

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4359**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 17210 and 17708 (MCL 333.17210 and 333.17708),
section 17210 as amended by 2017 PA 22 and section 17708 as amended
by 2020 PA 4.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17210. (1) The Michigan board of nursing may grant a
2 specialty certification to a registered professional nurse who has
3 advanced training beyond that required for initial licensure, who
4 has demonstrated competency through examination or other evaluative
5 processes, and who practices in 1 of the following health
6 profession specialty fields:

7 (a) Nurse midwifery.

1 (b) Nurse anesthetist.

2 (c) Nurse practitioner.

3 (d) Subject to subsection (2), clinical nurse specialist.

4 (2) The Michigan board of nursing shall promulgate rules
5 establishing the qualifications for the training and competency of
6 the health profession specialty field of clinical nurse specialist.
7 The Michigan board of nursing shall not grant a specialty
8 certification as a clinical nurse specialist under subsection (1)
9 until after the effective date of the rules promulgated under this
10 subsection.

11 (3) All of the following apply to a registered professional
12 nurse who holds a specialty certification as a nurse anesthetist:

13 (a) In addition to performing duties within the scope of the
14 practice of nursing, his or her scope of practice includes any of
15 the following anesthesia and analgesia services if the services are
16 performed in accordance with the American Association of Nurse
17 Anesthetists Standards for Nurse Anesthesia Practice:

18 (i) Development of a plan of care.

19 (ii) Performance of all patient assessments, procedures, and
20 monitoring to implement the plan of care or to address patient
21 emergencies that arise during implementation of the plan of care.

22 (iii) Selection, ordering, or prescribing and the administration
23 of anesthesia and analgesic agents, including pharmacological
24 agents that are prescription drugs as defined in section 17708 or
25 controlled substances. For purposes of this subparagraph, the
26 authority of a registered professional nurse who holds a specialty
27 certification as a nurse anesthetist to prescribe pharmacological
28 agents is limited to pharmacological agents for administration to
29 patients as described in subdivision (b), (c), or (d), and his or

1 her authority does not include any activity that would permit a
2 patient to self-administer, obtain, or receive pharmacological
3 agents, including prescription drugs or controlled substances,
4 outside of the facility in which the anesthetic or analgesic
5 service is performed or beyond the perioperative, periobstetrical,
6 or periprocedural period.

7 (b) If he or she meets both of the following requirements, he
8 or she may provide the anesthesia and analgesia services described
9 in subdivision (a) without supervision:

10 (i) He or she meets either of the following:

11 (A) He or she has practiced in the health profession specialty
12 field of nurse anesthetist for 3 years or more and has practiced in
13 that health profession specialty field in a health care facility
14 for a minimum of 4,000 hours.

15 (B) He or she has a doctor of nurse anesthesia practice degree
16 or doctor of nursing practice degree.

17 (ii) He or she is collaboratively participating in a patient-
18 centered care team.

19 (c) He or she may provide the anesthesia and analgesia
20 services described in subdivision (a) in a health care facility if
21 the health care facility has a policy in place under subsection (4)
22 allowing for the provision of the anesthesia and analgesia services
23 and ensuring that a qualified health care professional is
24 immediately available in person or through telemedicine to address
25 any urgent or emergent clinical concerns.

26 (d) The anesthesia and analgesia services described in
27 subdivision (a) may be performed for and during the perioperative,
28 periobstetrical, or periprocedural period.

29 (e) If he or she is practicing pain management in a

1 freestanding pain clinic, he or she must be under the supervision
2 of a physician.

3 (4) A health care facility may adopt policies relating to the
4 provision of anesthesia and analgesia services. If a health care
5 facility uses a registered professional nurse who holds a specialty
6 certification as a nurse anesthetist to perform the anesthesia and
7 analgesia services described in subsection (3) who is not employed
8 by the health care facility, the health care facility shall ensure
9 that the registered professional nurse or the person employing the
10 registered professional nurse maintains malpractice insurance.

11 (5) Subsection (3) does not require new or additional third
12 party reimbursement or mandated worker's compensation benefits for
13 anesthesia and analgesia services provided under that subsection by
14 a registered professional nurse who holds a specialty certification
15 as a nurse anesthetist under this part.

16 (6) As used in this section:

17 (a) "Collaboratively participating" means practicing and
18 communicating with health care professionals involved in the
19 patient-centered care team to optimize the overall care delivered
20 to the patient.

21 (b) "Health care facility" means any of the following:

22 (i) A hospital inpatient or outpatient facility.

23 (ii) A freestanding surgical outpatient facility.

24 (iii) An office of a physician, podiatrist, or dentist.

25 (iv) Any other office or facility in which diagnostic or
26 therapeutic procedures are provided to a patient, including, but
27 not limited to, imaging, endoscopy, or cystoscopy services.

28 (c) "Health care professional" means an individual who is
29 licensed or registered to perform a health profession under this

1 article.

2 (d) "Patient-centered care team" means a group of health care
3 professionals, which must include, but is not limited to, a
4 qualified health care professional, who directly or indirectly care
5 for a patient by each contributing his or her specialized
6 knowledge, skill, and experience to the care of the patient.

7 (e) "Qualified health care professional" means any of the
8 following health care professionals who has completed the necessary
9 education, training, and experience in anesthesia care or
10 pharmacology, or has experience with procedures requiring
11 anesthesia:

12 (i) A physician.

13 (ii) A dentist licensed under part 166.

14 (iii) A podiatric physician licensed under part 180.

15 Sec. 17708. (1) "Preceptor" means a pharmacist approved by the
16 board to direct the training of an intern in an approved pharmacy.

17 (2) "Prescriber" means ~~a~~ **any of the following:**

18 (a) A licensed dentist. ~~—a~~

19 (b) A licensed doctor of medicine. ~~—a~~

20 (c) A licensed doctor of osteopathic medicine and surgery. ~~—a~~

21 (d) A licensed doctor of podiatric medicine and surgery. ~~—a~~

22 (e) A licensed physician's assistant. ~~—a~~

23 (f) A licensed optometrist certified under part 174 to
24 administer and prescribe therapeutic pharmaceutical agents. ~~—an~~

25 (g) **An** advanced practice registered nurse as that term is
26 defined in section 17201 who meets the requirements of section
27 17211a. ~~—a~~

28 (h) A licensed veterinarian. ~~—or another~~

29 (i) A registered professional nurse who holds a specialty

1 certification as a nurse anesthetist under section 17210 when he or
2 she is engaging in the practice of nursing and providing the
3 anesthesia and analgesia services described in section 17210(3).
4 For purposes of this subdivision, the authority of a registered
5 professional nurse who holds a specialty certification as a nurse
6 anesthetist under section 17210 to prescribe pharmacological agents
7 is limited to pharmacological agents for administration to patients
8 as described in section 17210(3)(b), (c), or (d).

9 (j) Any other licensed health professional acting under the
10 delegation and using, recording, or otherwise indicating the name
11 of the delegating licensed doctor of medicine or licensed doctor of
12 osteopathic medicine and surgery.

13 (3) "Prescription" means an order by a prescriber to fill,
14 compound, or dispense a drug or device written and signed; written
15 or created in an electronic format, signed, and transmitted by
16 facsimile; or transmitted electronically or by other means of
17 communication. An order transmitted in other than written or hard-
18 copy form must be electronically recorded, printed, or written and
19 immediately dated by the pharmacist, and that record is considered
20 the original prescription. In a health facility or agency licensed
21 under article 17 or other medical institution, an order for a drug
22 or device in the patient's chart is considered for the purposes of
23 this definition the original prescription. For purposes of this
24 part, prescription also includes a standing order issued under
25 section 17744e. Subject to section 17751(2) and (5), prescription
26 includes, but is not limited to, an order for a drug, not including
27 a controlled substance except under circumstances described in
28 section 17763(e), written and signed; written or created in an
29 electronic format, signed, and transmitted by facsimile; or

1 transmitted electronically or by other means of communication by a
2 physician prescriber, dentist prescriber, or veterinarian
3 prescriber who is licensed to practice dentistry, medicine,
4 osteopathic medicine and surgery, or veterinary medicine in another
5 state.

6 (4) ~~"Prescription~~ **Subject to subsection (5), "prescription**
7 **drug"** means a drug to which 1 or more of the following apply:

8 (a) The drug is dispensed pursuant to a prescription.

9 (b) The drug bears the federal legend "CAUTION: federal law
10 prohibits dispensing without prescription" or "Rx only".

11 (c) The drug is designated by the board as a drug that may
12 only be dispensed pursuant to a prescription.

13 (5) **For purposes of this part, prescription drug also includes**
14 **a drug dispensed pursuant to section 17744f.**

15 (6) ~~(5)~~—"Remote pharmacy" means a pharmacy described in
16 sections 17742a and 17742b.

17 (7) **Subsection (2)(i) does not require new or additional third**
18 **party reimbursement or mandated worker's compensation benefits for**
19 **anesthesia and analgesia services provided under section 17210(3)**
20 **by a registered professional nurse who holds a specialty**
21 **certification as a nurse anesthetist under section 17210.**

22 Enacting section 1. This amendatory act takes effect 90 days
23 after the date it is enacted into law.