on the collection device and shall be posted as signage near the location of the collection device, "Controlled substances cannot be accepted for destruction and disposal, unless permitted under federal law." and "Chemotherapeutic agents shall not be placed in this collection device."

(i) The collection device for the yellow jug old drugs program operated by the Great Lakes clean water organization is deemed to satisfy the requirements of this rule, provided the participating pharmacy or charitable clinic is a compliant participant in the yellow jugs old drugs program.

History: 2014 AACCS.

R 338.3637 Access; destruction of collected drugs.

Rule 37. (1) A collection device utilizing a removable liner shall only be accessed for the following purposes:

(a) To remove the contents to process for safe, effective, and immediate transportation.

(b) To immediately transfer the contents to a waste disposal facility.

(c) To immediately transfer the contents to a responsible third party for transportation to a waste disposal facility.

(2) A collection device utilizing a removable liner shall only be accessed as follows:

(a) The access shall be done by two personnel, one of whom shall be a licensed pharmacist, designated by the participating pharmacy or charitable clinic.

(b) Upon being accessed, the liner shall be immediately sealed and the weight of the contents immediately recorded in the destruction and disposal log. A copy of the destruction log shall be transferred with the sealed contents.

(3) A collection device for the yellow jug old drugs program operated by the Great Lakes clean water organization shall be weighed at the time the collection device leaves the pharmacy and the weight shall be recorded in the destruction and disposal log. The participating pharmacy or charitable clinic shall comply with all requirements of the yellow jug old drugs program.

(4) Within 1 year of collection, the contents of the collection device shall be transferred to a waste disposal facility for destruction.

(5) The contents of the collection device shall be destroyed pursuant to all applicable state and federal laws and regulations.

History: 2014 AACCS.

R 338.3639 Record keeping; policy and procedures; destruction and disposal log.

Rule 39. (1) In addition to the policy and procedure requirements in R 338.3617 and R 338.3619, a participating pharmacy or charitable clinic shall maintain a destruction and disposal log that includes all of the following information:

(a) Name, telephone number, address, and state of Michigan license or registration number of the participating pharmacy or charitable clinic.

(b) Date, time, weight of the contents of the collection device each time the contents of the collection device are removed for destruction.

(c) The name, telephone number and address of any third party responsible for transporting the contents to the waste disposal facility.

(d) The name, telephone number and address of the waste disposal facility where the contents of the collection device were transferred.

(2) Copies of all contracts with transporters and waste disposal facilities shall be stored with the destruction log, as applicable.

History: 2014 AACCS.

R 338.3641 Transportation.

Rule 41. The contents of the collection device shall be transferred to a waste disposal facility pursuant to all applicable state and federal laws and regulations.

History: 2014 AACCS.

R 338.3643 Department of human services and department of community health; inclusion in rule-making process.

Rule 43. The department shall notify the director of the department of human services and the director of the department of community health of an approved request for rule-making under MCL 24.239 for rule promulgation affecting eligible facilities or mental health or substance abuse clients. The department of human services and the department of community health shall provide any input regarding the rule promulgation to the department within 30 days of receipt of notification of the approved request for rule-making.

History: 2014 AACCS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PHARMACY - GENERAL RULES

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16141, 16145, 16148, 16174, 16175, 16178, 16182, 16186, 16204, 16205, 16215, 16287, 17707, 17721, 17722, 17731, 17737, 17739, 17742a, 17742b, 17746, 17748, 17748a, 17748b, 17748e, 17751, 17753, 17754a, 17757, 17760, 17767, and 17775 of the public health code, 1978 PA 368, MCL 333.16141, 333.16145, 333.16148, 333.16174, 333.16175, 333.16178, 333.16182, 333.16186, 333.16204, 333.16205, 333.16215, 333.16287, 333.17707, 333.17721, 333.17722, 333.17731, 333.17737, 333.17739, 333.17742a, 333.17742b, 333.17746, 333.17748, 333.17748a, 333.17748b, 333.17748e, 333.17751, 333.17753, 333.17754a, 333.17757, 333.17760, 333.17767, and 333.17775 and Executive Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 338.486, etc of the Michigan Administrative Code is amended as follows:

~~ADMINISTRATIVE HEARINGS~~ **PHARMACY SERVICES IN MEDICAL INSTITUTIONS**

R 338.486 "Medical institution" and "pharmacy services" defined; pharmacy services in medical institutions.

Rule 16. (1) As used in this rule:

(a) "Medical institution" means a hospital, skilled nursing facility, county medical care facility, nursing home, freestanding surgical outpatient facility, hospice, or other health facility that is licensed or approved by the state, which directly or indirectly provides or includes pharmacy services.

(b) "Pharmacy services" means the direct and indirect patient care services associated with the practice of pharmacy.

(2) Pharmacy services in a medical institution must be directed and provided by a licensed pharmacist.

(3) Pharmacy personnel who assist the pharmacist by performing delegated functions in the care of patients of a medical institution shall be supervised by a pharmacist who is on the premises of the medical institution.

- (4) The pharmacist who directs the pharmacy services shall develop, implement, supervise, and coordinate the services provided, including, at a minimum, all of the following:
- (a) Dispensing medications in a form that minimizes additional preparation before administration to the patient, including the admixture of parenterals.
 - (b) Obtaining the prescriber's original medication order, a direct carbonized copy, an electromechanical facsimile, or other electronic order transmission. Security measures must be in place to ensure that system access by unauthorized individuals is not allowed.
 - (c) Interpreting and reviewing the prescriber's medication orders and communicating problems with these orders to the prescriber before administration of first doses. If the interpretation and review will cause a medically unacceptable delay, then a limited number of medications may be stocked at the patient care areas for the administration of first doses. Medications must be provided in a manner that ensures security and immediate availability, such as sealed or secured medication kits, carts, or treatment trays. A pharmacist shall routinely inspect the medications and, after use, shall verify the contents and replace the medications as necessary.
 - (d) Delegating the stocking of an automated device. Technologies must be in place and utilized to ensure that the correct drugs are stocked in their appropriate assignment utilizing bar-coding or another board-approved error prevention technology that complies with R 338.3154.
 - (e) Monitoring medication therapy to promote positive patient outcomes while evaluating clinically significant chemical and therapeutic incompatibilities.
 - (f) Establishing the specifications for the procurement of all pharmaceuticals and related biologicals and chemicals approved for use in the medical institution.
 - (g) Inspecting all areas in the medical institution where medications are stored to verify compliance with the standards for the safe use and storage of the medications, not less than once every 6 months.
 - (h) Maintaining proper security for all medications stored or kept within the medical institution.
 - (i) Providing educational programs regarding medications and their safe use.
 - (j) Providing a method by which medications can be obtained during the absence of a pharmacist in a medical institution where a pharmacist is not available 24 hours a day. The method shall minimize the potential for medication error. During the absence of a pharmacist, the services of a pharmacist must be available on an on-call basis. Only a limited number of medications that are packaged in units of use must be available. The medications must be approved and reviewed periodically as deemed necessary, but not less than once a year, by an appropriate interdisciplinary practitioner committee of the medical institution. The medication must be kept in a securely locked, substantially constructed cabinet or its equivalent in an area of limited access in a centralized area outside the pharmacy. Each medication must be labeled to include the name of the medication, the strength, the expiration date, if dated, and the lot number. A written order and a proof of removal and use document must be obtained for each medication unit removed. The order and document shall be reviewed by the pharmacist within 48 hours of removing medication from the cabinet or its equivalent. The pharmacist who directs pharmacy services in the medical institution shall designate the practitioners who

are permitted to remove the medication. A pharmacist shall audit the storage locations as often as needed to guarantee control, but not less than once every 30 days.

(5) Upon recommendation of an interdisciplinary practitioners' committee, the pharmacist who directs pharmacy services in the medical institution shall adopt written policies and procedures to promote safe medication practices, to conduct medication utilization review, to approve medications for the medical institution's formulary or medication list, and to promote positive patient outcomes. A pharmacist shall meet with the committee at least quarterly to conduct assigned responsibilities.

(6) A pharmacy shall ensure that every medication dispensed is identified with its name and strength labeled on the container in which it is dispensed or on each single unit package. A pharmacy that is engaged in drug distribution to medical institutions which use unit-of-use packaging shall place identification on the label of its package to allow the package to be readily traced. The name of the patient, or a unique identifier, must be labeled on the medication container. The container may be the individual patient's assigned medication drawer. The directions for use must be on the label of the container if the directions are not communicated in another effective manner. If the medication is to be self-administered, then directions for use must be on the container. The provisions of this subrule are minimum labeling standards only and do not supersede other applicable laws or rules.

(7) A pharmacist shall supervise the destruction of unused portions of prescription medication, other than controlled substances under part 71 of the code, MCL 333.7101 to 333.7125, dispensed to patients. However, medications in single-unit packages and intravenous solutions which are designed to be tamper-evident and which show no evidence that tampering has occurred may be returned to stock. Medications that leave the medical institution or its legal affiliates may not be returned to stock for dispensing.

(8) The licensed pharmacist who directs pharmacy services in the medical institution shall make the policies, procedures, and written reports required by this rule available to the board, upon request.

PHARMACY SERVICES IN MEDICAL INSTITUTIONS

PART 1. GENERAL PROVISIONS

R 338.501 Definitions.

Rule 1. (1) As used in these rules:

- (a) "Approved education program" means a school of pharmacy that is accredited by or has candidate status by the Accreditation Council for Pharmacy Education (ACPE).
- (b) "Board" means the Michigan board of pharmacy, created in section 17721 of the code, MCL 333.17721.
- (c) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
- (d) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of a drug or device by a pharmacist under any of the following circumstances:
 - (i) Upon the receipt of a prescription for a specific patient.

- (ii) Upon the receipt of a medical or dental order from a prescriber or agent for use in the treatment of patients within the course of the prescriber's professional practice.
- (iii) In anticipation of the receipt of a prescription or medical or dental order based on routine, regularly observed prescription or medical or dental order patterns.
- (iv) For the purpose of or incidental to research, teaching, or chemical analysis and not for the purpose of sale or dispensing.
- (e) "Compounding" does not include any of the following:
 - (i) Except as provided in section 17748c of the code, MCL 333.17748c, the compounding of a drug product that is essentially a copy of a commercially available product.
 - (ii) The reconstitution, mixing, or other similar act that is performed pursuant to the directions contained in approved labeling provided by the manufacturer of a commercially available product.
 - (iii) The compounding of allergenic extracts or biologic products.
 - (iv) Flavoring agents added to conventionally manufactured and commercially available liquid medications. Flavoring agents must be nonallergenic and inert, not exceeding 5% of a drug product's total volume.
- (f) "Department" means the department of licensing and regulatory affairs.
- (g) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by an individual with the intent to sign the record. An electronic signature is a unique identifier protected by appropriate security measures that is only available for use by the intended individual and ensures non-repudiation so that the signature may not be rejected based on its validity.
- (h) "Error prevention technology" means machinery and equipment used in a pharmacy setting to reduce dispensing medication errors including, but not limited to, barcode verification and radio frequency identification.
- (i) "Manual signature" means a signature that is handwritten or computer-generated if a prescription is electronically transmitted as defined in section 17703(8) of the code, MCL 333.17703.
- (j) "Practical experience" means professional and clinical instruction in, but not limited to, all of the following areas:
 - (i) Pharmacy administration and management.
 - (ii) Drug distribution, use, and control.
 - (iii) Legal requirements.
 - (iv) Providing health information services and advising patients.
 - (v) Pharmacist's ethical and professional responsibilities.
 - (vi) Drug and product information.
 - (vii) Evaluating drug therapies and preventing or correcting drug-related issues.
- (k) "Virtual manufacturer" means a person who engages in the manufacture of prescription drugs or devices and meets all of the following:
 - (i) Owns either of the following:
 - (A) The new prescription drug application or abbreviated new prescription drug application number.
 - (B) The unique device identification number, as available, for a prescription device.
 - (ii) Contracts with a contract manufacturing organization for the physical manufacture of the drugs or devices.
 - (iii) Is not involved in the physical manufacture of the drugs or devices.

- (iv) At no time takes physical possession of or stores the drugs or devices.
- (v) Sells or offers for sale to other persons, for resale, compounding, or dispensing of, drugs or devices, salable on prescription only.
- (1) "Written" includes both paper and electronic forms.
- (2) Unless otherwise defined in these rules, the terms defined in the code have the same meaning when used in these rules.

R 338.503 Prescription drugs and devices; return or exchange for resale prohibited.

Rule 3. (1) Prescription drugs or devices that have been dispensed and have left the control of the pharmacist must not be returned or exchanged for resale.

(2) This rule does not apply to any of the following:

- (a) A pharmacy operated by the department of corrections or under contract with the department of corrections or a county jail, as provided in section 17766d of the code, MCL 333.17766d.
- (b) A pharmacy or charitable clinic that participates in the program for the utilization of unused prescription drugs, as provided in section 17775 of the code, MCL 333.17775.
- (c) A pharmacy or health facility that participates in the cancer drug repository program, as provided in section 17780 of the code, MCL 333.17780.
- (d) Drugs returned when the wrong medication was dispensed to the patient or in the instance of a drug recall. Subject to R 338.486(7), in no instance may returned drugs be reused or returned to active stock.

R 338.505 Inspection of applicants and licensees.

Rule 5. (1) The board, board inspector, board agent, or an entity approved pursuant to R 338.532, may enter at reasonable times, any building, place, or facility that is owned or controlled by any applicant for, or holder of, a license to inspect to enable the board to determine if the applicant possesses the qualifications and competence for the license sought or to determine whether a license holder is and has been complying with the code and rules. The inspection must concern only matters relevant to the applicant's or license holder's practice of pharmacy, manufacturing, and wholesale distributing of drugs and devices saleable by prescription only.

(2) Inspections in subrule (1) of this rule must not extend to any of the following information, however, the following information is subject to a disciplinary investigation:

- (a) Financial data.
- (b) ~~Sales data~~ **Purchasing data other than shipment data and the current and historical selling price of a drug.**
- ~~(c) Pricing data.~~
- (d) Personnel data, other than data as to the qualifications of personnel performing functions subject to the acts and rules enforced by the board.
- (e) Research data, **other than research data that confirms the appropriate use of controlled substances for research purposes or research data for accountability for reconciliation of prescription drug inventories.**
- (3) An applicant or license holder shall permit and cooperate with the inspection.

PART 2. PHARMACIST LICENSES

R 338.511 Training standards for identifying victims of human trafficking; requirements.

Rule 11. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual seeking licensure or who is licensed shall complete training in identifying victims of human trafficking that meets the following standards:

(a) Training content must cover all of the following:

- (i) Understanding the types and venues of human trafficking in the United States.
- (ii) Identifying victims of human trafficking in health care settings.
- (iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
- (iv) Resources for reporting the suspected victims of human trafficking.

(b) Acceptable providers or methods of training include any of the following:

- (i) Training offered by a nationally recognized or state-recognized, health-related organization.
- (ii) Training offered by, or in conjunction, with a state or federal agency.
- (iii) Training obtained in an educational program that has been approved by the board for initial licensure, or by a college or university.
- (iv) Reading an article related to the identification of victims of human trafficking that meets the requirements of subdivision (a) of this subrule and is published in a peer reviewed journal, health care journal, or professional or scientific journal.

(c) Acceptable modalities of training may include any of the following:

- (i) Teleconference or webinar.
- (ii) Online presentation.
- (iii) Live presentation.
- (iv) Printed or electronic media.

(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:

(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.

(b) A self-certification statement by an individual. The certification statement must include the individual's name and either of the following:

- (i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
- (ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal or professional or scientific journal, and date, volume, and issue of publication as applicable.

(3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply for license renewals beginning January 1, 2020 and for initial licenses issued after November 13, 2022.

R 338.513 Educational limited license; application and renewal; practices.

Rule 13. (1) An applicant for an educational limited license shall submit to the department a completed application on a form provided by the department with the requisite fee. In addition to satisfying the requirements of sections 16174 and 17737 of the code, MCL 333.16174 and MCL 333.17737, the applicant shall establish either of the following:

(a) That the applicant is actively enrolled in, or is within 180 days of completing, an approved educational program.

(b) That the applicant has received a Foreign Pharmacy Graduate Examination Committee (FPGEC) certification from the National Association of Boards of Pharmacy (NABP) Foreign Pharmacy Graduate Examination Committee, 1600 Feehanville Dr., Mount Prospect, Illinois, 60056, [https://nabp.pharmacy/programs/fpgec/.](https://nabp.pharmacy/programs/fpgec/))

(2) The educational limited license must be renewed annually as follows:

(a) At the time of renewal, the applicant shall submit verification to the department that he or she is actively enrolled in, or is within 180 days of completing, an approved educational program. The educational limited license is valid for 1 year.

(b) If an applicant is a graduate of a non-accredited college or school of pharmacy at the time of renewal, the applicant shall submit verification to the department from his or her preceptor that the applicant is currently in an internship program under the preceptor's supervision. The educational limited license is valid for 1 year and may be renewed 1 time.

(3) An educational limited licensee may engage in the practice of pharmacy only under the personal charge of a pharmacist.

(4) An educational limited licensee shall verify that his or her pharmacy preceptor holds a valid preceptor license prior to engaging in the practice of pharmacy if the internship hours will be submitted to the department for credit.

(5) An educational limited licensee shall notify the board within 30 days if he or she is no longer actively enrolled in an approved educational program.

(6) An applicant for an educational limited license shall meet the requirements of R 338.511.

R 338.515 Internship requirements.

Rule 15. (1) ~~An~~ **All pharmacist applicants shall acquire a minimum internship must be a minimum of 1,600 internship hours, which may be completed through an educational program, under the personal charge of a preceptor, through a preapproved unconventional internship, or through an educational program outside of the United States. An internship is** subject to all of the following:

(a) Not more than 40 hours per week may be earned.

(b) An unconventional internship requires prior board approval and is limited to a maximum of 400 hours, with a maximum of 16 hours earned per week, and not more than 40 hours earned per week when the intern's pharmacy school is not in session.

"Unconventional internship" means an educational program of professional and practical experience involving the pharmacy or related pharmaceutical experiences which, through on-the-job training, provides knowledge useful to the practice of the profession of pharmacy.

(c) The licensed pharmacy preceptor, an approved education program, or other person previously approved by the board shall verify ~~the~~ **internship** hours.

(d) An individual participating in a preapproved unconventional internship shall annually submit to the department an affidavit from the internship supervisor that includes the type of activities performed and the number of internship hours completed.

~~(2)~~(e) The internship must provide professional and practical experience.

~~(3)~~**(2) An individual who graduated from a program outside of the United States may petition the Board for approval of a maximum of 1400 internship hours if an internship is not completed through an approved educational program or under the personal charge of a preceptor licensed in this state, the individual shall petition the board for approval of hours. The internship hours must be obtained through an educational program experience.**

~~(4)~~**(3) An individual shall obtain an educational limited license pursuant to R 338.513 before starting an internship that includes the practice of pharmacy in this state.**

R 338.517 Preceptor license and responsibilities.

Rule 17. (1) An applicant for licensure as a pharmacist preceptor shall submit to the department a completed application on a form provided by the department.

(2) The applicant shall satisfy both of the following:

(a) Have an unrestricted pharmacist license from this state that is in good standing for the past year.

(b) Have been engaged in the practice of pharmacy in this state for at least 1 year.

(3) A preceptor shall do all of the following:

(a) Ensure that the pharmacist on duty is supervising not more than 2 pharmacist interns at the same time. The approved preceptor is responsible for the overall internship program at the pharmacy.

(b) Determine the degree of the intern's professional skill on the topics listed in R 338.501(1)(j) and develop a training program whereby the intern can improve his or her skill in these areas.

(c) Ensure sufficient time to instruct the intern on the topics in R 338.501(1)(j) and review and discuss the intern's progress on the topics in R 338.501(1)(j).

~~(d) Annually submit to the department training affidavits that include the number of internship hours completed by the intern in the practice of pharmacy.~~

Unless the hours are completed in an educational program, the preceptor shall submit the department training affidavit that includes the number of internship hours completed by the intern in the practice of pharmacy.

R 338.519 Examinations adoption; passing scores; reexamination.

Rule 19. (1) The board adopts the North American pharmacist licensure examination (NAPLEX) developed and administered by the NABP.

~~(2) The board adopts the Michigan multistate pharmacy jurisprudence examination (MPJE) that is developed and administered by NABP.~~

~~(3)~~**(2) The passing score for the NAPLEX or the MPJE accepted for licensure will be the passing score established by the NABP.**

~~(4)~~**(3) An applicant who fails to pass the NAPLEX shall wait at least 45 days to retest or comply with the current waiting period established by NABP, whichever is longer. An**

applicant who has not achieved a passing score on the NAPLEX may not take the NAPLEX more than 3 times in a 12-month period.

~~(5)(4) An applicant who fails to pass the MPJE shall wait at least 30 days to retest or comply with the current waiting period established by NABP, whichever is longer.~~

~~(6)(5) If an applicant for licensure fails to pass either of these the NAPLEX examinations~~, within 3 attempts, the applicant shall request preapproval from the department, after consultation with a board member, if necessary, of a live or interactive examination preparation course, or instruction with an instructor with expertise on the subject matter, for the examination that he or she failed. After participating in the course or instruction the applicant shall provide the department with proof that he or she completed the course or instruction.

~~(7)(6) An applicant may not sit for the NAPLEX specified in subrule (4) of this rule more than 5 times, unless he or she successfully repeats an approved education program, as specified in R 338.521(2)(a)(i) and provides proof of completion to the department.~~

~~(8) An applicant may not sit for the MPJE specified in subrule (5) of this rule more than 5 times, unless he or she successfully repeats an approved pharmacy law course in an educational program, as specified in R 338.521(2)(a)(i) and provides proof of completion to the department.~~

R 338.521 Pharmacist licensure by examination.

Rule 21. (1) An applicant for licensure as a pharmacist by examination shall submit to the department a completed application on a form provided by the department with the requisite fee.

(2) In addition to meeting the requirements of section 16174 of the code, MCL 333.16174, **the public health code-general rules, and any other administrative rules promulgated under the code**, an applicant for licensure shall satisfy all of the following requirements:

(a) Have earned either of the following:

(i) A professional degree from a school of pharmacy accredited by the ACPE.

(ii) A FPGEC certification from the NABP. An applicant who has an FPGEC certification from NABP has met the English proficiency requirement as the applicant's credentials and English proficiency have been evaluated and determined to be equivalent to the credentials required in this state.

(b) Passed the MPJE and the NAPLEX.

(c) Completed an internship as set forth in R 338.515.

(d) Completed a 1-time training identifying victims of human trafficking as required in R 338.511 and section 16148 of the code, MCL 333.16148.

(e) Completed a 1-time training in opioids and other controlled substances awareness as required in R 338.3135.

~~(f) Submitted proof to the department of meeting the English language requirement under R 338.7002b and the implicit bias training required in R 338.7004.~~ An applicant who has an FPGEC certification from NABP has met the English proficiency requirement as the applicant's credentials and English proficiency have been evaluated and determined to be equivalent to the credentials required in this state.

(g) Provide an attestation to the department that he or she has a knowledge of Michigan's public health code and the board's administrative rules.

- (3) An applicant who is or has ever been licensed, registered, or certified in a health profession or specialty by any other state, the United States military, the federal government, or another country, shall do both of the following:
- (a) Disclose each license, registration, or certification on the application form.
 - (b) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which includes verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.

R 338.523 Pharmacist license by endorsement; requirements.

Rule 23. (1) An applicant **who has never held a pharmacist license in this state, who is licensed in another state, may apply** for licensure as a pharmacist by endorsement ~~shall submit~~ **by submitting** to the department a completed application on a form provided by the department with the requisite fee. An applicant who meets the requirements of this rule, **the requirements of the code, the public health code-general rules, any other administrative rules promulgated under the code, as well as all of the following requirements**, is presumed to meet the requirements of section 16186 of the code, MCL 333.16186.

~~(2) An applicant shall satisfy all of the following requirements:~~

- (a) Establish 1 of the following:
 - (i) He or she holds a license in good standing as a pharmacist in another state and submits the NABP licensure transfer report to the department.
 - (ii) He or she holds a pharmacy license in Canada that is in good standing and meets all of the following:
 - (A) He or she has passed the NAPLEX or both part I and part II of the Pharmacy Examining Board of Canada (PEBC) Pharmacists Qualifying Examination.
 - (B) He or she completed educational requirements for a pharmacist license from a school of pharmacy accredited by the ACPE or accredited by the Canadian Council for Accreditation of Pharmacy Programs (CCAPP).
 - (C) If he or she held a pharmacist license for less than 1 year in Canada, he or she had acquired a minimum of 1,600 hours of pharmacy practice either through an approved internship or hours engaged in the practice as a pharmacist.
- ~~(b) Pass the MPJE as required under R 338.519~~ **Provide an attestation to the department that he or she has a knowledge of Michigan's public health code and the board's administrative rules.**
- (c) An applicant who is or has ever been licensed, registered, or certified in a health profession or specialty by any other state, the United States military, the federal government, or another country, shall do both of the following:
 - (i) Disclose each license, registration, or certification on the application form.
 - (ii) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which include verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.
 - (d) He or she meets section 16174 of the code, MCL 333.16174, and submits his or her fingerprints to the department of state police to have a criminal background check conducted by the state police and the federal bureau of investigation.

(e) He or she completes a 1-time training identifying victims of human trafficking as required in R 338.511 and section 16148 of the code, MCL 333.16148.

(f) He or she completes a 1-time training in opioids and other controlled substances awareness as required in R 338.3135.

~~(g) He or she submits proof to the department of meeting the English language requirement under R 338.7002b and the implicit bias training required in R 338.7004.~~

~~(3)(2)~~ An applicant who has an FPGEC certification from NABP has met the English proficiency requirement. The applicant's credentials and English proficiency have been evaluated and determined to be equivalent to the credentials required in this state.

R 338.525 Relicensure of a pharmacist license; requirements.

Rule 25. (1) An applicant for relicensure whose pharmacist license has lapsed in this state, under sections 16201(3) or (4) and 17733 of the code, MCL 333.16201 and MCL 333.17733, as applicable, may be relicensed by complying with the following requirements as noted by (x):

For a pharmacist who has let his or her license lapse in this state and who is not currently licensed in another state or a province of Canada:	License lapsed 0-3 years	License lapsed more than 3 years, but less than 8 years	License lapsed 8 or more years
(a) Application and fee: submit Submits to the department a completed application on a form provided by the department, with the requisite fee.	X	X	X
(b) Good moral character: establish Establishes that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to MCL 338.47.	X	X	X
(c) Submit fingerprints: submit Submits fingerprints as required under section 16174(3) of the code, MCL 333.16174.		X	X
(d) Continuing education: submit Submits proof of completing 30 hours of continuing education that satisfy R 338.3041 to R 338.3045 in the 2 years immediately preceding the date of application for relicensure. However, if the continuing education hours submitted with the application are deficient, the applicant has 2 years from the date of the application to complete the deficient hours. The application will be held and the license will not be issued until the continuing education	X	X	X

requirements have been met.			
(e) Pass MPJE: retake and pass the MPJE as provided in R 338.519.		X	X
(e) Meets the English language requirement under R 338.7002b.	X	X	X
(f) Submit Submits proof of completing a 1-time training in identifying victims of human trafficking as required in R 338.511, a 1-time training in opioids and other controlled substances awareness as required in R 338.3135, and implicit bias training as required in R 338.7004.	X	X	X
(g) Practical experience: complete Completes 200 hours of practical experience under the personal charge of a currently licensed Michigan pharmacist in or outside of Michigan, within 6 months of of being granted a limited license.		X	
(h) Practical experience: complete Completes 400 hours of practical experience under the personal charge of a currently licensed Michigan pharmacist in or outside of Michigan, within 6 months of of being granted a limited license.			X
(i) Examination: pass Passes the NAPLEX within 2 years before applying for relicensure, as provided in R 338.519.			X
(j) An applicant who is or has ever been licensed, registered, or certified in a health profession or specialty by any other state, the United States military, the federal government, or another country, shall do both of the following: (i) Disclose each license, registration, or certification on the application form. (ii) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which includes verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are	X	X	X

not in force at the time of application.			
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(2) For purposes of subrule (1)(g) and (h) of this rule, an applicant may be granted a nonrenewable limited license to complete the practical experience.

(3) To demonstrate compliance with subrule (1)(g) or (h), the supervising pharmacist shall provide verification to the department of the applicant's completion of the experience on a form provided by the department.

(4) For a pharmacist who has let his or her pharmacist license lapse in this state, but who holds a current and valid pharmacist license in good standing in another state or a Canadian province:	License lapsed 0-3 Years	License lapsed more than 3 years, but less than 8 years	License lapsed 8 or more years
(a) Application and fee: submit Submits to the department a completed application on a form provided by the department, with the requisite fee.	X	X	X
(b) Good moral character: establish Establishes that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to MCL 338.47.	X	X	X
(c) Submit fingerprints: submits Submits fingerprints as required under section 16174(3) of the code, MCL 333.16174.		X	X
(d) Continuing education: submit Submits proof of completing 30 hours of continuing education that satisfy R 338.3041 to R 338.3045 in the 2 years immediately preceding the date of application for relicensure. However, if the continuing education hours submitted with the application are deficient, the applicant has 2 years from the date of the application to complete the deficient hours. The application will be held and the license will not be issued until the continuing education requirements have been met.	X	X	X
(e) Submit Submits proof of completing a 1-time training in identifying victims of human trafficking as required in R 338.511, a 1-time training in opioids and other controlled	X	X	X

substances awareness as required in R 338.3135, and implicit bias training as required in R 338.7004.			
(f) Examination: retake and pass the MPJE as provided in R 338.519.		X	X
(f) Meets the English language requirement under R 338.7002b.	X	X	X
(g) An applicant who is or has ever been licensed, registered, or certified in a health profession or specialty by any other state, the United States military, the federal government, or another country, shall do both of the following: (i) Disclose each license, registration, or certification on the application form. (ii) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which includes verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.	X	X	X

(5) If relicensure is granted and it is determined that a sanction has been imposed by another state, the United States military, the federal government, or another country, the disciplinary subcommittee may impose appropriate sanctions under section 16174(5) of the code, MCL 333.16174.

PART 3. PHARMACY LICENSES

R 338.531 Pharmacy license; remote pharmacy license; applications; requirements.
 Rule 31. (1) An applicant for a pharmacy license or a remote pharmacy license shall submit to the department a completed application on a form provided by the department together with the requisite fee.
 (2) An applicant shall submit all of the following information:
 (a) Certified copies of articles of incorporation or partnership certificates and certified copies of assumed name certificates, if applicable.
 (b) Submission of fingerprints for the purpose of a criminal history background check required under section 17748(6) of the code, MCL 333.17748.
 (c) A federal employer identification number (FEIN) certificate.
 (d) The name and license number of the pharmacist in this state designated as the pharmacist in charge (PIC) pursuant to section 17748(2) of the code, MCL 333.17748, who must have a valid and unrestricted license. **If a PIC is unable to fulfil his or her duties for 120 consecutive days, the pharmacy shall appoint a new PIC and notify the department as required in section 17748(4) of the code, MCL 333.17748.**
 (e) The identity and address of each partner, officer, or owner, as applicable.

- (f) A completed self-inspection form.
- (g) If the applicant intends to provide **sterile** compounding services, proof of application with an entity that satisfies the requirements of R 338.532.
- (h) An inspection report that satisfies the requirements of R 338.534.
- (i) If the applicant is an in-state pharmacy that intends to **sterile** compound pharmaceutical products, the applicant shall submit to an inspection from an approved accrediting organization under R 338.532.
- (j) If the applicant is a governmental entity, an individual must be designated as the licensee. The licensee and the pharmacist on duty shall be responsible for complying with all federal and state laws regulating the practice of pharmacy and the dispensing of prescription drugs.
- (k) If the applicant is applying for a remote pharmacy license, the applicant shall submit the following:
 - (i) Ownership documents to demonstrate to the satisfaction of the department that the parent pharmacy and the proposed remote pharmacy share common ownership.
 - (ii) Copies of the policies and procedure manual required in section 17742b of the code, MCL 333.17742b.
 - (iii) A map showing all of the existing pharmacies within 10 miles of the proposed remote pharmacy if the remote pharmacy will not be located at a hospital or mental health facility.
- (l) If the applicant is or has ever been licensed, registered, or certified as a pharmacy by any other state, the United States military, the federal government, or another country, the applicant shall do both of the following:
 - (i) Disclose each license, registration, or certification on the application form.
 - (ii) Submit verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.
- (3) The department shall issue only 1 pharmacy license per address. If an applicant has more than 1 location at which drugs are prepared or dispensed, each address location must obtain a separate license.

R 338.531a Remote pharmacy waiver from mileage requirement.

- Rule 31a. (1) An applicant seeking a remote pharmacy license may apply to the board for a waiver from the prohibition of locating a remote pharmacy within 10 miles of another pharmacy in section 17742a(2)(c) of the code, MCL 333.17742a, by submitting a completed application to the department, on a form provided by the department.
- (2) The applicant shall submit the following with the application:
- (a) A map showing the location of any existing pharmacies within 10 miles of the proposed remote pharmacy if the remote pharmacy will not be located at a hospital or mental health facility.
 - (b) A list and explanation of the services or availability of services that will be offered at the remote pharmacy or otherwise not readily available to patients that are different from the services offered at a pharmacy located within 10 miles of the proposed remote pharmacy.
 - (c) A statement of facts to support the statement of 1 or more of the following:
 - (i) The proposed remote pharmacy is located in an area where there is limited access to pharmacy services.

- (ii) The proposed remote pharmacy will offer a service or the availability of a service that is unique from other pharmacies in the 10-mile radius from the remote pharmacy and the service will satisfy an unmet need of the surrounding community.
 - (iii) There exists a limitation on travel that justifies waiving the requirement.
 - (iv) There are other compelling circumstances that justify waiving the requirement.
- (3) If the waiver is denied, the application is considered closed unless within 30 days of receipt of the denial, the applicant notifies the department that it is requesting a hearing on the matter.

R 338.532 ~~Sterile Compounding~~ **sterile compounding** accrediting organizations; board approval; inspection entities.

- Rule 32. (1) The board shall approve, under section 17748a of the code, MCL 333.17748a, accrediting organizations or inspection entities for pharmacies that compound-pharmaceuticals according to standards adopted by reference in R 338.533.
- (2) The department shall post on its website, the list of organizations approved under subrule (1) of this rule.
- (3) An organization may petition the board for approval under subrule (1) of this rule. The petition must include, but not be limited to, all of the following:
- (a) Requirements for accreditation or compliance.
 - (b) Requirements for inspectors.
 - (c) Training provided to inspectors.
 - (d) Copy of the most current inspection form.
 - (e) The length of accreditation.
 - (f) Agreement and plan to share results of inspections with the department.
- (4) If the board approves the petition, the approval is valid for 3 years from the date of approval. The organization may submit a petition that complies with subrule (3) of this rule to seek continuing approval.
- (5) The board may rescind approval of an organization upon just cause. The rescission will not immediately affect the compliance of a pharmacy using the accreditation. Within 12 months of the rescission date or by the next licensure renewal date, whichever is later, the accreditation is void, and a pharmacy shall obtain accreditation or an inspection from an organization that satisfies subrule (1) of this rule.

R 338.533 Compounding standards and requirements; outsourcing facilities; requirements.

- Rule 33. (1) The board approves and adopts by reference the compounding standards of the United States Pharmacopeia (USP), published by the United States Pharmacopeial Convention, 12601 Twinbrook Parkway, Rockville, Maryland, 20852-1790. This includes, but is not limited to, USP Chapters 795 (**revised 2014**) and 797 (**revised 2008**).
- (2) The standards adopted by reference in subrule (1) of this rule are available at no cost at <http://www.usp.org/compounding>, or at a cost of 10 cents per page from the Board of Pharmacy, Bureau of Professional Licensing, Michigan Department of Licensing and Regulatory Affairs, Ottawa Building, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan, 48909.

- (3) A pharmacy that provides compounding services shall comply with all current standards adopted in subrule (1) of this rule. **Is clarification needed regarding sterile versus nonsterile compounding pharmacies?**
- (4) An outsourcing facility located in this state or that dispenses, provides, distributes, or otherwise furnishes compounded pharmaceuticals in this state must be inspected and registered as an outsourcing facility by the United States Food and Drug Administration (FDA) prior to applying for a pharmacy license in this state.
- (5) A licensed outsourcing facility shall submit to the board a copy of the biannual report it provided to the FDA that identifies the drugs compounded in the previous 6-month period, including a drug's active ingredients, strength, and dosage form.
- (6) An outsourcing facility shall do all of the following:
- (a) Compound drugs by or under the supervision of a licensed pharmacist.
 - (b) Compound drugs pursuant to current good manufacturing practices for finished pharmaceuticals set forth in 21 CFR 211.1 to 211.208 (2021).
 - (c) Ensure that a pharmacist who conducts or oversees compounding at an outsourcing facility is proficient in the practice of compounding and has acquired the education, training, and experience to maintain that proficiency by doing any of the following:
 - (i) Participating in seminars.
 - (ii) Studying appropriate literature.
 - (iii) Consulting with colleagues.
 - (iv) Being certified by a compounding certification program approved by the board.
 - (d) Label compounded drugs with all of the following and label compounded drugs that are patient specific with all of the following and consistent with the requirements in R 338.582:
 - (i) Required drug and ingredient information.
 - (ii) Facility identification.
 - (iii) The following or similar statement: "This is a compounded drug. For office use only" or "Not for resale."
 - (e) Ensure that bulk drug substances used for compounding meet specified FDA criteria.
- (7) An outsourcing facility may compound drugs that appear on an FDA shortage list, if the bulk drug substances used to compound the drugs comply with the criteria specified in this rule.

R 338.534 ~~Inspections~~ **Out of state pharmacy licensure inspections; in-state pharmacy licensure renewal inspections.**

Rule 34. (1) A pharmacy located outside of this state that applies for licensure in this state as a pharmacy that will not ship compounded sterile pharmaceutical products into this state shall submit to the department a copy of its most recent **resident state board of pharmacy inspection or an NABP Verified Pharmacy Program inspection** that was performed within the last 2 years from the date of application.

~~(2) An applicant for a new pharmacy located in this state shall have an inspection conducted by the department or its designee prior to licensure.~~

~~(3)~~ **(2) Unless accredited by a national accrediting organization, recognized by the board, an applicant for licensure or renewal of an in-state pharmacy license or an applicant for an initial or renewal of an out-of-state pharmacy license that will provide sterile compounded pharmaceuticals in this state shall have an inspection and submit the**

inspection report to the department, completed no more than 18 months before the date of application, that demonstrates compliance with all applicable standards that are adopted by reference in R 338.533. The inspection must be conducted by 1 of the following:

- (a) The department.
- (b) The NABP-Verified Pharmacy Program (NABP-VPP).
- (c) An accrediting organization according to R 338.532.
- (d) A state licensing agency of the state in which the applicant is a resident and in accordance with the NABP's multistate pharmacy inspection blueprint program.

R 338.534a In-state initial pharmacy license inspections.

Rule 34a. (1) An in-state pharmacy that will not compound sterile pharmaceutical products that is applying for initial licensure shall be inspected by the department or its designee prior to licensure.

(2) An applicant for an in-state pharmacy license that intends to compound sterile pharmaceutical products shall meet both of the following:

(a) Obtain an inspection from the department or its designee for the purpose of meeting R 338.536 and R 338.537 for initial licensure.

(b) Within 6 months of initial licensure under this subrule, a pharmacy shall obtain and provide to the department, a subsequent inspection to assess USP compliance, or achieve accreditation, from 1 of the entities listed in R 338.534(2)(a) to (c).

(3) Approval to engage in sterile compounding will end 6 months after initial licensure if a subsequent inspection to assess USP compliance or accreditation is not successful.

R 338.535 Discontinuing, starting, or resuming sterile compounding services; requirements to resume sterile compounding services.

Rule 35. (1) A sterile compounding pharmacy or outsourcing facility that ceases to provide sterile compounding services in this state shall notify the department within 30 days of ceasing to provide sterile compounding services.

(2) A pharmacy shall apply for approval to start or resume sterile compounding services by submitting to the department an application on a form provided by the department together with the requisite fee.

(3) A pharmacy shall not start or resume sterile compounding services in this state until the pharmacy submits to the department an inspection report as required in R 338.534(3), is approved by the department, and is accredited or an organization satisfying the requirements of R 338.532(1) verifies that the pharmacy is USP compliant.

(4) An outsourcing facility shall not start or resume providing sterile compounding services in this state until the outsourcing facility is approved by the department and verifies that it is compliant with the requirements of R 338.533(4) to (7).

R 338.536 Housing of a pharmacy.

Rule 36. (1) All professional and technical equipment and supplies and prescription drugs must be housed in a suitable, well-lighted, and well-ventilated room or department with clean and sanitary surroundings.

(2) All pharmacies shall have a prescription department that is devoted primarily to the practice of pharmacy that occupies not less than 150 square feet of space, and that includes a prescription counter that provides not less than 10 square feet of free working surface. For each additional pharmacist who is on duty at any 1 time, the free working space must be increased by not less than 4 square feet. The prescription counter must be kept orderly and clean. The space behind the prescription counter must be sufficient to allow free movement within the area and must be free of obstacles.

(3) **Except as allowed in R 338.588(3),** All pharmacies that occupy less than the entire area of the premises owned, leased, used, or controlled by the licensee must be permanently enclosed by partitions from the floor to the ceiling. All partitions must be of substantial construction and must be securely lockable so that drugs and devices that can be sold only by a pharmacist will be unobtainable during the absence of the pharmacist. Only the area of the premises owned, leased, used, or controlled by the licensee may be identified by the terms “drugstore,” “apothecary,” or “pharmacy,” or by use of a similar term or combination of terms as listed in section 17711(2) of the code, MCL 333.17711. A pharmacy department must be locked when the pharmacist is not on the premises.

R 338.537 Professional and technical equipment and supplies.

Rule 37. (1) A pharmacy must be equipped with both of the following:

- (a) The necessary facilities, apparatus, utensils, and equipment to permit the pharmacy to provide prompt and efficient services.
- (b) Current print, electronic, or internet accessible editions of the Michigan pharmacy laws and rules, and at least 2 current pharmacy reference texts that pertain to pharmacology, drug interactions, or drug composition.

(2) In addition to subrule (1) a pharmacy that dispenses drugs must maintain, at a minimum, all of the following equipment:

- (a) A sink.**
- (b) A refrigerator for the exclusive use of prescription drugs. No personal or food items shall be stored in the refrigerator. Refrigeration shall be capable of maintaining temperature within a range compatible with the proper storage of drugs requiring refrigeration or freezing.**
- (c) A telephone.**

R 338.538 Closing pharmacy.

Rule 38. (1) A pharmacy that is ceasing operations shall return to the department the pharmacy license and the controlled substance license, if applicable, and provide the department with written notification of all of the following at least 15 days prior to closing:

- (a) The effective date of closing.
 - (b) How controlled substances will be disposed.
 - (c) How non-controlled substances will be disposed.
 - (d) The location where records and prescription files will be stored.
- (2) A pharmacy shall comply with all applicable federal requirements for discontinuing operation as a pharmacy that dispenses controlled substances.
- (3) Records must be maintained for the same amount of time that is required if the pharmacy remained open.

R 338.539 Relicensure and renewal.

Rule 39. (1) An applicant with an expired license may apply for relicensure of a pharmacy license by submitting to the department a completed application on a form provided by the department, satisfying all the requirements for licensure in part 3 of these rules, R 338.531 to R 338.539, and paying the requisite fee.

(2) A pharmacy that renews its license during the license renewal period submit to the department a completed application, on a form provided by the department, together with the requisite fee.

PART 4. MANUFACTURER LICENSE

R 338.551 Manufacturer license; application.

Rule 51. (1) An applicant for a manufacturer license shall submit to the department a completed application on a form provided by the department with the requisite fee.

(2) An applicant shall provide all of the following information:

(a) A criminal history background check required pursuant to section 17748(6) of the code, MCL 333.17748.

(b) A FEIN certificate.

(c) Certified copies of articles of incorporation or certificates of partnership and assumed name certificates, if applicable.

(d) The identity and address of each partner, officer, or owner, as applicable.

(e) A completed compliance checklist for manufacturers.

(f) A list or a catalog of all drug products or devices to be manufactured by the facility.

(g) Unless exempt under section 17748(2) of the code, MCL 333.17748, the name and license number of the pharmacist designated as the PIC or the name of the facility manager. **If a PIC or facility manager is unable to fulfil his or her duties for 120 consecutive days, the pharmacy shall appoint a new PIC or facility manager and notify the department as required in section 17748(4) of the code, MCL 333.17748.**

For an individual who is designated as a facility manager, the applicant shall provide proof, in the form of an affidavit, that the facility manager has achieved the following:

(i) A high school equivalency education, or higher, defined as 1 of the following:

(A) A high school diploma.

(B) A general education development certificate (GED).

(C) A parent-issued diploma for home schooled individuals.

(D) Completion of post-secondary education, including either an associate's degree, a bachelor's degree, or a master's degree.

(ii) Completion of a training program that includes, but is not limited to, all of the following subjects:

(A) Knowledge and understanding of laws in this state and federal laws relating to the distribution of drugs and devices.

(B) Knowledge and understanding of laws in this state and federal laws relating to the distribution of controlled substances.

(C) Knowledge and understanding of quality control systems.

(D) Knowledge and understanding of the USP standards relating to the safe storage and handling of prescription drugs.

- (E) Knowledge and understanding of pharmaceutical terminology, abbreviations, dosages, and format.
- (iii) Experience equal to either of the following:
- (A) A minimum of 1 year of work experience related to the distribution or dispensing of prescription drugs or devices where the responsibilities included, but were not limited to, recordkeeping.
- (B) Previous or current employment as a designated representative of a manufacturer.
- (iv) Employment with the applicant.
- (h) A copy of the FDA certification for the site to be licensed, if an applicant is a manufacturer of biologicals.
- (i) An inspection from the **the FDA, or** manufacturer's resident state board of pharmacy **that is dated not more than 2 years prior to application**, or verified-accredited wholesale distributors (VAWD) **current** accreditation ~~dated not more than 2 years prior to the application.~~
- (j) An applicant that is or has ever been licensed, registered, or certified as a manufacturer by any other state, the United States military, the federal government, or another country, shall do both of the following:
- (i) Disclose each license, registration, or certification on the application form.
- (ii) Submit verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.
- (3) A separate license is required for each location where prescription drugs or devices are manufactured.
- (4) A manufacturer who changes its facility manager shall submit all of the information required in subrule (2)(i) of this rule to the department within 30 days of the change.

R 338.553 Persons to whom prescription drugs or devices may be sold.

Rule 53. A manufacturer may only supply, distribute, sell, barter, or otherwise transfer prescription drugs or devices to persons who are licensed by the board to distribute, prescribe, or dispense prescription drugs or devices in or outside this state.

R 338.555 Federal regulation on good manufacturing practice for finished pharmaceuticals; adoption by reference; compliance.

Rule 55. (1) The board approves and adopts by reference the current good manufacturing practice for finished pharmaceuticals regulations set forth in 21 CFR 211.1 to 211.208 (2021).

(2) A manufacturer shall comply with the standards adopted in subrule (1) of this rule.

(3) The standards adopted by reference in subrule (1) of this rule are available at no cost at

<https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfCFR/CFRSearch.cfm?CFRPart=211>, or at 10 cents per page from the Board of Pharmacy, Bureau of Professional Licensing, Michigan Department of Licensing and Regulatory Affairs, Ottawa Building, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan, 48909.

R 338.557 Closure of a manufacturer.

Rule 57. (1) A manufacturer that is ceasing operations shall return the manufacturer license and the controlled substance license, if applicable, to the department, and provide

the department with written notification of all of the following at least 15 days prior to closing:

- (a) The effective date of closing.
- (b) How controlled substances will be disposed.
- (c) How non-controlled substances will be disposed.
- (d) The location where records and prescription files will be stored.
- (2) A manufacturer shall comply with all applicable federal requirements for discontinuing a controlled substance business.
- (3) Records must be maintained for the same amount of time that is required if the manufacturer remains open.

R 338.559 Relicensure and renewal.

Rule 59. (1) An applicant with an expired license may apply for relicensure of a manufacturer license by submitting to the department a completed application on a form provided by the department, satisfying all the requirements for licensure in part 3 of these rules, R 338.531 to R 338.539, and paying the requisite fee.

(2) A manufacturer that renews its license during the license renewal period shall submit to the department a completed application on a form provided by the department together with the requisite fee.

PART 5. WHOLESALE DISTRIBUTOR AND WHOLESALE DISTRIBUTOR-BROKER LICENSE

R 338.561 Pharmacy as wholesale distributor; licensure.

Rule 61. A pharmacy shall obtain a license as a wholesale distributor under this part if the total number of dosage units of all prescription drugs distributed by the pharmacy to a person during any consecutive 12-month period is more than 5% of the total number of dosage units of prescription drugs distributed and dispensed by the pharmacy during the same 12-month period. The calculation of this 5% threshold must not include a distribution of a prescription drug that is exempt from the definition of wholesale distribution under 21 USC 353(e)(4).

R 338.563 Wholesale distributor, wholesale distributor-broker; application for licensure; requirements.

Rule 63. (1) An applicant for a wholesale distributor or wholesale distributor-broker license shall submit to the department a completed application on a form provided by the department with the requisite fee. A wholesale distributor includes virtual manufacturers.

(2) An applicant shall comply with all of the following:

- (a) Provide a criminal history background check required pursuant to section 17748(6) of the code, MCL 333.17748.
- (b) Disclose on the application form each license, registration, or certification in a health profession or specialty issued by any other state, the United States military, the federal government, or another country.

- (c) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which include verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.
 - (d) Provide certified copies of articles of incorporation or certificates of partnership and assumed names if applicable.
 - (e) Provide the identity and address of each partner, officer, or owner as applicable.
 - (f) Provide a completed compliance checklist.
 - (g) Provide a FEIN certificate.
 - (h) Provide a copy of the FDA certification, if a certification is required by the FDA, for the site to be licensed, if the applicant is distributing biologicals.
 - (i) Unless exempt under section 17748(2) of the code, MCL 333.17748, provide the name and the license number of the pharmacist designated as the PIC or the name of the facility manager. **If a PIC or facility manager is unable to fulfil his or her duties for 120 consecutive days, the pharmacy shall appoint a new PIC or facility manager and notify the department as required in section 17748(4) of the code, MCL 333.17748.**
- For individuals designated as a facility manager, the applicant shall provide proof, in the form of an affidavit, that the facility manager has achieved the following:
- (i) A high school equivalency education, or higher, defined as 1 of the following:
 - (A) A high school diploma.
 - (B) A GED.
 - (C) A parent-issued diploma for home schooled individuals.
 - (D) Completion of post-secondary education, including an associate's, bachelor's, or master's degree.
 - (ii) Completion of a training program that includes, but is not limited to, all of the following subjects:
 - (A) Knowledge and understanding of laws in this state and federal laws relating to the distribution of drugs and devices.
 - (B) Knowledge and understanding of laws in this state and federal laws relating to the distribution of controlled substances.
 - (C) Knowledge and understanding of quality control systems.
 - (D) Knowledge and understanding of the USP standards relating to the safe storage and handling of prescription drugs.
 - (E) Knowledge and understanding of pharmaceutical terminology, abbreviations, dosages, and format.
 - (iii) Experience equal to either of the following:
 - (A) A minimum of 1 year of work experience related to the distribution or dispensing of prescription drugs or devices where the responsibilities included, but were not limited to, recordkeeping.
 - (B) Previous or current employment as a designated representative of a wholesale distributor certified by the VAWD of NABP or of a wholesale distributor-broker.
 - (iv) Current employment with the applicant.
 - (j) Provide a list or catalog of all drug products and devices to be distributed, if a wholesale distributor.
 - (k) Submit an affidavit, at the time of the application for initial licensure, that the applicant facilitates deliveries or trades for at least 50 qualified pharmacies and that each

pharmacy holds a license in good standing as a pharmacy from the state in which it is located at the time of application, if a wholesale distributor-broker.

(3) A wholesale distributor or wholesale distributor-broker that changes its facility manager shall submit all of the information required in subrule (2)(i) of this rule to the department within 30 days of the change.

R 338.565 Persons to whom prescription drugs and devices may be sold.

Rule 65 A wholesale distributor of prescription drugs or devices may supply, distribute, sell, barter, or otherwise transfer prescription drugs or devices only to persons who are licensed by the board to distribute, prescribe, or dispense prescriptions drugs or devices in or outside this state.

R 338.567 Wholesale distributor practices; control of prescription drugs or devices; inspections.

Rule 67. (1) A wholesale distributor that does not physically touch prescription drugs or devices shall file an affidavit with the department signed by the PIC or facility manager attesting to this fact.

(2) A wholesale distributor that previously filed an affidavit under subrule (1) of this rule shall not obtain custody and control of drugs or devices until both of the following have occurred:

- (a) The licensee provides written notification to the department of physical custody.
- (b) The department conducts an inspection of the premises.

R 338.569 Wholesale distributor and wholesale distributor-broker recordkeeping and policy requirements.

Rule 69. (1) A wholesale distributor shall establish and maintain inventories and records of transactions regarding the receipt, if applicable, and the distribution or other disposition of prescription drugs or devices. These records must include all of the following information:

- (a) The source of the prescription drugs or devices, including the name and principal address of the seller or transferor and the address from which the prescription drugs or devices were shipped.
- (b) The identity and quantity of the prescription drugs or devices received, if applicable, and distributed or disposed of.
- (c) The dates of receipt, if applicable, and distribution of the prescription drugs or devices.

(2) A wholesale distributor shall establish and maintain a list of officers, directors, managers, and other persons who are in charge of wholesale drug distribution, storage, and handling, including a description of their duties and a summary of their qualifications.

(3) A wholesale distributor shall have written policies and procedures that include all of the following:

- (a) A procedure whereby the oldest stock of a prescription drug is distributed first. The procedure may permit deviation from this requirement if the deviation is temporary and appropriate.

(b) A procedure for handling recalls and withdrawals of the prescription drugs or devices. The procedure must deal with recalls and withdrawals due to any of the following:

- (i) Any action initiated at the request of the FDA; other federal, state, or local law enforcement agency; or other governmental agency.
- (ii) Any voluntary action by the manufacturer to remove defective or potentially defective prescription drugs or devices from the market.
- (iii) Any action undertaken to promote public health and safety by replacing existing merchandise with an improved product or new package design.

(c) A procedure to ensure that a wholesale distributor prepares for, protects against, and handles, any crises that affects security or operation of any facility in the event of employee strike, flood, fire, or other natural disaster, or other local, state, or national emergency.

(d) A procedure to ensure that any outdated prescription drugs or devices will be segregated from other prescription drugs or devices and either returned to the manufacturer or destroyed. This procedure must include a provision for the written documentation of the disposition of outdated prescription drugs or devices that must be maintained for 2 years after the disposition of the outdated prescription drugs or devices.

(e) Procedures for identifying, recording, and reporting losses or thefts of prescription drugs or devices and for correcting errors and inaccuracies in inventory.

(4) A wholesale distributor-broker shall establish and maintain a list of officers, directors, managers, and other persons who are in charge of wholesale drug delivery and trade, including a description of their duties and a summary of their qualifications.

(5) A wholesale distributor-broker shall maintain for at least 7 years the transaction history, transaction statements, and transaction information required by section 17748e of the code, MCL 333.17748e.

(6) The records described in subrules (1) to (5), and (8) of this rule and section of 17748e of the code, MCL 333.17748e, must be made available for inspection and photocopying by the department, board, authorized federal, state, or local law enforcement agency officials. The records that are kept on-site or that are immediately retrievable by computer or other electronic means must be readily available for an authorized inspection during the retention period described in subrules (5) and (7) of this rule. Records that are kept at a central location apart from the site must be made available for inspection within 2 working days of a request.

(7) A wholesale distributor shall retain the records described in this rule for a minimum of 2 years after the disposition of the prescription drugs or devices.

(8) A purchasing pharmacy using a wholesale distributor-broker to facilitate a transaction from a pharmacy that is not licensed in Michigan shall request the transaction history, transaction statement or transaction information for the drugs supplied.

R 338.571 Facility requirements.

Rule 71. (1) A wholesale distributor that has physical custody or control of the prescription drugs or devices shall satisfy all of the following facility requirements:

- (a) Be of suitable size and construction to facilitate cleaning, maintenance, and proper operations.
- (b) Have storage areas that are designed to provide for adequate lighting, ventilation, temperature, sanitation, humidity, space, equipment, and security conditions.

- (c) Have a quarantine area for the storage of prescription drugs or devices that are outdated, damaged, deteriorated, misbranded, adulterated, or that are in immediate or sealed secondary containers that have been opened.
- (d) Be maintained in a clean and orderly condition.
- (e) Be free from infestation by insects, rodents, birds, or vermin of any kind.
- (f) Be secure from unauthorized entry by complying with all of the following:
 - (i) Access from outside the premises must be kept to a minimum and be well-controlled. The outside perimeter of the premises must be well-lighted. Entry into areas where prescription drugs or devices are held must be limited to authorized personnel.
 - (ii) Be equipped with an alarm system to detect entry after hours.
 - (iii) Be equipped with a security system that will provide protection against theft and diversion. When appropriate, the security system must provide protection against theft or diversion that is facilitated or hidden by tampering with computers or electronic records.
- (2) All prescription drugs or devices must be stored at temperatures and under appropriate conditions pursuant to the label requirements or pursuant to the requirements set forth in the current edition of the USP compendium. If storage requirements are not established for a prescription drug, the drug may be held at a controlled room temperature to help ensure that its identity, strength, quality, and purity are not adversely affected. Appropriate manual, electromechanical, or electronic temperature and humidity recording equipment devices, or logs must be utilized to document the proper storage of prescription drugs or devices.

R 338.573 Examination of materials; returned, damaged and outdated prescription drugs or devices.

Rule 73. (1) A wholesale distributor shall comply with both of the following provisions that pertain to the examination of materials:

- (a) Each outside shipping container must be visually examined upon receipt for the identity of the prescription drug or devices and to prevent the acceptance of contaminated prescription drugs or devices or prescription drugs or devices otherwise unfit for distribution. The examination must be adequate to reveal container damage that would suggest possible contamination or other damage to the contents.
 - (b) Each outgoing shipment must be visually inspected for identity of the prescription drug products and to ensure that prescription drugs or devices that have been damaged in storage or held under conditions that are inconsistent with USP compendium standards are not delivered.
- (2) All of the following provisions apply to returned, damaged, and outdated prescription drugs or devices:
- (a) Prescription drugs or devices that are outdated, damaged, deteriorated, misbranded, or adulterated, must be quarantined and physically separated from other prescription drugs or devices until they are destroyed or returned to the supplier.
 - (b) Any immediate or sealed outer or sealed secondary containers of any prescription drugs or devices that have been opened or used must be identified as such and the drugs or devices must be quarantined and physically separated from other prescription drugs or devices until they are either destroyed or returned to the supplier.
 - (c) If the conditions under which a prescription drug has been returned cast doubt on the drug's safety, identity, strength, quality, or purity, then the drug must be destroyed or

returned to the supplier, unless examination, testing, or other investigation proves that the drug meets appropriate standards of safety, identity, strength, quality, and purity. In determining whether the conditions under which the drug has been returned cast doubt on the drug's safety, identity, strength, quality, or purity, the wholesale distributor shall consider the conditions under which the drug has been held, stored, or shipped before or during its return and the condition of the drug and its container, carton, or labeling as a result of storage or shipping.

(3) The recordkeeping requirements of R 338.569 must be followed.

R 338.575 Closing a wholesale distributor or wholesale distributor-broker.

Rule 75. (1) A wholesale distributor that is ceasing operations shall return the wholesale distributor license and controlled substance license, if applicable, to the department, and shall provide the department with written notification of all of the following at least 15 days prior to closing:

- (a) The effective date of closing.
- (b) How controlled substances will be disposed.
- (c) How noncontrolled substances will be disposed.
- (d) The location where records and prescription files will be stored.

(2) A wholesale distributor shall comply with all applicable federal requirements for discontinuing a business that handles a controlled substance.

(3) A wholesale distributor-broker that is ceasing operations shall return the wholesale distributor-broker license and provide the department with written notification of the location where records will be stored at least 15 days prior to closing.

(4) Records must be maintained for the same amount of time that is required if the wholesale distributor or wholesale distributor-broker remained open.

R 338.577 Relicensure and renewal of wholesale distributor and wholesale distributor-broker.

Rule 77. (1) An applicant with an expired license may apply for relicensure of a license by submitting to the department a completed application on a form provided by the department, satisfying all the requirements for licensure in part 3 of these rules, and paying the requisite fee.

(2) An applicant that renews its license during the license renewal period shall submit to the department a completed application on a form provided by the department, together with the requisite fee.

(3) A wholesale distributor-broker seeking renewal shall submit an affidavit, at the time of the application for renewal that the applicant facilitates deliveries or trades for at least 50 qualified pharmacies and that each pharmacy holds a license in good standing as a pharmacy from the state in which it is located at the time of renewal.

PART 6. PRACTICE OF PHARMACY

R 338.582 Prescription drug labeling and dispensing.

Rule 82. (1) All labeling of prescription drugs must comply with the requirements of the code and sections 351 to 399f of the Federal Food, Drug, and Cosmetic Act, 21 USC 351 to 399f.

(2) All containers in which prescription medication is dispensed must bear a label that contains, at a minimum, all of the following information:

- (a) Pharmacy name and address.
- (b) Prescription number.
- (c) Patient's name.
- (d) Date the prescription was dispensed.
- (e) Prescriber's name.
- (f) Directions for use.
- (g) The name of the medication and the strength, unless the prescriber indicates "do not label."
- (h) The quantity dispensed, if applicable.
- (i) The name of the manufacturer or supplier of the drug if the drug has no brand name, unless the prescriber indicates "do not label."

(3) If a drug is dispensed that is not the brand prescribed, the pharmacy shall notify the purchaser and the prescription label must indicate both the name of the brand prescribed and the name of the brand dispensed. If the dispensed drug does not have a brand name, the prescription label must indicate the name of the brand prescribed followed by the generic name of the drug dispensed. This subrule does not apply if the prescriber indicates "do not label."

(4) If drug product selection takes place, the brand name or the name of the manufacturer or supplier of the drug dispensed must be noted on the prescription.

(5) This rule does not apply to pharmacy services provided in a medical institution.

R 338.583 Prescription drug receipts.

Rule 83. (1) The purchaser of a prescription drug shall receive, at the time the drug is delivered to the purchaser, a receipt that contains all of the following information:

- (a) The brand name of the drug dispensed, if applicable, unless the prescriber indicates "do not label."
- (b) The name of the manufacturer or supplier of the drug if the drug has no brand name, unless the prescriber indicates "do not label."
- (c) The strength of the drug, if significant, unless the prescribed indicates "do not label."
- (d) The quantity dispensed, if applicable.
- (e) The name and address of the pharmacy.
- (f) The serial number of the prescription.
- (g) The date the prescription was dispensed.
- (h) The name of the prescriber.
- (i) The name of the patient for whom the drug was prescribed.
- (j) The price for which the drug was sold to the purchaser.

(2) Notwithstanding R 338.582, the information required in this rule must appear on either the prescription label or on a combination label and receipt.

(3) For prescription services that are covered by a third-party pay contract, the price included in the receipt is the amount paid by the patient.

(4) A pharmacist shall retain a copy of the receipt for a period of 90 days. The inclusion of the information required in this rule in the automated data processing system or on the written prescription form and the retention of the form constitutes retaining a copy of the receipt. The physical presence of the prescription form in the pharmacy or the ability to retrieve the information from the automated data processing system constitutes compliance with the requirement of having the name and address of the pharmacy on the form.

(5) This rule does not apply to pharmacy services provided in a medical institution.

R 338.583a Pharmacy acquisition and distribution records.

Rule 83a. (1) A pharmacy must keep and make available for inspection all acquisition and distribution records for prescription and non-prescription drugs and devices, such as invoices, packing slips or receipts, for 5 years. All records, which may be electronic, must be readily retrievable within 48 hours.

(2) Acquisition and distribution records must include the following information:

(a) The source of the prescription drugs or devices, including the name and principal address of the seller or transferor and the address from which the prescription drugs or devices were shipped.

(b) The identity and quantity of the prescription drugs or devices received, if applicable, and distributed or disposed of.

(c) The dates of receipt, if applicable, and distribution of the prescription drugs or devices.

R 338.584 Noncontrolled prescriptions.

Rule 84. (1) A prescriber who issues a prescription for a noncontrolled prescription drug shall date the prescription; provide a manual signature on the prescription; and ensure that the prescription contains all of the following information:

(a) The full name of the patient for whom the drug is being prescribed.

(b) The prescriber's preprinted, stamped, typed, or manually printed name and address.

(c) The drug name and strength, and dosage form if necessary.

(d) The quantity prescribed.

(e) The directions for use.

(f) The number of refills authorized.

(g) The date the prescription was issued.

(h) If the prescription is for an animal, then the species of the animal and the full name of the owner.

(2) A prescriber shall ensure that a prescription is legible and that the information specified in subrule (1)(c) to (h) of this rule is clearly separated.

(3) A prescriber shall not prescribe more than either of the following on a single prescription form as applicable:

(a) For a prescription prescribed in handwritten form, up to 4 prescription drug orders.

(b) For a prescription prescribed on a computer-generated form or a preprinted list or produced on a personal computer or typewriter, up to 6 prescription drug orders.

(4) A prescription is valid for 1 year from the date the prescription was issued.

(5) A pharmacy shall keep the original prescription record for 5 years. After 2 years from the date of the prescription's issue date, a pharmacy may make an electronic duplicate of

the original non-controlled paper prescription, which becomes the original prescription. A pharmacy shall present a paper copy of the electronic duplicate of the prescription to an authorized agent of the board upon request.

(6) This rule does not apply to pharmacy services provided in a medical institution.

R 338.584a Electronic transmission of prescription; waiver of electronic transmission.

Rule 84a. (1) Until the enforcement date established by the federal Centers for Medicare and Medicaid Services for the Medicare electronic transmission requirement a prescription may be electronically transmitted, and a pharmacist may dispense the electronically transmitted prescription, if all of the following conditions are satisfied:

(a) The prescription is transmitted to the pharmacy of the patient's choice and occurs only at the option of the patient.

(b) The electronically transmitted prescription includes all of the following information:

(i) The name and address of the prescriber.

(ii) An electronic signature or other board-approved means of ensuring prescription validity.

(iii) The prescriber's telephone number for verbal confirmation of the order.

(iv) The time and date of the electronic transmission.

(v) The name of the pharmacy intended to receive the electronic transmission.

(vi) Unless as otherwise authorized under section 17754(1)(b) of the code, MCL 333.17754, the full name of the patient for whom the prescription is issued.

(vii) All other information that must be contained in a prescription under R 338.584.

(c) The pharmacist exercises professional judgment regarding the accuracy, validity, and authenticity of the transmitted prescription.

(d) All requirements in section 17754 of the code, MCL 333.17754, are met.

(2) An electronically transmitted prescription that meets the requirements of subrule (1) of this rule is the original prescription.

(3) Effective the enforcement date established by the federal Centers for Medicare and Medicaid Services for the Medicare electronic transmission requirement prescribers shall, unless an exception under section 17754a of the code, MCL 333.17754a, applies, electronically transmit a prescription consistent with both of the following requirements:

(a) All the requirements in section 17754a of the code, MCL 333.17754a, are met.

(b) All the requirements in R 338.584 are met.

(4) A prescriber applying for a waiver from section 17754a of the code, MCL 333.17754a, shall submit a completed application to the department, on a form provided by the department, and shall satisfy either of the following requirements:

(a) The prescriber provides evidence satisfactory to the department that the prescriber has received a waiver of the Medicare requirement for the electronic transmission of controlled substances prescriptions from the federal Centers for Medicare and Medicaid Services.

(b) The prescriber is unable to meet the requirements of section 17754a(1) or (2) of the code, MCL 333.17754a, and also meets 1 of the following:

(i) The prescription is dispensed by a dispensing prescriber.

(ii) The prescriber demonstrates economic hardship or technological limitations that are not within the control of the prescriber.

(iii) The prescriber demonstrates by attesting to exceptional circumstances, including, but not limited to, the following:

(A) Intention to cease practice within the next twelve months.

(B) Limited practice due to an illness or other unforeseen event.

(iv) The prescriber issues prescriptions from a non-profit charitable medical clinic.

(5) A waiver is valid for 2 years and is applicable to the specific circumstances included in the application. A waiver may be renewed by application to the department.

R 338.585 Customized patient medication package.

Rule 85. (1) A pharmacist may, with the consent of the patient, or the patient's caregiver, or a prescriber, provide a customized patient medication package (CPMP). A CPMP is a package that is prepared by a pharmacist for a specific patient and that contains 2 or more prescribed solid oral dosage forms. The CPMP is designed and labeled to indicate the day and time or period of time that the contents within each CPMP are to be taken. The person who dispenses the medication shall instruct the patient or caregiver on the use of the CPMP.

(2) If medication is dispensed in a CPMP, all of the following conditions must be met:

(a) Each CPMP must bear a readable label that states all of the following information:

(i) A serial number for the CPMP and a separate identifying serial number for each of the prescription orders for each of the drug products contained in the CPMP.

(ii) The name, strength, physical description, and total quantity of each drug product contained in the CPMP.

(iii) The name of the prescriber for each drug product.

(iv) The directions for use and cautionary statements, if any, contained in the prescription order for each drug product in the CPMP.

(v) The date of the preparation of the CPMP.

(vi) An expiration date for the CPMP. The date must not be later than the earliest manufacturer's expiration date for any medication included in the CPMP or 60 days after the date of dispensing.

(vii) The name, address, and telephone number of the dispenser.

(viii) Any other information, statements, or warnings required for any of the drug products contained in the CPMP.

(b) A CPMP must be accompanied by any mandated patient information required under federal law. Alternatively, required medication information may be incorporated by the pharmacist into a single educational insert that includes information regarding all of the medications in the CPMP.

(c) At a minimum, each CPMP must comply with the United States Pharmacopeia (USP) and national formulary, as defined in section 17706(2) of the code, MCL 333.17706, for moisture permeation requirements for a class b single-unit or unit-dose container. Each container must be either non-reclosable or so designed as to show evidence of being opened. Each CPMP must comply with all of the provisions of the poison prevention packaging act of 1970, 15 USC 1471 to 1477.

(d) When preparing a CPMP, the dispenser shall consider any applicable compendial requirements or guidelines, the physical and chemical compatibility of the dosage forms placed within each container, and any therapeutic incompatibilities that may attend the

simultaneous administration of the medications. Medications must not be dispensed in CPMP packaging in any of the following situations:

- (i) The USP monograph or official labeling requires dispensing in the original container.
- (ii) The drugs or dosage forms are incompatible with packaging components or each other.
- (iii) The drugs are therapeutically incompatible when administered simultaneously.
- (iv) The drug products require special packaging.
- (e) If 2 medications have physical characteristics that make them indistinguishable from each other, then the medication must not be packaged together in the same CPMP.
- (f) Medications that have been dispensed in CPMP packaging may not be returned to stock or dispensed to another patient when returned to the pharmacy for any reason. If a prescription for any drug contained in the CPMP is changed, then a new appropriately labeled CPMP must be prepared for the patient.
- (g) In addition to all individual prescription filing requirements, a record of each CPMP dispensed must be made and filed. At a minimum, each record must contain all of the following information:
 - (i) The name and address of the patient.
 - (ii) The serial number of the prescription order for each drug product contained in the CPMP.
 - (iii) Information identifying or describing the design, characteristics, or specifications of the CPMP sufficient to allow subsequent preparation of an identical CPMP for the patient.
 - (iv) The date of preparation of the CPMP and the expiration date assigned.
 - (v) Any special labeling instructions.
 - (vi) The name or initials of the pharmacist who prepared the CPMP.

R 338.586 Prescription records; nonapplicability to inpatient medical institution service. Rule 86. (1) Each prescription must be chronologically numbered, and the pharmacist performing final verification before dispensing must record, manually or electronically, the prescription number, dispensing date, and his or her initials at the time of the first filling at the pharmacy.

(2) If final product verification is completed by a pharmacy intern under the supervision of a pharmacist, both the initials of the pharmacy intern and the delegating pharmacist must be recorded

(2)(3) If final product verification is completed by a pharmacy technician, under R 338.3665(b), both the initials of the pharmacy technician and delegating pharmacist must be recorded.

(3) If the drug that is dispensed is other than the brand prescribed or if the prescription is written generically, the name of the manufacturer or supplier of the drug dispensed must be indicated on the prescription.

(4) This rule does not apply to pharmacy services provided in a medical institution.

R 338.587 Prescription refill records; manual systems; profile systems; automated pharmacy data systems; nonapplicability to medical institution service; record confidentiality; and access.

Rule 87. (1) A pharmacist shall record prescription refills using only 1 of the systems described in subrule (2), (3), or (4) of this rule and in compliance with the provisions of subrule (2), (3), or (4) of this rule, as applicable.

(2) A pharmacy may utilize a manual system of recording refills if the system complies with both of the following criteria:

(a) The amount and date dispensed must be entered on the prescription in an orderly fashion and the dispensing pharmacist initials the entry. If the pharmacist only initials and dates the prescription, then the full face amount of the prescription must be deemed dispensed.

(b) If the drug that is dispensed is other than the brand prescribed or if the prescription is written generically, then the name of the manufacturer or supplier of the drug dispensed must be indicated on the prescription.

(3) A pharmacy may utilize a uniform system of recording refills if the system complies with all of the following criteria:

(a) Records must be created and maintained in written form. All original and refill prescription information for a particular prescription appears on single documents in an organized format. The records are subject to inspection by the board or its agents.

(b) The following information for each prescription must be entered on the record:

(i) The prescription number.

(ii) The patient's name and address.

(iii) The prescriber's name.

(iv) The prescriber's federal drug enforcement administration (DEA) number, if appropriate.

(v) The number of refills authorized.

(vi) The "dispense as written" instructions, if indicated.

(vii) The name, strength, dosage form, quantity, and name of the manufacturer of the drug prescribed, and the drug dispensed originally and upon each refill. If the drug dispensed is other than the brand prescribed or if the prescription is written generically, then the name of the manufacturer or supplier of the drug dispensed must be indicated.

(viii) The date of issuance of the prescription.

(ix) The date and identifying designation of the dispensing pharmacist for the original filling and for each refill. If a pharmacy technician performs final product verification, the identification of the delegating pharmacist and pharmacy technician must be recorded.

(c) Prescription entries must be made on the record at the time the prescription is first filled and at the time of each refill, except that the format of the record may be organized so that information already entered on the record may appear for a prescription or refill without reentering the information. The dispensing pharmacist is responsible for the completeness and accuracy of the entries and must initial the record each time a prescription is filled or refilled.

(d) The information required by subdivision (b) of this subrule must be entered on the record for all prescriptions filled at a pharmacy, including nonrefillable prescriptions. This requirement is in addition to the requirements set forth in R 338.586.

(4) A pharmacy may utilize a uniform automated data processing system of recording refills if the system complies with all of the following criteria:

- (a) All information that is pertinent to a prescription must be entered on the record, including all of the following information:
- (i) The prescription number.
 - (ii) The patient's name and address.
 - (iii) The prescriber's name.
 - (iv) The prescriber's federal DEA number, if appropriate.
 - (v) The number of refills authorized.
 - (vi) Whether the drug must be dispensed as written.
 - (vii) The name, strength, dosage form, quantity, and name of the manufacturer of the drug prescribed and the drug dispensed originally and upon each refill. If the drug dispensed is other than the brand prescribed or if the prescription is written generically, then the name of the manufacturer or supplier of the drug dispensed must be indicated.
 - (viii) The date of issuance of the prescription.
 - (ix) The date and identifying designation of the dispensing pharmacist for the original filling and for each refill. If a pharmacy technician performs final product verification, the identification of the delegating pharmacist and pharmacy technician must be recorded.
- (b) Prescription entries must be made on the record at the time the prescription is first filled and at the time of each refill, except that the format of the record may be organized so that information already entered on the record may appear for a prescription or refill without reentering the information. The dispensing pharmacist is responsible for the completeness and accuracy of the entries. A pharmacy shall keep the original prescription record on site for 5 years. After 2 years from the date of the prescription's issue date, a pharmacy may make an electronic duplicate of the original non-controlled paper prescription, which will become the original prescription. The records are subject to inspection by the board or its agents. A procedure must be established to facilitate inspections.
- (c) The required information must be entered on the record for all prescriptions filled at the pharmacy, including nonrefillable prescriptions. This requirement is in addition to the requirements set forth in R 338.586.
- (d) The recording system must provide adequate safeguards against improper manipulation, the alteration of records, and the loss of records.
- (e) The recording system must have the capability of producing a printout of all original and refilled prescription data, including a prescription-by-prescription and refill-by-refill audit trail for any specified strength and dosage form of a controlled substance by either brand or generic name or an audit trail of controlled substance prescriptions written for a particular patient or by a particular practitioner. A printout of an audit trail or other required information must be made available to an authorized agent of the board upon request. The prescription data must be maintained for 5 years. Data older than 2 years must be provided within 72 hours of the time the request is first made by the agent. Prescription data for the most current 2 years must be readily retrievable on site and available for immediate review.
- (f) If the automated data processing system is inoperative for any reason, then the pharmacist shall ensure that all refills are authorized and that the maximum number of refills is not exceeded. When the automated data processing system is restored to operation, the pharmacist shall enter the information regarding prescriptions filled and

refilled during the inoperative period into the automated data processing system within 48 hours.

(g) A pharmacy shall make arrangements with the supplier of data processing services or materials to ensure that the pharmacy continues to have adequate and complete prescription and dispensing records if the relationship with the supplier terminates for any reason. A pharmacy shall ensure continuity in the maintenance of records.

(h) The automated data processing system must be an integrated system that is capable of complying with all of the requirements of these rules.

(5) This rule does not apply to pharmacy services provided in a medical institution.

(6) Records that are created under subrule (2), (3) or (4) of this rule are subject to the same requirements regarding confidentiality and access that apply to original prescriptions.

R 338.588 Automated devices.

Rule 88. (1) "Automated device" means a mechanical system that performs an operation or activity, other than compounding or administration, relating to the storage, packaging, dispensing, or delivery of a drug and that collects, controls, and maintains transaction information.

(2) An automated device may be used only in the following locations:

(a) A pharmacy, or at the same physical address as the pharmacy provided that the location of the automated device is owned and operated by the same legal entity as the pharmacy.

(b) A hospital.

(c) A county medical care facility.

(d) A hospice.

(e) A nursing home.

(f) Other skilled nursing facility as defined in section 20109(4) of the code, MCL 333.20109.

(g) An office of a dispensing prescriber, **provided that the device is operated by the dispensing prescriber.**

(h) A physician's office or medical clinic that does not utilize a dispensing prescriber to dispense only non-controlled substances as an extension of a pharmacy.

~~(h)~~**(i) A location affiliated with a hospital, but not at the same physical address as the pharmacy, that is owned and operated by the hospital, consistent with section 17760 of the code, MCL 333.17760.**

(3) A pharmacy that is not located in a medical institution that operates an automated device under this section only to deliver a non-controlled drug or device directly to an ultimate user or health care provider shall notify the department of the automated device's location on a form provided by the department. An automated device located within a licensed pharmacy must be under the control of a pharmacist or his or her pharmacy personnel under the personal charge of a pharmacist.

(4) A pharmacy licensee may locate an automated device in the pharmacy that is used for a patient or agent of the patient to pick up prescription medication if the pharmacy meets all of the following requirements:

(a) The automated device is secured, lockable, and privacy enabled.

(b) The automated device is located on the inside of the licensed pharmacy premises, that is owned, leased, used, or controlled by the pharmacy licensee.

(c) The automated device is connected to the pharmacy. ~~of the licensed pharmacy may be utilized as a means for a patient or an agent of the patient to pick up prescription medications.~~

~~(4)~~**(5)** If an automated device is used in a dispensing prescriber's office, the device must be used only to dispense medications to the dispensing prescriber's patients and only under the control of the dispensing prescriber. A pharmacy shall not own, control, or operate an automatic dispensing device in a dispensing prescriber's office, unless the prescriber's office is affiliated with a hospital consistent with section 17760 of the code, MCL 333.17760, and subrule (2)(h) of this rule. All of the following apply to the use of an automated device in a dispensing prescriber's office:

(a) If a dispensing prescriber delegates the stocking of the automated device, then technologies must be in place and utilized to ensure that the correct drugs are stocked in their appropriate assignment utilizing a board-approved error prevention technology that complies with R 338.3154.

(b) A dispensing prescriber operating an automated device is responsible for all medications that are stocked and stored in that device as well as removed from that device.

(c) If any medication or device is dispensed from an automated device in a dispensing prescriber's office, then documentation as to the type of equipment, serial numbers, content, policies, procedures, and location within the facility must be maintained by the dispensing prescriber for review by an agent of the board. This documentation must include at least all of the following information:

(i) Manufacturer name and model.

(ii) Quality assurance policy and procedure to determine continued appropriate use and performance of the automated device.

(iii) Policy and procedures for system operation that addresses, at a minimum, all of the following:

(A) Accuracy.

(B) Patient confidentiality.

(C) Access.

(D) Data retention or archival records.

(E) Downtime procedures.

(F) Emergency procedures.

(G) Medication security.

(H) Quality assurance.

(5) An automated device ~~that is to be~~ used for furnishing medications for administration to registered patients in any hospital, county medical care facility, nursing home, hospice, or any other skilled nursing facility, as defined in section 20109(4) of the code, MCL 333.20109, **or in a physician's office or medical clinic that does not utilize a dispensing prescriber, for devices that are operated as an extension of a pharmacy,** must be supplied and controlled by a pharmacy that is licensed in this state. The use of an automated device in these locations is not limited to the provisions of subrule (3) of this rule. If a pharmacist delegates the stocking of the device, then technologies must be in place and utilized to ensure that the correct drugs are stocked in their appropriate

assignment utilizing bar-coding or another board-approved error-prevention technology. Each automated device must comply with all of the following provisions:

- (a) A pharmacy operating an automated device is responsible for all medications that are stocked and stored in that device as well as removed from that device.
- (b) If any medication or device is dispensed from an automated device, then documentation as to the type of equipment, serial numbers, content, policies, procedures, and location within the facility must be maintained by the pharmacy for review by an agent of the board. The documentation must include at least all of the following information:
 - (i) Name and address of the pharmacy responsible for the operation of the automated device.
 - (ii) Name and address of the facility where the automated device is located.
 - (iii) Manufacturer name and model number.
 - (iv) Quality assurance policy and procedure to determine continued appropriate use and performance of the automated device.
 - (v) Policy and procedures for system operation that address, at a minimum, all of the following:
 - (A) Accuracy.
 - (B) Patient confidentiality.
 - (C) Access.
 - (D) Data retention or archival records.
 - (E) Downtime procedures.
 - (F) Emergency procedures.
 - (G) Medication security.
 - (H) Quality assurance.
 - (I) Ability to provide on demand to an agent of the board a list of medications qualifying for emergency dose removal without pharmacist prior review of the prescription or medication order.
- (6) An automated device that is operated at a location affiliated with a hospital, but not at the same physical address as the pharmacy, that is owned and operated by the hospital, must comply with section 17760 of the code, MCL 333.17760.
- (7) Records and electronic data kept by automated devices must meet all of the following requirements:
 - (a) All events involving access to the contents of the automated devices must be recorded electronically.
 - (b) Records must be maintained for 5 years by the pharmacy or dispensing prescriber and must be retrievable on demand for review by an agent of the board. The records must include all of the following information:
 - (i) The unique identifier of the automated device accessed.
 - (ii) Identification of the individual accessing the automated device.
 - (iii) The type of transaction.
 - (iv) The name, strength, dosage form, quantity, and name of the manufacturer of the drug accessed.
 - (v) The name of the patient for whom the drug was ordered.
 - (vi) Identification of the pharmacist responsible for the accuracy of the medications to be stocked or restocked in the automated device.

(c) When a device is located in a physician's office or clinic that does not utilize a dispensing prescriber, the pharmacy shall be operated as an extension of the pharmacy. All dispensing activities through the device shall comply with all recordkeeping, drug utilization review, and patient counseling requirements that are applicable to a pharmacy.

(8) Policy and procedures for the use of the automated device must include a requirement for pharmacist review of the prescription or medication order before system profiling or removal of any medication from the system for immediate patient administration. This subrule does not apply to the following situations:

- (a) The system is being used as an after-hours cabinet for medication dispensing in the absence of a pharmacist as provided in R 338.486(4)(j).
- (b) The system is being used in place of an emergency kit as provided in R 338.486(4)(c).
- (c) The system is being accessed to remove medication required to treat the emergent needs of a patient as provided in R 338.486(4)(c). A sufficient quantity to meet the emergent needs of the patient may be removed until a pharmacist is available to review the medication order.
- (d) In each of the situations specified in subdivisions (a) to (c) of this subrule, a pharmacist shall review the orders and authorize any further dispensing within 48 hours.
- (e) The automated device is located in a dispensing prescriber's office **to facilitate dispensing by the dispensing prescriber.**

(9) A copy of all policies and procedures related to the use of an automated device must be maintained at the pharmacy responsible for the device's specific location or at the dispensing prescriber's office and be available for review by an agent of the board.

R 338.589 Professional responsibility; **patient counseling**; "caregiver" defined.

Rule 89. (1) A pharmacist has a professional responsibility for the strength, quality, purity, and the labeling of all drugs and devices dispensed under a prescription. In discharging this responsibility, a pharmacist shall utilize only those drugs and devices that are obtained from manufacturers and wholesale distributors licensed under section 17748 of the code, MCL 333.17748, or from other lawful channels of distribution.

(2) A pharmacist shall not fill a ~~prescription~~ **prescription** order if, in the pharmacist's professional judgment, any of the following provisions apply:

- (a) The prescription appears to be improperly written.
- (b) The prescription is susceptible to more than 1 interpretation.
- (c) The pharmacist has reason to believe that the prescription could cause harm to the patient.
- (d) The pharmacist has reason to believe that the prescription will be used for other than legitimate medical purposes.

(3) A prescription drug must be dispensed only when the pharmacy is open and under the personal charge of a pharmacist.

(4) To encourage intended, positive patient outcomes, a pharmacist shall communicate to the patient, or the patient's caregiver, necessary and appropriate information regarding safe and effective medication use at the time a prescription is dispensed. As used in this subrule, "caregiver" means the parent, guardian, or other individual who has assumed responsibility for providing a patient's care. All of the following provisions apply to communicating medication safety and effectiveness information:

(a) The information must be communicated orally and in person, except when the patient or patient's caregiver is not at the pharmacy or when a specific communication barrier prohibits oral communication. In either situation, providing printed or electronic/digital material designed to help the patient use the medication safely and effectively satisfies the requirements of this subrule.

(b) The information must be provided with each prescription for a drug not previously prescribed for the patient.

(c) If the pharmacist deems it appropriate, the information must be provided with prescription refills.

(d) The information must be provided if requested by the patient or patient's caregiver or agent for any prescription dispensed by the pharmacy. This subrule does not require that a pharmacist provide consultation if a patient or a patient's caregiver refuses consultation.

This subrule does not apply to prescriptions dispensed for administration to a patient while the patient is in a medical institution. Which subrule does this provision apply too?

(5) Pharmacist delegation of acts, tasks, or functions shall be in compliance with section 16215 of the code, MCL 333.16215, and under the personal charge of the delegating pharmacist, except as provided in R 338.486. A pharmacist who delegates acts, tasks, or functions to a licensed or unlicensed person shall do all of the following:

(a) Determine the knowledge and skill required to safely and competently complete the specific act, task, or function to be delegated.

(b) Before delegating an act, task, or function, make a determination that the delegatee has the necessary knowledge and skills to safely and competently complete the act, task, or function.

(c) Provide written procedures or protocols, or both, to be followed by the delegatee in the performance of the delegated act, task, or function.

(d) Supervise and evaluate the performance of the delegatee.

(e) Provide remediation of the performance of the delegatee if indicated.

(6) A delegating pharmacist shall bear the ultimate responsibility for the performance of delegated acts, tasks, and functions performed by the delegatee within the scope of the delegation.

R 338.590 Hospice emergency drug box.

Rule 90. (1) A pharmacy that establishes a medication box exchange program for hospice emergency care services rendered in patients' homes pursuant to the provisions of section 17746 of the code, MCL 333.17746, shall establish drug boxes that are in compliance with this rule. Before providing drug boxes for a hospice emergency care system, the pharmacist in charge shall ensure that the hospice has developed policies and procedures that require all of the following:

(a) Maintenance by the hospice of a drug box exchange log that accounts for the hospice's receipt of the boxes from the pharmacy, assignment of the boxes to registered nurses or physicians' assistants, and return of the boxes to the pharmacy for restocking.

(b) A procedure to ensure that the drug boxes are inspected at least weekly to determine if they have expired or have been opened.

(c) Procedures for the storage and control of a drug box while it is assigned to, and being used by, the prescriber, a registered nurse, or a physician's assistant.

- (d) A procedure for implementing the hospice medical director's responsibility for ensuring that **prescriptions** for drugs removed from the drug boxes are obtained from an appropriate prescriber.
- (2) A pharmacy shall stock drug boxes for a hospice emergency care system in accordance with the policies and procedures developed by the hospice and approved by the hospice medical director.
- (3) The drugs contained in each drug box must be listed inside the front cover of the box. Each box must be equipped with only 1 nonreusable, tamper-evident seal or sealing system which is a color that designates that the box has not been opened and several nonreusable, tamper-evident seals or sealing systems which are a different color that designates that the box has been opened.
- (4) A drug box must be numbered. A permanent record of all drug boxes must be maintained at the pharmacy.
- (5) A label that contains all of the following information must be attached to the drug box so that it is visible from the outside of the box:
- (a) The name and address of the pharmacy.
 - (b) The name and address of the hospice.
 - (c) The name of the pharmacist who last inspected and restocked the drug box.
 - (d) The date the drug box was last restocked.
 - (e) The date on which the drug box must be returned to the pharmacy for the replacement of expired drugs.
 - (f) The number of the drug box.
- (6) After the drug box has been stocked and labeled, the pharmacist shall seal it with the nonreusable, tamper-evident seal or sealing system which is the color that designates that the box has not been opened.
- (7) A drug box must be kept in a substantially constructed, securely locked storage compartment when not under the direct control of the pharmacist, prescriber, registered nurse, or physician's assistant. The box must be stored under conditions that will maintain the stability, integrity, and effectiveness of the drugs. Access to the storage compartment and to the drug box must be limited to individuals who are authorized to stock the drug box or to dispense drugs from the drug box on the order of an appropriate prescriber.
- (8) The drug box must remain sealed at all times, except when in use. All drugs removed from the box must be recorded on a medication use form. After completing the form, the physician, registered nurse or physician's assistant who removed the drug must place the form in the drug box and seal the box with a nonreusable, tamper-evident seal or sealing system which is a color that designates that the box has been opened.
- (9) Each drug box under the control of the pharmacy must be examined at least weekly to ensure that the seal which designates that the box has not been opened is still intact and the expiration date has not been exceeded. If the expiration date has been exceeded or the box has been opened, the box must be returned to the pharmacy. The written prescription for all drugs that have been administered from the drug box must accompany the drug box when it is returned to the pharmacy after opening.
- (10) The pharmacy shall maintain a permanent record of drug box exchanges on a drug box exchange log. The record must contain all of the following information:
- (a) The number of the box.
 - (b) The name of the hospice to which the box is released.

- (c) The date the box is released to the hospice.
- (d) The name and signature of the pharmacist who releases the box to the hospice.
- (e) The expiration date assigned.
- (f) The date the box is returned to the pharmacy for restocking.
- (g) The name and signature of the pharmacist who received the box for restocking.
- (11) Upon return of the drug box to the pharmacy, the pharmacist shall reconcile the drugs dispensed from the drug box with the prescriptions of the appropriate prescriber or medical director of the hospice. The pharmacist shall note that the prescriptions were dispensed from the hospice drug box on the back of the prescriptions. The prescriptions must be filed in the same manner as other prescriptions are maintained at the pharmacy.

R 338.591 Dispensing emergency supply of insulin.

Rule 91. (1) A pharmacist may dispense an emergency supply of insulin to an individual if all the following requirements are met:

- (a) All requirements in section 17744f of the code, MCL 333.17744f, are met.**
- (b) An emergency supply of insulin may not be dispensed by a pharmacy unless the individual with the qualified prescription for insulin has previously had a prescription for insulin dispensed at that pharmacy.**

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PHARMACY TECHNICIANS

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16148, 17707, 17731, 17739, 17739a, 17739b, and 17739c, of 1978 PA 368, as amended, MCL 333.16145(3), 333.16148, 333.17703, 333.17707, 333.17731, 333.17739, 333.17339a, 333.17739b, and 17739c and Executive Reorganization Order Nos. ~~1996-1991-9~~, 1996-2, 2003-1, and 2011-4, MCL ~~330.3401~~**338.3501**, 445.2001, 445.2011, and 445.2030)

R 338.3651, etc of the Michigan Administrative Code is amended as follows:

R 338.36 Definitions.

Rule . (1) As used in these rules:

(a) "Board" means the Michigan board of pharmacy, created in section 17721 of the code, MCL 333.17721.

(b) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.

(c) "Department" means the department of licensing and regulatory affairs.

(2) Unless otherwise defined in these rules, the terms defined in the code have the same meaning when used in these rules.

R 338.3651 Pharmacy technician licensure; eligibility; examination.

Rule 1. (1) An applicant for licensure by examination ~~as a pharmacy technician~~ shall submit a completed application on a form provided by the department, together with the appropriate fee unless the applicant is exempt from filing under any of the following exemptions pursuant to section 17739a(4) of the code, MCL 333.17739a:

(a) A student enrolled in a pharmacy technician program approved by the board under R 338.3655.

(b) A licensee who holds a temporary pharmacy technician license under R 338.3652 and section 17739b of the code, MCL 333.17739b.

(c) A licensee who holds a limited pharmacy technician licensee under section 17739c of the code, MCL 333.17739c.

(2) In addition to meeting the requirements of **the public health code-general rules, and any other administrative rules promulgated under the code, and** section 16174 of the code, MCL 333.16174, an applicant shall comply with all of the following requirements:

(a) Have graduated from an accredited high school or comparable school or educational institution or passed the general educational development test or the graduate equivalency examination.

(b) Have passed and provided proof to the department of passing any of the following examinations:

(i) The certified pharmacy technician examination given by the Pharmacy Technician Certification Board (PTCB) or the National Healthcareer Association (NHA).

(ii) A nationally recognized and administered pharmacy technician certification examination that has been approved by the board under R 338.3654.

(iii) An employer-based training program examination that has been approved by the board under R 338.3654.

(c) ~~Beginning March 16, 2021, an~~ An applicant shall submit proof of having completed the 1-time training in identifying victims of human trafficking as required in R 338.3659 and section 16148 of the code, MCL 333.16148, and the implicit bias training as required in R 338.7004.

(3) An applicant who is or has ever been licensed, registered, or certified in a health profession or specialty by any other state, the United States military, the federal government, or another country, shall do both of the following:

(a) Disclose each license, registration, or certification on the application form.

(b) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which includes verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.

R 338.3652 Temporary license.

Rule 2. (1) Subject to the limitations in section 16181 of the code, MCL 333.16181, and under section 17739b, of the code, MCL 333.17739b, the department may issue a nonrenewable, temporary license to an applicant who is preparing for the proficiency examination and has completed all requirements for licensure as a pharmacy technician **under R 338.3651** except passing the proficiency examination required under section 17739a(1)(d) of the code, MCL 333.17739a.

(2) An applicant applying for a pharmacy technician temporary license shall submit a completed application on a form provided by the department, together with the appropriate fee.

(3) The temporary license expires 1 year after the date the temporary license is issued.

R 338.3653 Licensure by endorsement.

Rule 3. (1) An applicant **who has never held a pharmacy technician license in this state, who is licensed in another state, may apply** for licensure by endorsement ~~shall by~~ **submitting** a completed application on a form provided by the department, together with the requisite fee.

(2) An applicant who meets the requirements of the code, the public health code-general rules, any other administrative rules promulgated under the code, as well as all of the following requirements of this rule, is presumed to meet the requirements of section 16186 of the code, MCL 333.16186.

~~(2) An applicant shall satisfy all of the following requirements:~~

(a) ~~Have~~**Has** graduated from an accredited high school or comparable school or educational institution, or passed the general educational development test or the graduate equivalency examination.

(b) ~~Satisfy~~**Satisfies** the requirements in section 16174(2) of the code, MCL 333.16174, **which includes verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.** .

(c) ~~Hold~~**Holds** a pharmacy technician license or registration by examination in another state that is active and in good standing.

(d) ~~Submit~~**Submits** proof that the applicant passed 1 of the approved examinations specified in R 338.3651(2)(b).

(e) **Submits** proof of having completed **the 1-time** training in identifying victims of human trafficking as required in R 338.3659 **and section 16148 of the code, MCL 333.16148.**

~~(3) In addition to meeting the requirements of subrules (1) and (2) of this rule, an applicant's license must be verified, on a form provided by the department, by the licensing agency of any state in which the applicant holds a current license or ever held a license as a pharmacy technician. Verification must be sent directly to the department from the licensing agency and include the record of any disciplinary action taken or pending against the applicant.~~ **(f) Discloses each license, registration, or certification in a health profession or specialty issued by any other state, the United States military, the federal government, or another country on the application form.**

R 338.3654 Examination requirements; board approval; approval process.

Rule 4. (1) Except for the PTCB and NHA examinations, a nationally recognized pharmacy technician proficiency certification examination and an employer-based training program proficiency examination must be approved by the board.

(2) An employer-based training program proficiency examination must be offered in association with a specific employer-based training program and cover the topics specified in section 17739a(1)(d)(iv) of the code, MCL 333.17739a.

(3) An entity that offers a nationally recognized pharmacy technician proficiency certification examination shall submit to the department a completed application on a form provided by the department with proof of current national accreditation in order to be approved by the board. If the examination is nationally accredited, after the department processes the application, it shall be considered approved by the board. If national accreditation is lost, the examination will no longer be approved by the board.

(4) An entity that offers an employer-based training program proficiency examination shall submit to the department a completed application on a form provided by the department and a copy of the examination with the correct answers clearly identified for each question.

(5) An entity that offers an employer-based training program proficiency examination shall submit a modification to a proficiency examination during its approval term to the department on a form provided by the department pursuant to the requirements of this rule.

(6) ~~Beginning July 1, 2022,~~ **Except for PTCB and NHA,** a nationally recognized certification proficiency examination or employer-based training program proficiency examination approved by the board before July 1, 2022, shall submit an application consistent with this rule for approval **by July 1, 2023 or the program will no longer be listed as a board approved program.**

(7) Beginning July 1, 2022, the board's approval of an examination expires 5 years after the date of approval.

(8) One year after the effective date of this rule, a board approved proficiency examination shall have a minimum passing score of 70%.

R 338.3655 Approved pharmacy technician programs.

Rule 5. (1) The following pharmacy technician programs are considered board-approved after a completed application on a form provided by the department along with proof of accreditation is submitted to and reviewed by the department:

(a) A pharmacy technician program including an employer-based training program that is accredited by the American Society of Health-System Pharmacists/Accreditation Council for Pharmacy Education Pharmacy Technician Accreditation Commission (ASHP/ACPE).

(b) A pharmacy technician program that is offered by an education program that is accredited by the ASHP/ACPE or by an agency accredited by the United States Department of Education.

(2) If either of the following pharmacy technician programs do not meet the requirements in subrule (1) of this rule, the program may apply for board approval by submitting an application to the department on a form provided by the department, along with an attestation form that verifies compliance with the information required in subrule (3) of this rule.

(a) A comprehensive curriculum-based pharmacy technician education and training program conducted by a school that is licensed pursuant to the proprietary schools act, 1943 PA 148, MCL 395.101 to 395.103.

(b) A pharmacy technician training program utilized by a pharmacy that includes training in the functions, specified in section 17739(1) of the code, MCL 333.17739, and R 338.3665, required to assist the pharmacist in the technical functions associated with the practice of pharmacy.

(3) The contents of the training programs offered under subrule (2) of this rule must include all of the following:

(a) The duties and responsibilities of the pharmacy technician and a pharmacist, including the standards of patient confidentiality, and ethics governing pharmacy practice.

(b) The tasks and technical skills, policies, and procedures related to the pharmacy technician's position pursuant to the duties specified in section 17739(1) of the code, MCL 333.17739, and R 338.3665.

(c) The pharmaceutical-medical terminology, abbreviations, and symbols commonly used in prescriptions and drug orders.

(d) The general storage, packaging, and labeling requirements of drugs, prescriptions, or drug orders.

(e) The arithmetic calculations required for the usual dosage determinations.

(f) The essential functions related to drug, purchasing, and inventory control.

(g) The recordkeeping functions associated with prescriptions or drug orders.

(4) The pharmacy technician program shall maintain a record of a student's pharmacy technician training and education, specified in this rule, for 3 years after a student completes or leaves the program, whichever is earlier, that must include all of the following:

(a) The full name and date of birth of the pharmacy technician student.

(b) The starting date of the pharmacy technician program and date the student successfully completed the program.

(c) The program syllabus and activities performed in the program.

(5) A student shall complete a board-approved pharmacy technician program within 2 years of beginning the program in order to maintain his or her exemption from licensure in subrule (6) of this rule, and R 338.3651.

(6) A student in a board-approved pharmacy technician program is exempt from, and not eligible for, licensure while in the program.

(7) ~~Beginning July 1, 2022, a~~ A pharmacy technician program that was board approved before July 1, 2022, must reapply and meet the requirements of this rule **by July 1, 2023 or the program will no longer be listed as a board approved program.** Beginning July 1, 2022, the board's approval of a program expires 5 years after the date of approval. After 5 years, upon review by the department, a pharmacy technician program may be reapproved if it has maintained its accreditation.

(8) During the 5 year approval term, additional locations using an approved program and examination must submit an application to the department for review, but do not require board approval.

(8) If after a program has been approved, the department determines that a program is not meeting the standards of the code or these rules, the department may send written notice to the program stating the areas in the program which are deficient. The program will have 30 days to fix any deficiency and report back to the department. If the deficiencies are not resolved the board may withdraw approval.

(9) Withdrawal of board approval of a program for stated deficiencies which were not remediated does not necessarily make any bona fide student enrolled in the program at the time of withdrawal of approval ineligible for the required licensure examination.

R 338.3657 Relicensure requirements for pharmacy technicians.

Rule 7. **(1)** An applicant for relicensure whose pharmacy technician license has lapsed **in this state** under the provisions of section 16201(3) or (4) of the code, MCL 333.16201, as applicable, may be relicensed by complying with the following requirements:

(a) For a pharmacy technician who has let his or her license lapse in this state and who is not currently licensed in another state:	Lapsed 0-3 years	Lapsed more than 3 years
(i) Application and fee: Submit Submits a completed application on a form provided by the department, together with the requisite fee.	√	√
(ii) Good moral character: Establish Establishes that he or she is of good moral character as defined in, and determined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.	√	√
(iii) Submit Submits fingerprints: Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√
(iv) Continuing education: Submit Submits proof of having completed 20 hours of continuing education specified in R 338.3661 (1)(e) (1) that was completed within the 2-year period preceding the date of the application for relicensure. If the continuing	√	√

education hours submitted with the application are deficient, an applicant shall have 2 years from the date of the application to complete the deficient hours. The application will must be held, and the license will not be issued until the continuing education requirements have been met.		
(v) Examination: Within 2 years of the period preceding the application for relicensure, pass passes 1 of the examinations specified in R 338.3651(2)(b)(i) to (iii).		√
(vi) Beginning March 16, 2021, an applicant shall submit Submits proof of having completed completing a 1-time training in identifying victims of human trafficking as required in R 338.3659, and implicit bias training as required in R 338.7004.	√	√
(vii) Verification: Submit verification from the licensing agency of all other states of the United States in which the applicant has ever held a license to practice as a pharmacy technician. Verification must include the record of any disciplinary action taken or pending against the applicant. An applicant who is or has ever been licensed, registered, or certified in a health profession or specialty by any other state, the United States military, the federal government, or another country, shall do both of the following: (A) Disclose each license, registration, or certification on the application form. (B) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which include verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.	√	√
(viii) Meets the English language requirement under R 338.7002b.	√	√
(b) For a pharmacy technician who has let his or her license lapse in this state, but who holds a current and valid pharmacy technician license in another state:	Lapsed 0-3 years	Lapsed more than 3 years
(i) Submits a completed application on a form provided by the department, together with the requisite fee.	√	√
(ii) Establishes that he or she is of good moral character as defined in, and determined under 1974 PA 381, MCL 338.41 to 338.47.	√	√

(iii) Submits fingerprints: Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√
(iv) Submits proof of having completed 20 hours of continuing education specified in R 338.3661(1) that was completed within the 2-year period preceding the date of the application for relicensure. If the continuing education hours submitted with the application are deficient, an applicant shall have 2 years from the date of the application to complete the deficient hours. The application must be held, and the license will not be issued until the continuing education requirements have been met.		√
(v) Within 2 years preceding the application for relicensure, passes 1 of the examinations specified in R 338.3651(2)(b)(i) to (iii).		√
(vi) Submits proof of completing a 1-time training in identifying victims of human trafficking as required in R 338.3659, and implicit bias training as required in R 338.7004.	√	√
(vii) Submits verification from the licensing agency of all other states of the United States in which the applicant has ever held a license to practice as a pharmacy technician. Verification must include the record of any disciplinary action taken or pending against the applicant. An applicant who is or has ever been licensed, registered, or certified in a health profession or specialty by any other state, the United States military, the federal government, or another country, shall do both of the following: (A) Disclose each license, registration, or certification on the application form. (B) Satisfies the requirements of section 16174(2) of the code, MCL 333.16174, which include verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.	√	√
(viii) Meets the English language requirement under R 338.7002b.	√	√

(2) If relicensure is granted and it is determined that a sanction has been imposed by another state, the United States military, the federal government, or another country, the disciplinary subcommittee may impose appropriate sanctions under section 16174(5) of the code, MCL 333.16174.

R 338.3659. Training standards for identifying victims of human trafficking; requirements.

Rule 9. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual licensed or seeking licensure shall complete training in identifying victims of human trafficking that meets the following standards:

(a) Training content covers all of the following:

(i) Understanding the types and venues of human trafficking in the United States.

(ii) Identifying victims of human trafficking in health care settings.

(iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.

(iv) Resources for reporting the suspected victims of human trafficking.

(b) Acceptable providers or methods of training include any of the following:

(i) Training offered by a nationally-recognized or state-recognized health-related organization.

(ii) Training offered by, or in conjunction with, a state or federal agency.

(iii) Training obtained in an educational program that has been approved by the board for initial licensure, or by a college or university.

(iv) Reading an article related to the identification of victims of human trafficking that meets the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.

(c) Acceptable modalities of training include any of the following:

(i) Teleconference or webinar.

(ii) Online presentation.

(iii) Live presentation.

(iv) Printed or electronic media.

(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:

(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.

(b) A self-certification statement by an individual. The certification statement must include the individual's name and either of the following:

(i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.

(ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.

(3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply for license renewals beginning with the first renewal cycle after March 16, 2016, and for initial licenses issued after March 16, 2021.

R 338.3661 License renewals; continuing education requirements.

Rule 11. (1) ~~A licensee seeking renewal of a pharmacy technician's license, who has been licensed for the 2-year period preceding the end of the license cycle, shall during the 2 years immediately preceding the application for renewal, comply with all of the following:~~

This rule applies to applications for renewal of a pharmacy technician's license and a special retired volunteer pharmacy technician's license under sections 16201 and 16184 of the code, MCL 333.16201 and 333.16184. A licensee seeking renewal shall comply with all of the following:

(a) Submit to the department a completed application for renewal on a form provided by the department together with the requisite fee.

(b) Complete the training in identifying victims of human trafficking as required in R 338.3659.

(c) ~~Except as otherwise provided in subrule (6) of this rule, comply with 1 of the following:~~

~~— (i) Complete a proficiency examination as specified in R 338.3651(2)(b)(i) to (iii).~~

~~— (ii) Complete not less than 20 hours of continuing education courses or programs approved by the board, during the 2 years preceding the application for renewal, that meet all of the following requirements:~~

~~— (A) No more than 12 hours of continuing education credit may be earned during a 24-hour period.~~

~~— (B) An applicant shall not earn credit for taking the same continuing education course or program twice during 1 renewal period.~~

~~— (C) Not less than 5 of the continuing education credits must be earned by attending live courses, programs or activities that provide for direct interaction with instructors, peers, and participants, including but not limited to lectures, meetings, symposia, real-time teleconferences or webinars, and workshops.~~

~~— (D) Continuing education credit must be earned as follows:~~

Subjects		Number of continuing education hours required or permitted for each activity
(I)	Pain and symptom management relating to the practice of pharmacy.	Minimum: 1 hour
(II)	Patient safety.	Minimum: 1 hour
(III)	Pharmacy law.	Minimum: 1 hour
(IV)	Pharmacy related subject matter, including the following topics: Medication or drug distribution. Inventory control systems. Mathematics and calculations. Biology. Pharmaceutical sciences. Therapeutic issues. Pharmacy operations. Pharmacology, drug therapy, or drug products. Preparation of sterile products. Prescription compounding. Drug repackaging. Patient interaction, or interpersonal skills, and	Minimum: 17 hours in any combination of the pharmacy-related subject matters included in this subparagraph. Instruction in each subject is not required.

communication.	
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~~(2) A continuing education course or program that is offered or approved by any of the following providers is approved by the board:~~

- ~~—(a) A pharmacy technician educational program that has been approved by the board.~~
- ~~—(b) A course or program approved by another state board of pharmacy.~~
- ~~—(c) A program approved by the ASHP/ACPE.~~
- ~~—(d) A course or program approved by the board under R 338.3663.~~

~~(3) Submission of an application for renewal shall constitute the applicant's certification of compliance with this rule. The licensee shall retain documentation of meeting the requirements of this rule for a period of 4 years from the date of applying for license renewal. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221.~~

~~(4) A request for a waiver under section 16205 of the code, MCL 333.16205, must be received by the department before the expiration date of the license.~~

~~(5) If audited, a licensee shall submit to the department a copy of a letter or certificate of completion that includes all of the following:~~

- ~~—(a) The licensee's name.~~
- ~~—(b) The number of hours earned.~~
- ~~—(c) The sponsor name or the name of the organization that approved the program or activity.~~
- ~~—(d) The date on which the program was held or activity completed.~~

~~(6) Effective for applications for renewal that are filed for the renewal cycle that begins 1 year or more after the effective date of this subrule, an applicant shall meet the requirements of this subrule and the requirements in subrules (1)(a) and (b), (3), and (4) of this rule.~~

~~(c) An applicant for license renewal, who has been licensed for the entire 2-year period preceding the end of the license cycle, shall during the 2 years immediately preceding the application for renewal complete not less than 20 hours of continuing education approved by the board under R 338.3662 as follows:~~

~~(a)(i) An applicant for license renewal shall complete 1 hour in pharmacy ethics and jurisprudence **which may be completed in one or more courses.**~~

~~(b)(ii) An applicant for license renewal shall complete 1 hour in pain and symptom management in the practice of pharmacy that includes, but is not limited to, courses in the following subjects:~~

- ~~(i)(A) Behavior management.~~
- ~~(ii)(B) Psychology of pain.~~
- ~~(iii)(C) Pharmacology.~~
- ~~(iv)(D) Behavior modification.~~
- ~~(v)(E) Stress management.~~
- ~~(vi)(F) Clinical applications as they relate to professional practice.~~

~~(e)(iii) An applicant for license renewal shall complete 1 hour in patient safety.~~

~~(d)(iv) An applicant for license renewal shall earn no more than 12 hours of continuing education during a 24-hour period.~~

~~(e)(v) Except for the 1-time training in human trafficking and the implicit bias training, which may be used to comply with both the training requirement and the continuing education requirement in the same renewal period, an applicant for license renewal may not earn continuing education credit for a program or activity that is identical to a program or activity an applicant has already earned credit for during that renewal period.~~

~~An applicant for license renewal shall not earn credit for taking the same continuing education course or program twice during 1 renewal period.~~

~~(F)(vi)~~ **An applicant for license renewal shall earn not less than at least 5 hours of continuing education in live, synchronous, courses or programs, in-person or virtual, that provide for the opportunity of direct interaction between faculty and participants, including but not limited to, lectures, symposia, live teleconferences, and workshops. ACPE courses designated as live meet this requirement.**

~~courses, programs, or activities that provide for direct interaction with instructors, peers, and participants including, but not limited to, lectures, meetings, symposia, real-time teleconferences or webinars, and workshops.~~

(2) Submission of an application for renewal shall constitute the applicant’s certification of compliance with this rule. The licensee shall retain documentation of meeting the requirements of this rule for a period of 4 years from the date of applying for license renewal. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221.

(3) A request for a waiver under section 16205 of the code, MCL 333.16205, must be received by the department for the board’s consideration at least 30 days before the last regularly scheduled board meeting before the expiration date of the license. The public notice for the board meetings can be found here: [Dentistry \(michigan.gov\)](http://Dentistry.michigan.gov).

(4) Continuing education that is earned during the 60-day grace period may be included up to the date the application for renewal is filed.

R 338.3662 Format of acceptable continuing education for licensees.

~~Rule 12. Effective for applications for renewal that are filed for the renewal cycle that begins 1 year or more after the effective date of this subrule, the~~ **The board shall consider all of the following as acceptable continuing education:**

FORMAT OF ACCEPTABLE CONTINUING EDUCATION ACTIVITIES		
(a)	<p>Completion of an approved continuing education course or program related to the practice of pharmacy. A continuing education course or program is approved, regardless of the format in which it is offered, if it is approved or offered for continuing education credit by any of the following:</p> <ul style="list-style-type: none"> • A pharmacy program accredited by the ASHP/ACPE or the Canadian Council for Accreditation of Pharmacy Programs (CCAPP). • A continuing education sponsoring organization, institution, or individual approved by the ASHP/ACPE. • Another state board of pharmacy. <p>If audited, a licensee shall submit to the department a copy of a letter or certificate of</p>	<p>The number of hours earned will be the number of hours approved by the sponsor or the approving organization.</p> <p>If the activity was not approved for a set number of hours, then 1 credit hour for every 50 minutes of participation may be earned.</p> <p>No limitation on the number of hours earned.</p>

	<p>completion showing the licensee's name, number of hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held, or activity completed.</p>	
(b)	<p>Completion of pharmacy practice or administration courses offered for credit in a pharmacy program accredited by the ASHP/ACPE or the CCAPP.</p> <p>If audited, a licensee shall submit to the department an official transcript that reflects completion of the postgraduate pharmacy practice or administration course and number of semester or quarter credit hours earned.</p>	<p>Twelve hours of continuing education will be credited for each academic quarter credit earned and 18 hours will be credited for each academic semester credit earned.</p> <p>No limitation on the number of hours earned.</p>
(c)	<p>Participation in a home study program offered through an ASHP/ACPE-approved provider or other instructional approaches that include an evaluation component including, but not limited to, on-line continuing education programs and journal articles.</p> <p>If audited, a licensee shall submit to the department an affidavit attesting to the number of hours the licensee spent participating in the home study program that includes a description of the activity.</p>	<p>One hour will be earned for each hour devoted to a home study program.</p> <p>A maximum of 20 hours per renewal period.</p>
(d)	<p>Renewal of a pharmacy technician license held in another state that requires continuing education for license renewal that is substantially equivalent in subject matter and total amount of required hours to that required in these rules if the licensee resides and practices in another state.</p> <p>If audited, a licensee shall submit to the department proof of current licensure in another state and a copy of a letter or certificate of completion showing all of the following: the licensee's name, number of hours earned, the sponsor's name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or the activity was completed.</p>	<p>Twenty hours will be earned.</p> <p>A maximum of 20 hours may be earned in each renewal period.</p>

(e)	<p>Initial publication of an article or a chapter related to the practice of pharmacy in either of the following:</p> <ul style="list-style-type: none"> • A pharmacy textbook. • A peer reviewed journal. <p>If audited, a licensee shall submit to the department a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p>	<p>Ten hours will be earned per publication.</p> <p>A maximum of 10 hours may be earned in each renewal period.</p>
(f)	<p>Presentation of a continuing education program approved by the board under R 338.3663 or subdivision (a) of this rule that is not a part of the licensee's regular job description.</p> <p>If audited, a licensee shall submit to the department a copy of the curriculum and a letter from the program sponsor verifying the length and date of the presentation.</p>	<p>Two hours will be earned for every 50 minutes devoted to presenting the program.</p> <p>A maximum of 10 hours may be earned in each renewal period.</p>
(g)	<p>Attendance at a pharmacy-related program, that is approved by the board pursuant to R 338.3663.</p> <p>If audited, a licensee shall submit to the department a copy of a letter or certificate of completion showing the licensee's name, number of hours earned, sponsor name or the name of the organization that approved the program or course for continuing education credit, and the date on which the program was held or the activity was completed.</p>	<p>The number of hours earned will be the number of hours approved by the sponsor or the approving organization.</p> <p>If the activity was not approved for a set number of hours, then 1 credit hour for every 50 minutes of participation may be earned.</p> <p>No limitation on the number of hours earned.</p>

R 338.3663 Continuing education **courses and programs**; standards for approval.

Rule 13. ~~(4)~~ A continuing education course or program that is not pre-approved under ~~R 338.3661(2) or 338.3662(a)~~ may be approved by the board **pursuant to the standards in R 338.3043 of the Pharmacy-Pharmacist Continuing Education rules.** ~~by the course or program sponsor submitting to the department a completed application on a form provided by the department, no later than 70 days before the course or program date, and no later than 70 days before the next regularly scheduled board meeting. A course or program conducted before board consideration and approval shall be denied approval. The application and supporting documentation must include all of the following information:~~

- ~~—(a) A course or program schedule that includes all of the following:~~
 - ~~—(i) The date of the course or program.~~
 - ~~—(ii) The topics to be covered in the course or program.~~
 - ~~—(iii) The names of all of the speakers.~~

- (iv) Break times.
- (b) An explanation of how the course or program is designed to further educate pharmacy technicians, including a short narrative describing the program content and the criteria for the selection of this topic.
- (c) Copies of instructional objectives that have been developed.
- (d) Copies of all promotional and advertising materials for the course or program.
- (e) The name, title, and address of the course or program director and a description of his or her qualifications to direct the course or program.
- (f) A description of how the amount of continuing education credit to be awarded for this course or program was determined.
- (g) A description of how participants will be notified that continuing education credit has been earned.
- (h) A description of the physical facilities, lab, or pharmacy available to ensure a proper learning environment.
- (i) A copy of the curriculum vitae for each instructional staff member.
- (j) A description of the delivery method to be used and the techniques that will be employed to assure active participation.
- (k) A copy of the post test instrument that will be used for participant evaluation.
- (l) A description of how post tests will be administered, corrected, and returned to participants.
- (m) A description of how post test performance will influence the awarding of continuing education credit.
- (n) A description of how attendance will be monitored, including sample documents, and the name of the person monitoring attendance.
- (2) A course or program must meet the standards and criteria for an acceptable category of continuing education in effect at the time of application and must be relevant to health care and advancement of the licensee's pharmacy technician education.
- (3) The continuing education course or program approved under subrule (1) of this rule must meet all of the following:
 - (a) Be an organized course or program of learning that contributes to the advancement and enhancement of professional competency and scientific knowledge in the practice of pharmacy and be designed to reflect the educational needs of pharmacy technicians.
 - (b) Have a scientific and educational integrity and contain generally accepted pharmacy practices.
 - (c) Have an outline that demonstrates consistency with the course or program description and reflects the course or program content.
 - (d) Be taught in a manner appropriate to the educational content, objectives, and purpose of the course or program and allow suitable time to be effectively presented to the audience.
 - (e) Provide instructors who have the necessary qualifications, training, and experience to teach the course or program.
 - (f) Provide for active participation and involvement from the participants.
 - (g) Offer educational materials for each continuing education activity that enhances the participant's understanding of the content and foster applications to pharmacy practice.
 - (h) Include learning assessments in each activity that allow pharmacy technicians to assess their achievement of the learned content. Completion of a learning assessment is required for continuing education content.
- (4) Board approval is valid for a 3-year term from the date of the board's approval.

- ~~—(5) The board shall reevaluate a course or program before any changes are made during the approval term, including but not limited to, changes to either of the following:~~
- ~~—(a) Instructors and speakers.~~
 - ~~—(b) Course or program content, title, and number of continuing education hours to be awarded to participants.~~
- ~~—(6) All of the following apply regarding changes to a previously approved course or program:~~
- ~~—(a) Subject to subdivision (b) of this rule, all changes to a previously approved course or program must be submitted on required department forms at least 70 days before the date the course or program is offered to participants and at least 70 days before the next regularly scheduled board meeting to be considered for approval by the board. Any changes to a submitted and previously approved course or program, other than those approved under subdivision (b) of this subrule, must not be made to the course or program without prior approval.~~
 - ~~—(b) Emergency changes to instructors and speakers that cannot be submitted to the board at least 70 days before the date of the course or program or at least 70 days before the next regularly scheduled board meeting may be reviewed by the department in consultation with the board chair or a continuing education board committee member if proof that is acceptable to the department and that supports the nature of the emergency is submitted with the change.~~
 - ~~—(c) The specific dates that the course or program will be offered do not require further board approval and may be changed without review by the board if the presentation dates are within the board's original 3-year term of approval.~~
- ~~—(7) The provider or sponsor of a course or program shall issue certificates or letters of attendance that include all of the following:~~
- ~~—(a) The name of the sponsor.~~
 - ~~—(b) The name of the course or program.~~
 - ~~—(c) The name of the attendee.~~
 - ~~—(d) The date of the course or program.~~
 - ~~—(e) The continuing education approval number assigned by the department and current approval term.~~
 - ~~—(f) The signature of the person responsible for attendance monitoring and his or her title.~~
 - ~~—(g) The number and type of hours awarded.~~
- ~~—(8) The provider or sponsor of a course or program shall maintain records of the information contained in subrule (7) of this rule for 5 years after the course or program is offered to participants.~~
- ~~—(9) The board may revoke the approval status of any approved course or program at any time the course or program fails to comply with these rules.~~

R 338.3665 Performance of activities and functions; delegation.

Rule 15. In addition to performing the functions described in section 17739(1) of the code, MCL 333.17739, a licensed pharmacy technician may also engage in the following tasks, under the delegation and supervision of a licensed pharmacist:

- (a) Reconstituting non-sterile dosage forms consistent with approved labeling provided by the manufacturer of a commercially available product.
- (b) Technology-assisted final product verification, which includes all the following:
 - (i) A second licensed pharmacy technician verifies the work of the first licensed pharmacy technician to perform final product verification.
 - (ii) The first-licensed pharmacy technician processes a medication order or prescription.

(iii) The first-licensed pharmacy technician processes the medication order or prescription using bar coding or another board-approved error prevention technology.

(iv) A pharmacist verifies the first-licensed pharmacy technician's processing of the medication order or prescription.

(v) The second licensed pharmacy technician technology-assisted final product verification is subject to all of the following requirements:

(A) The licensed pharmacy technician holds a current full pharmacy technician license in this state, not a temporary or limited license.

(B) The licensed pharmacy technician performing technology-assisted final product verification has completed a board approved pharmacy technician program under R 338.3655.

(C) The licensed pharmacy technician performing technology-assisted final product verification has not less than 1,000 hours of pharmacy technician work experience in the same kind of pharmacy practice site in which the technology-assisted final product verification is performed while he or she holds a current full pharmacy technician license in this state, not a temporary or limited license.

(D) The practice setting where a licensed pharmacy technician performs technology-assisted final product verification has in place policies and procedures including a quality assurance plan governing pharmacy technician technology-assisted final product verification.

(E) The licensed pharmacy technician uses a technology-enabled verification system to perform final product verification.

(F) The technology enabled verification system must document and electronically record each step of the prescription process including which individuals complete each step.

(G) A licensed pharmacy technician shall not perform technology-assisted final product verification for sterile or nonsterile compounding.

(H) Technology-assisted final product verification by a licensed pharmacy technician is not limited to a practice setting.

(I) Except for a remote pharmacy that is regulated under sections 17742a and 17742b of the code, MCL 333.17742a and MCL 333.17742b, a pharmacy technician shall not participate in technology-assisted final product verification remotely. Technology-assisted product verification must be done on-site.

(J) A pharmacist using his or her professional judgment may choose to delegate technology-assisted final product verification after ensuring licensed pharmacy technicians have completed and documented relevant training and education.