

Sample Delegation Agreement for Pharmacist-Prescribed, Self-Administered, Hormonal Contraceptives*

- I. STATEMENT OF PURPOSE AND PARTIES TO THE AGREEMENT
 - a. Under the Michigan Public Health Code, [*name of delegating, Michigan-licensed physician*] (Physician) delegates to [*name(s) of the pharmacist(s)*] (Pharmacist), the act of selecting and prescribing self-administered, hormonal contraceptives to Pharmacist's patients as outlined in this agreement. The purpose of this agreement is to facilitate consistent access to self-administered, hormonal contraceptives.
- II. PATIENT POPULATION AND PRESCRIBING PROTOCOL
 - a. [*Physician and Pharmacist should indicate whether Pharmacist is delegated the authority to select and prescribe self-administered, hormonal contraceptives to mutual patients only or whether that authority extends to all patients who seek Pharmacist's services*]
 - b. [*Physician and Pharmacist should indicate the minimum age for the patients Pharmacist may serve and how consent to treatment will be documented*]
 - c. [*Physician and Pharmacist should indicate whether Pharmacist may prescribe self-administered, hormonal contraceptives as a delegated act for the purpose of patients' birth control only or if contraceptives may be prescribed with the intent to treat other medical conditions*]
 - d. [*Physician and Pharmacist should indicate whether there are other parameters regarding certain populations (e.g. contraceptives will not be prescribed to patients with certain medical conditions)*]
 - e. [*Physician must establish a clear drug protocol Pharmacist will follow in assessing the patient; identifying risk factors; selecting a self-administered, hormonal contraceptive for the patient; and, when indicated, making a referral to the patient's physician*]
 - f. Only self-administered, hormonal contraceptives may be prescribed by a pharmacist who is a party to this agreement. Other types of contraceptives shall not be prescribed.
- III. TRAINING AND EDUCATION
 - a. Pharmacist has demonstrated to Physician's satisfaction, and must continue to demonstrate, that they are qualified by education, training, or experience to select and prescribe self-administered, hormonal contraceptives in a safe and competent manner.

* Please note that this sample agreement template contains some suggested components for a delegation agreement between an MD/DO and a pharmacist(s) to prescribe self-administered, hormonal contraceptives. This sample is *not* intended to be a comprehensive agreement. It is recommended that practitioners work collaboratively to build a delegation agreement that promotes good patient care, suits their practice needs, and conforms to acceptable standards of practice. MDs/DOs and pharmacists must use their best clinical judgment when determining whether to enter a delegation agreement. **The information included is intended for informational purposes only and does not constitute legal advice. Practitioners are encouraged to consult with private legal counsel about these matters.**

- IV. DOCUMENTATION OF CARE AND RECORD RETENTION
 - a. Pharmacist must document each treatment, date of treatment, duration of treatment, and follow-up in the patient's pharmacy record.
 - b. Each prescription must indicate that Physician is the delegating physician.
 - c. Records of treatment must be retained in accordance with the Michigan Public Health Code and the associated administrative rules.
- V. SUPERVISION
 - a. Physician and Pharmacist must be continuously available for direct communication with each other.
 - b. Physician must schedule with Pharmacist regular reviews of Pharmacist's selection and prescribing of self-administered, hormonal contraceptives. The purpose of these reviews will be for Physician to provide consultation, to further educate and to evaluate documentation practices of Pharmacist, and to assess Pharmacist's adherence to the prescribing protocol established in Section III.
- VI. DURATION OF AGREEMENT
 - a. *[Parties should indicate the duration of the agreement]*
- VII. TERMINATION
 - a. A party may withdraw from this agreement at any time. *[Indicate how notice should be conveyed]*
 - b. If Physician withdraws from this agreement, any pharmacist who is a party to it must immediately cease prescribing self-administered, hormonal contraceptives.
 - c. Physician may limit this agreement whenever Physician deems such action necessary or appropriate for specific patients without withdrawing from it or otherwise affecting it relative to other patients.
- VIII. PROHIBITION ON SUB-DELEGATION
 - a. Pharmacist shall not delegate any part of the process of selecting and prescribing self-administered, hormonal contraceptives to other licensed or unlicensed persons.
- IX. GOVERNING LAW
 - a. This agreement is governed by Michigan law, without regard to conflict-of-law principles.
 - b. If any provision of this agreement conflicts with Michigan law, including any provisions of the Public Health Code or any rules promulgated thereunder, such provision is invalid and the remainder of the agreement remains effective.

[SIGNATURE BLOCKS AND EXECUTION DATE]