

SENATE BILL No. 550

September 12, 2017, Introduced by Senators KOWALL, WARREN and SHIRKEY and referred to the Committee on Michigan Competitiveness.

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 2016 PA 499.

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:

16 (i) DEVELOPMENT OF A PLAN OF CARE.

17 (ii) PERFORMANCE OF ALL PATIENT ASSESSMENTS, PROCEDURES, AND
18 MONITORING TO IMPLEMENT THE PLAN OF CARE OR TO ADDRESS PATIENT
19 EMERGENCIES THAT ARISE DURING IMPLEMENTATION OF THE PLAN OF CARE.

20 (iii) SELECTION, ORDERING, OR PRESCRIBING AND THE
21 ADMINISTRATION OF ANESTHESIA AND ANALGESIC AGENTS, INCLUDING
22 PHARMACOLOGICAL AGENTS THAT ARE PRESCRIPTION DRUGS AS DEFINED IN
23 SECTION 17708 OR CONTROLLED SUBSTANCES. FOR PURPOSES OF THIS
24 SUBPARAGRAPH, THE AUTHORITY OF A REGISTERED PROFESSIONAL NURSE WHO
25 HOLDS A SPECIALTY CERTIFICATION AS A NURSE ANESTHETIST TO PRESCRIBE
26 PHARMACOLOGICAL AGENTS IS LIMITED TO PHARMACOLOGICAL AGENTS FOR
27 ADMINISTRATION TO PATIENTS AS DESCRIBED IN SUBDIVISION (B), (C), OR

1 (D), AND HIS OR HER AUTHORITY DOES NOT INCLUDE ANY ACTIVITY THAT
2 WOULD PERMIT A PATIENT TO OBTAIN OR RECEIVE PHARMACOLOGICAL AGENTS,
3 INCLUDING PRESCRIPTION DRUGS OR CONTROLLED SUBSTANCES, OUTSIDE OF
4 THE FACILITY IN WHICH THE ANESTHETIC OR ANALGESIC SERVICES ARE
5 PERFORMED.

6 (B) HE OR SHE MAY PROVIDE THE ANESTHESIA AND ANALGESIA
7 SERVICES DESCRIBED IN SUBDIVISION (A) WITHOUT SUPERVISION AND AS
8 THE SOLE AND INDEPENDENT ANESTHESIA PROVIDER WHILE HE OR SHE IS
9 COLLABORATIVELY PARTICIPATING IN A PATIENT-CENTERED CARE TEAM. AS
10 USED IN THIS SUBDIVISION:

11 (i) "HEALTH CARE PROFESSIONAL" MEANS AN INDIVIDUAL WHO IS
12 LICENSED OR REGISTERED TO PERFORM A HEALTH PROFESSION UNDER THIS
13 ARTICLE.

14 (ii) "PATIENT-CENTERED CARE TEAM" MEANS A GROUP OF HEALTH CARE
15 PROFESSIONALS, INCLUDING, BUT NOT LIMITED TO, A PHYSICIAN OR
16 PODIATRIST, WHO DIRECTLY OR INDIRECTLY CARE FOR A PATIENT BY EACH
17 CONTRIBUTING HIS OR HER SPECIALIZED KNOWLEDGE, SKILL, AND
18 EXPERIENCE TO THE CARE OF THE PATIENT.

19 (C) SUBJECT TO SUBDIVISION (F), HE OR SHE MAY PROVIDE THE
20 ANESTHESIA AND ANALGESIA SERVICES DESCRIBED IN SUBDIVISION (A) IN
21 ANY OF THE FOLLOWING:

22 (i) A HOSPITAL INPATIENT OR OUTPATIENT FACILITY.

23 (ii) A FREESTANDING SURGICAL OUTPATIENT FACILITY.

24 (iii) AN OFFICE OF AN ALLOPATHIC PHYSICIAN, AN OSTEOPATHIC
25 PHYSICIAN AND SURGEON, OR A PODIATRIST.

26 (iv) ANY OTHER OFFICE OR FACILITY IN WHICH DIAGNOSTIC IMAGING,
27 ENDOSCOPY, OR CYSTOSCOPY SERVICES ARE PROVIDED TO A PATIENT.

1 (D) THE ANESTHESIA AND ANALGESIA SERVICES DESCRIBED IN
2 SUBDIVISION (A) MAY BE PERFORMED FOR OPERATIVE, OBSTETRICAL,
3 INTERVENTIONAL, OR DIAGNOSTIC PURPOSES, BUT ONLY DURING 1 OR MORE
4 OF THE FOLLOWING:

5 (i) THE PREOPERATIVE, INTRAOPERATIVE, AND POSTOPERATIVE
6 PERIOD.

7 (ii) THE OBSTETRICAL SERVICE PERIOD.

8 (iii) THE PRE-, INTRA-, AND POST-INTERVENTIONAL SERVICE
9 PERIOD.

10 (iv) THE PRE-, INTRA-, AND POST-DIAGNOSTIC SERVICE PERIOD.

11 (E) THE ANESTHESIA AND ANALGESIA SERVICES DESCRIBED IN
12 SUBDIVISION (A) DO NOT INCLUDE CHRONIC PAIN MANAGEMENT SERVICES.
13 HOWEVER, HE OR SHE MAY PERFORM CHRONIC PAIN MANAGEMENT SERVICES
14 UNDER DELEGATION PURSUANT TO SECTION 16215.

15 (F) HE OR SHE MAY PROVIDE THE ANESTHESIA AND ANALGESIA
16 SERVICES DESCRIBED IN SUBDIVISION (A) IN A MOBILE OR FREESTANDING
17 IMAGING FACILITY ONLY UNDER DELEGATION PURSUANT TO SECTION 16215,
18 UNLESS THE MOBILE OR FREESTANDING IMAGING FACILITY IS LOCATED
19 ADJACENT TO OR ON THE SAME PROPERTY AS A FACILITY OR OFFICE
20 DESCRIBED IN SUBDIVISION (C).

21 (4) A HEALTH CARE FACILITY MAY ADOPT POLICIES RELATING TO THE
22 PROVISION OF ANESTHESIA AND ANALGESIA SERVICES. AS USED IN THIS
23 SUBSECTION, "HEALTH CARE FACILITY" MEANS A FACILITY OR OFFICE
24 DESCRIBED IN SUBSECTION (3) (C).

25 (5) SUBSECTION (3) DOES NOT REQUIRE NEW OR ADDITIONAL THIRD
26 PARTY REIMBURSEMENT OR MANDATED WORKER'S COMPENSATION BENEFITS FOR
27 ANESTHESIA AND ANALGESIA SERVICES PROVIDED UNDER THAT SUBSECTION BY

1 A REGISTERED PROFESSIONAL NURSE WHO HOLDS A SPECIALTY CERTIFICATION
2 AS A NURSE ANESTHETIST UNDER THIS PART.

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

5 (2) "Prescriber" means ~~a~~ANY OF THE FOLLOWING:

6 (A) A licensed dentist. ~~—a~~

7 (B) A licensed doctor of medicine. ~~—a~~

8 (C) A licensed doctor of osteopathic medicine and surgery. ~~—a~~

9 (D) A licensed doctor of podiatric medicine and surgery. ~~—a~~

10 (E) A licensed physician's assistant. ~~—a~~

11 (F) A licensed optometrist certified under part 174 to
12 administer and prescribe therapeutic pharmaceutical agents. ~~—an~~

13 (G) AN advanced practice registered nurse as that term is
14 defined in section 17201 who meets the requirements of section
15 17211a. ~~—a~~

16 (H) A licensed veterinarian. ~~—or another~~

17 (I) A REGISTERED PROFESSIONAL NURSE WHO HOLDS A SPECIALTY
18 CERTIFICATION AS A NURSE ANESTHETIST UNDER SECTION 17210 WHEN HE OR
19 SHE IS ENGAGING IN THE PRACTICE OF NURSING AND PROVIDING THE
20 ANESTHESIA AND ANALGESIA SERVICES DESCRIBED IN SECTION 17210(3).
21 FOR PURPOSES OF THIS SUBDIVISION, THE AUTHORITY OF A REGISTERED
22 PROFESSIONAL NURSE WHO HOLDS A SPECIALTY CERTIFICATION AS A NURSE
23 ANESTHETIST UNDER SECTION 17210 TO PRESCRIBE PHARMACOLOGICAL AGENTS
24 IS LIMITED TO PHARMACOLOGICAL AGENTS FOR ADMINISTRATION TO PATIENTS
25 AS DESCRIBED IN SECTION 17210(3)(B), (C), OR (D).

26 (J) ANY OTHER licensed health professional acting under the
27 delegation and using, recording, or otherwise indicating the name

1 of the delegating licensed doctor of medicine or licensed doctor of
2 osteopathic medicine and surgery.

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

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

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

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

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

5 (5) SUBSECTION (2) (I) DOES NOT REQUIRE NEW OR ADDITIONAL THIRD
6 PARTY REIMBURSEMENT OR MANDATED WORKER'S COMPENSATION BENEFITS FOR
7 ANESTHESIA AND ANALGESIA SERVICES PROVIDED UNDER SECTION 17210(3)
8 BY A REGISTERED PROFESSIONAL NURSE WHO HOLDS A SPECIALTY
9 CERTIFICATION AS A NURSE ANESTHETIST UNDER SECTION 17210.

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