

# Administrative Rule Analysis



## PHARMACY – PROGRAM FOR UTILIZATION OF UNUSED PRESCRIPTION DRUGS

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Rule Set No.: 2022-62 LR  
Submitted to JCAR on: 9/27/24

Analysis available at  
<http://www.legislature.mi.gov>

**Department: Licensing and Regulatory Affairs**  
**Agency: Bureau of Professional Licensing**  
**Enabling Statute: Public Health Code, 1978 PA 368, MCL 333.16145, 333.17701, and 333.17775 et seq.**

**Analysis Complete to: 1/14/25**

## BACKGROUND AND SUMMARY OF PROPOSED RULES

Rule Set 2022-62 LR would make numerous amendments, additions, and rescissions to the rules pertaining to the program for utilization of unused prescription drugs. The changes would accomplish the following:

- Add and modify definitions.
- Allow electronic duplicates of records to be used two years after original records are made.
- Allow facilities and manufacturers to submit substantively similar donation forms for forms required to be sent with shipments to pharmacies.
- Allow participating pharmacies to submit substantively similar forms for all forms required by the program.
- Allow pharmacies to repackage donated drugs.
- Establish requirements for drug repackaging.
- Modify requirements for participant, donation, transfer, and destruction forms.
- Require that handling fees collected by pharmacies from drug recipients not exceed the costs of participating in the program.
- Modify requirements for accepting temperature-sensitive drugs.

## FISCAL IMPACT OF PROPOSED RULES

2022-62 LR would have an indeterminate fiscal impact on the state Medicaid program, with no anticipated impacts on other state and local government units. LARA indicated that any increases in the utilization of this program may result in savings on prescription drug reimbursement costs for the state Medicaid program. Because participation is voluntary for both pharmacies and eligible individuals, any cost changes would depend on utilization and the quantity and type of donated drugs.

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