

# HOUSE BILL NO. 4359

February 24, 2021, Introduced by Reps. Whiteford, Roth, Borton, Allor, Markkanen, Steven Johnson, Wozniak, Brann, Meerman, Thanedar, Sneller, Cherry, Brabec, Cambensy, Rabhi, Paquette, Farrington, Bellino, Martin, O'Malley and Calley and referred to the Committee on Health Policy.

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

1 has demonstrated competency through examination or other evaluative  
2 processes, and who practices in 1 of the following health  
3 profession specialty fields:

- 4 (a) Nurse midwifery.
- 5 (b) Nurse anesthetist.
- 6 (c) Nurse practitioner.
- 7 (d) Subject to subsection (2), clinical nurse specialist.

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

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

17 (a) **In addition to performing duties within the scope of the  
18 practice of nursing, his or her scope of practice includes any of  
19 the following anesthesia and analgesia services:**

20 (i) **Development of a plan of care.**

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

24 (iii) **Selection, ordering, or prescribing and the administration  
25 of anesthesia and analgesic agents, including pharmacological  
26 agents that are prescription drugs as defined in section 17708 or  
27 controlled substances. For purposes of this subparagraph, the  
28 authority of a registered professional nurse who holds a specialty  
29 certification as a nurse anesthetist to prescribe pharmacological**

1 agents is limited to pharmacological agents for administration to  
2 patients as described in subdivision (b), (c), or (d), and his or  
3 her authority does not include any activity that would permit a  
4 patient to self-administer, obtain, or receive pharmacological  
5 agents, including prescription drugs or controlled substances,  
6 outside of the facility in which the anesthetic or analgesic  
7 service is performed or beyond the perioperative, periobstetrical,  
8 or periprocedural period.

9 (b) He or she may provide the anesthesia and analgesia  
10 services described in subdivision (a) without supervision and as  
11 the sole and independent anesthesia provider while he or she is  
12 collaboratively participating in a patient-centered care team. As  
13 used in this subdivision:

14 (i) "Health care professional" means an individual who is  
15 licensed or registered to perform a health profession under this  
16 article.

17 (ii) "Patient-centered care team" means a group of health care  
18 professionals, which may include, but is not limited to, a  
19 physician, podiatrist, or dentist, who directly or indirectly care  
20 for a patient by each contributing his or her specialized  
21 knowledge, skill, and experience to the care of the patient.

22 (c) He or she may provide the anesthesia and analgesia  
23 services described in subdivision (a) in any of the following:

24 (i) A hospital inpatient or outpatient facility.

25 (ii) A freestanding surgical outpatient facility.

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

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

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

4 (4) A health care facility may adopt policies relating to the  
 5 provision of anesthesia and analgesia services. As used in this  
 6 subsection, "health care facility" means a facility or office  
 7 described in subsection (3) (c).

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

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

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

16 (a) A licensed dentist. ~~—a~~

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

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

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

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

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

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

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

27 (i) A registered professional nurse who holds a specialty  
 28 certification as a nurse anesthetist under section 17210 when he or  
 29 she is engaging in the practice of nursing and providing the

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

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

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

1 prescriber who is licensed to practice dentistry, medicine,  
2 osteopathic medicine and surgery, or veterinary medicine in another  
3 state.

4 (4) "Prescription drug" means a drug to which 1 or more of the  
5 following apply:

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

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

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

11 (5) "Remote pharmacy" means a pharmacy described in sections  
12 17742a and 17742b.

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

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