

## Delegation of Limited Prescriptive Authority to Licensed Pharmacists

September 19, 2022

### Summary

The Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing (LARA-BPL), is issuing this interpretive statement to indicate that, under the Michigan Public Health Code, a physician licensed in the state of Michigan may delegate limited prescriptive authority to a Michigan-licensed pharmacist with a PharmD degree to prescribe self-administered, hormonal contraceptives.

### Background

The Michigan Public Health Code allows an act, task, or function to be delegated by MDs and DOs to individuals who are also “qualified by education, training, or experience,” provided there is adequate supervision by the delegating licensee, unless “the act, task, or function, under standards of acceptable and prevailing practice, requires the level of education, skill, and judgment required of the licensee.”

See [MCL 333.16215\(1\)](#) and [MCL 333.17708\(2\)\(i\)](#).

To become a licensed pharmacist, an individual must generally possess an advanced degree issued by a recognized pharmacy school, undergo extensive training (including 1,600 hours as an intern), and pass a robust examination. Licensed pharmacists have demonstrated that they possess the requisite competence to engage in the practice of pharmacy. See [MCL 333.17707\(3\)](#). The “practice of pharmacy” encompasses:

*[A] health service, the clinical application of which includes the encouragement of safety and efficacy in the prescribing, dispensing, administering, and use of drugs and related articles for the prevention of illness, and the maintenance and management of health. Practice of pharmacy includes the direct or indirect provision of professional functions and services associated with the practice of pharmacy. Professional functions associated with the practice of pharmacy include the following:*

- (a) The interpretation and evaluation of the prescription.*
- (b) Drug product selection.*
- (c) The compounding, dispensing, safe storage, and distribution of drugs and devices.*
- (d) The maintenance of legally required records.*
- (e) Advising the prescriber and the patient as required as to contents, therapeutic action, utilization, and possible adverse reactions or interactions of drugs. [[MCL 333.17707\(8\)](#)]*

LARA interprets the Public Health Code to mean that, as long as the requirements listed below are met, licensed physicians may choose to delegate to licensed pharmacists the authority to prescribe self-administered, hormonal contraceptives, as pharmacists are “otherwise qualified by education, training or experience” to carry out that function. This interpretation is based on the training, described above, required to become a licensed pharmacist and the scope of practice for licensed pharmacists, which includes a detailed understanding of the contents, impacts, and effects of drugs on the human body.

## Requirements

LARA interprets the Public Health Code to mean that the following requirements must be met to delegate this prescriptive authority:

- Only MDs and DOs licensed in Michigan may delegate.
- Those who are delegated authority must be pharmacists licensed in Michigan with a PharmD degree.
- Only the authority to prescribe self-administered, hormonal contraceptives may be delegated.
- A pharmacist must complete training regarding prescribing self-administered, hormonal contraceptives.
- This delegation requires “adequate supervision by the delegating licensee.” This must include all the following (as provided in [MCL 333.16109\(2\)](#)):
  - Continuous availability of direct communication in person or by radio, telephone, or telecommunication between the MD/DO and the pharmacist.
  - The MD/DO being available on a regularly scheduled basis to review the pharmacist’s records and practice, to consult with the pharmacist, and to further educate the pharmacist in the performance of the delegated functions.
  - The MD/DO providing predetermined procedures and drug protocol.
- All prescriptions issued by a pharmacist must indicate the name of the delegating MD/DO.
- The scope of the delegation, including predetermined procedures and drug protocol, should be memorialized in a written delegation agreement. A sample agreement template\* is available on LARA’s website.

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\* Please note that the sample agreement template contains some suggested components for a delegation agreement between an MD/DO and pharmacist 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 above is intended for informational purposes only and does not constitute legal advice. Practitioners are encouraged to consult with private legal counsel about these matters and before entering into a delegation agreement.