

# SENATE BILL NO. 279

April 20, 2023, Introduced by Senators IRWIN, OUTMAN, GEISS, SANTANA, BELLINO and CHANG and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7303, 17201, 17210, 17211a, and 17212 (MCL 333.7303, 333.17201, 333.17210, 333.17211a, and 333.17212), section 7303 as amended by 2013 PA 268, sections 17201 and 17212 as amended and section 17211a as added by 2016 PA 499, and section 17210 as amended by 2021 PA 53, and by adding section 17210a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 7303. (1) ~~A~~**Subject to subsection (9)**, a person who  
2 manufactures, distributes, prescribes, or dispenses a controlled  
3 substance in this state or who proposes to engage in the  
4 manufacture, distribution, prescribing, or dispensing of a  
5 controlled substance in this state shall obtain a license issued by  
6 the administrator in accordance with the rules. A person who has  
7 been issued a controlled substances license by the administrator  
8 under this article and a license under article 15 shall renew the  
9 controlled substances license concurrently with the renewal of the  
10 license issued under article 15, and for an equal number of years.

11           (2) A person licensed by the administrator under this article  
12 to manufacture, distribute, prescribe, dispense, or conduct  
13 research with controlled substances may possess, manufacture,  
14 distribute, prescribe, dispense, or conduct research with those  
15 substances to the extent authorized by its license and in  
16 conformity with the other provisions of this article.

17           (3) A license issued under this article to manufacture,  
18 distribute, prescribe, or dispense pharmaceutical-grade cannabis  
19 and the conduct of the licensee is subject to the additional  
20 requirements of article 8.

21           (4) The following persons need not be licensed and may  
22 lawfully possess controlled substances or prescription forms under  
23 this article:

24           (a) An agent or employee of a licensed manufacturer,  
25 distributor, prescriber, or dispenser of a controlled substance if  
26 acting in the usual course of the agent's or employee's business or  
27 employment.

28           (b) A common or contract carrier or warehouseman, or an  
29 employee thereof, whose possession of a controlled substance or

1 prescription form is in the usual course of business or employment.

2 (c) An ultimate user or agent in possession of a controlled  
3 substance or prescription form pursuant to a lawful order of a  
4 practitioner or in lawful possession of a schedule 5 substance.

5 (5) The administrator may waive or include by rule the  
6 requirement for licensure of certain manufacturers, distributors,  
7 prescribers, or dispensers, if it finds the waiver or inclusion is  
8 consistent with the public health and safety.

9 (6) A separate license is required at each principal place of  
10 business or professional practice where the applicant manufactures,  
11 distributes, prescribes, or dispenses controlled substances.

12 (7) As a requisite for licensure, the administrator may  
13 inspect the establishment of a licensee or applicant for licensure  
14 in accordance with the administrator's rule.

15 (8) A person licensed under this article to distribute  
16 controlled substances shall report to the administrator on a  
17 quarterly basis all schedule 2 controlled substances and those  
18 controlled substances designated by the administrator pursuant to  
19 this subsection that are sold to licensed practitioners and retail  
20 pharmacies. The report ~~shall~~**must** be in writing and ~~shall~~**must**  
21 include the name of each licensed practitioner and retail pharmacy  
22 to whom the controlled substance was distributed. A report under  
23 this subsection may be transmitted electronically, if the  
24 transmission is ultimately reduced to writing. The administrator  
25 shall designate by rule the controlled substances in schedules 3 to  
26 5 to be reported under this subsection.

27 **(9) The administrator may issue a controlled substances**  
28 **license to an individual licensed as a registered professional**  
29 **nurse under part 172 if the individual has been granted a specialty**

1 **certification as a nurse practitioner by the Michigan board of**  
2 **nursing under section 17210.**

3 Sec. 17201. (1) As used in this part:

4 (a) "Advanced practice registered nurse" or "a.p.r.n." means a  
5 registered professional nurse who has been granted a specialty  
6 certification under section 17210 in 1 of the following health  
7 profession specialty fields:

8 (i) Nurse midwifery.

9 (ii) Nurse practitioner.

10 (iii) Clinical nurse specialist.

11 (b) "Physician" means a physician who is licensed under part  
12 170 or part 175.

13 (c) ~~"Practice"~~ **Subject to sections 17210 and 17210a, "practice**  
14 **of nursing"** means the systematic application of substantial  
15 specialized knowledge and skill, derived from the biological,  
16 physical, and behavioral sciences, to the care, treatment, counsel,  
17 and health teaching of individuals who are experiencing changes in  
18 the normal health processes or who require assistance in the  
19 maintenance of health and the prevention or management of illness,  
20 injury, or disability.

21 (d) "Practice of nursing as a licensed practical nurse" or  
22 "l.p.n." means the practice of nursing based on less comprehensive  
23 knowledge and skill than that required of a registered professional  
24 nurse and performed under the supervision of a registered  
25 professional nurse, physician, or dentist.

26 (e) "Registered professional nurse" or "r.n." means an  
27 individual who is licensed under this part to engage in the  
28 practice of nursing which scope of practice includes the teaching,  
29 direction, and supervision of less skilled personnel in the

1 performance of delegated nursing activities.

2 (2) In addition to the definitions in this part, article 1  
3 contains general definitions and principles of construction  
4 applicable to all articles in the code and part 161 contains  
5 definitions applicable to this part.

6 Sec. 17210. (1) ~~The Michigan~~ **Subject to this section and**  
7 **section 17210a, the** board of ~~nursing~~ may grant a specialty  
8 certification to a registered professional nurse who has advanced  
9 training beyond that required for initial licensure, who has  
10 demonstrated competency through examination or other evaluative  
11 processes, and who practices in 1 of the following health  
12 profession specialty fields:

13 (a) Nurse midwifery.

14 (b) Nurse anesthetist.

15 (c) Nurse practitioner.

16 (d) ~~Subject to subsection (2), clinical~~ **Clinical** nurse  
17 specialist.

18 (2) The ~~Michigan~~ board of ~~nursing~~ shall promulgate rules  
19 establishing the qualifications for the training and competency of  
20 the health profession specialty field of clinical nurse specialist.  
21 The ~~Michigan~~ board of ~~nursing~~ shall not grant a specialty  
22 certification as a clinical nurse specialist under subsection (1)  
23 until after the effective date of the rules promulgated under this  
24 subsection.

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

27 (a) In addition to performing duties within the scope of the  
28 practice of nursing, ~~his or her~~ **the individual's** scope of practice  
29 includes any of the following anesthesia and analgesia services if

1 the services are performed in accordance with the American  
 2 Association of Nurse Anesthetists Standards for Nurse Anesthesia  
 3 Practice:

4 (i) Development of a plan of care.

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

8 (iii) Selection, ordering, or prescribing and the administration  
 9 of anesthesia and analgesic agents, including pharmacological  
 10 agents that are prescription drugs as defined in section 17708 or  
 11 controlled substances. For purposes of this subparagraph, the  
 12 authority of a registered professional nurse who holds a specialty  
 13 certification as a nurse anesthetist to prescribe pharmacological  
 14 agents is limited to pharmacological agents for administration to  
 15 patients as described in subdivision (b), (c), or (d), and ~~his or~~  
 16 ~~her~~ **the individual's** authority does not include any activity that  
 17 would permit a patient to self-administer, obtain, or receive  
 18 pharmacological agents, including prescription drugs or controlled  
 19 substances, outside of the facility in which the anesthetic or  
 20 analgesic service is performed or beyond the perioperative,  
 21 periobstetrical, or periprocedural period.

22 (b) If ~~he or she~~ **the individual** meets both of the following  
 23 requirements, ~~he or she~~ **the individual** may provide the anesthesia  
 24 and analgesia services described in subdivision (a) without  
 25 supervision:

26 (i) ~~He or she~~ **The individual** meets either of the following:

27 (A) ~~He or she~~ **The individual** has practiced in the health  
 28 profession specialty field of nurse anesthetist for 3 years or more  
 29 and has practiced in that health profession specialty field in a

1 health care facility for a minimum of 4,000 hours.

2 (B) ~~He or she~~ **The individual** has a doctor of nurse anesthesia  
3 practice degree or doctor of nursing practice degree.

4 (ii) ~~He or she~~ **The individual** is collaboratively participating  
5 in a patient-centered care team.

6 (c) ~~He or she~~ **The individual** may provide the anesthesia and  
7 analgesia services described in subdivision (a) in a health care  
8 facility if the health care facility has a policy in place under  
9 subsection (4) allowing for the provision of the anesthesia and  
10 analgesia services and ensuring that a qualified health care  
11 professional is immediately available in person or through  
12 telemedicine to address any urgent or emergent clinical concerns.

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

16 (e) If ~~he or she~~ **the individual** is practicing pain management  
17 in a freestanding pain clinic, ~~he or she~~ **the individual** must be  
18 under the supervision of a physician.

19 (4) A health care facility may adopt policies relating to the  
20 provision of anesthesia and analgesia services. If a health care  
21 facility uses a registered professional nurse who holds a specialty  
22 certification as a nurse anesthetist to perform the anesthesia and  
23 analgesia services described in subsection (3) who is not employed  
24 by the health care facility, the health care facility shall ensure  
25 that the registered professional nurse or the person employing the  
26 registered professional nurse maintains malpractice insurance.

27 (5) Subsection (3) does not require new or additional third  
28 party reimbursement or mandated worker's compensation benefits for  
29 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 (6) As used in this section:

4 (a) "Collaboratively participating" means practicing and  
5 communicating with health care professionals involved in the  
6 patient-centered care team to optimize the overall care delivered  
7 to the patient.

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

9 (i) A hospital inpatient or outpatient facility.

10 (ii) A freestanding surgical outpatient facility.

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

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

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

18 (d) "Patient-centered care team" means a group of health care  
19 professionals, which must include, but is not limited to, a  
20 qualified health care professional, who directly or indirectly care  
21 for a patient by each contributing ~~his or her~~ **the professional's**  
22 specialized knowledge, skill, and experience to the care of the  
23 patient.

24 (e) "Qualified health care professional" means any of the  
25 following health care professionals who has completed the necessary  
26 education, training, and experience in anesthesia care or  
27 pharmacology, or has experience with procedures requiring  
28 anesthesia:

29 (i) A physician.



1           (ii) A dentist licensed under part 166.

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

3           **Sec. 17210a. (1) The board may grant a specialty certification**  
4 **as a nurse practitioner under section 17210 to a registered**  
5 **professional nurse who meets all of the following requirements:**

6           (a) Has completed a graduate, postgraduate, or doctoral level  
7 nursing education program that the board determines prepares the  
8 registered professional nurse for the health profession specialty  
9 field of nurse practitioner.

10           (b) Has completed a graduate level course in pharmacology,  
11 pathophysiology, and physical assessment, or their equivalent as  
12 determined by the board, and has completed a clinical practicum  
13 applicable to the health profession specialty field of nurse  
14 practitioner.

15           (c) Holds a certification from a nationally accredited  
16 certification body approved by the board.

17           (d) Meets any other requirement established by the board by  
18 rule.

19           (2) All of the following apply to a registered professional  
20 nurse who holds a specialty certification as a nurse practitioner:

21           (a) In addition to performing duties within the practice of  
22 nursing, the individual's scope of practice includes all of the  
23 following:

24           (i) Performing comprehensive assessments, providing physical  
25 examinations and other health assessments, and providing screening  
26 activities.

27           (ii) Diagnosing, treating, and managing patients with acute and  
28 chronic illnesses and diseases.

29           (iii) Ordering, performing, supervising, and interpreting

1 laboratory and imaging studies.

2 (iv) Prescribing pharmacological and nonpharmacological  
3 interventions and treatments that are within the registered  
4 professional nurse's specialty role.

5 (v) Engaging in health promotion and disease prevention.

6 (vi) Providing health education.

7 (vii) Counseling patients and families with potential, acute,  
8 and chronic health disorders.

9 (b) The individual shall do all of the following:

10 (i) Provide only the functions common to the population for  
11 which a registered professional nurse who holds a specialty  
12 certification as a nurse practitioner is educationally and  
13 experientially prepared.

14 (ii) Comply with the standards established by the board and  
15 with the national accreditation standards of the national  
16 professional nursing associations applicable to the individual's  
17 specialty certification.

18 (iii) Consult with other health professionals and refer a  
19 patient to other health professionals, as appropriate.

20 (c) The individual may supervise registered professional  
21 nurses, licensed practical nurses, and other health professionals,  
22 as appropriate.

23 Sec. 17211a. (1) An advanced practice registered nurse may  
24 prescribe any of the following:

25 (a) A nonscheduled prescription drug.

26 (b) ~~Subject to subsection (2),~~ **Except as otherwise provided in**  
27 **subsection (2)**, a controlled substance included in schedules 2 to 5  
28 of part 72, as a delegated act of a physician.

29 ~~(2)~~ If an advanced practice registered nurse prescribes a

1 controlled substance under ~~subsection (1) (b),~~ **this subdivision,**  
2 both the advanced practice registered nurse's name and the  
3 physician's name ~~shall~~ **must** be used, recorded, or otherwise  
4 indicated in connection with that prescription, ~~. If an advanced~~  
5 ~~practice registered nurse prescribes a controlled substance under~~  
6 ~~subsection (1) (b),~~ **and** both the advanced practice registered  
7 nurse's and the physician's DEA registration numbers ~~shall~~ **must** be  
8 used, recorded, or otherwise indicated in connection with that  
9 prescription.

10 (2) **An advanced practice registered nurse who holds a**  
11 **specialty certification in the specialty field of nurse**  
12 **practitioner may prescribe a controlled substance included in**  
13 **schedules 2 to 5 of part 72 without delegation from a physician if**  
14 **the advanced practice registered nurse prescribes the controlled**  
15 **substance while practicing in the health profession specialty field**  
16 **of nurse practitioner. If a controlled substance is prescribed**  
17 **under this subsection, only the name of the advanced practice**  
18 **registered nurse described in this subsection must be used,**  
19 **recorded, or otherwise indicated in connection with the**  
20 **prescription and only the advanced practice registered nurse's DEA**  
21 **registration number must be used, recorded, or otherwise indicated**  
22 **in connection with the prescription.**

23 (3) ~~The amendatory act that added this~~ **This** section does not  
24 require new or additional third-party reimbursement or mandated  
25 worker's compensation benefits for services rendered by an advanced  
26 practice registered nurse who is authorized to prescribe  
27 nonscheduled prescription drugs and controlled substances included  
28 in schedules 2 to 5 of part 72. ~~under this section.~~

29 Sec. 17212. (1) Subject to subsections (2), ~~and (3),~~ **and (4),**

1 in addition to acts, tasks, and functions delegated under section  
 2 16215, 17211a(1)(b), 17745, 17745a, or 17745b, a supervising  
 3 physician may delegate in writing to a registered professional  
 4 nurse the ordering, receipt, and dispensing of complimentary  
 5 starter dose drugs other than controlled substances as defined in  
 6 article 7 or federal law. If a delegated ordering, receipt, or  
 7 dispensing of complimentary starter dose drugs described in this  
 8 subsection occurs, both the registered professional nurse's name  
 9 and the supervising physician's name ~~shall~~**must** be used, recorded,  
 10 or otherwise indicated in connection with each order, receipt, or  
 11 dispensing.

12 (2) ~~Subject to subsection (3), an~~**An** advanced practice  
 13 registered nurse may order, receive, and dispense a complimentary  
 14 starter dose drug **other than a controlled substance** without  
 15 delegation from a physician. Only the name of the advanced practice  
 16 registered nurse ~~shall~~**must** be used, recorded, or otherwise  
 17 indicated in connection with an order, receipt, or dispensing of a  
 18 complimentary starter dose drug under this subsection.

19 (3) ~~An~~**Except as otherwise provided in subsection (4), an**  
 20 advanced practice registered nurse may order, receive, and dispense  
 21 complimentary starter doses of controlled substances included in  
 22 schedules 2 to 5 of part 72 as a delegated act of a physician. If a  
 23 delegated ordering, receipt, or dispensing of complimentary starter  
 24 dose drugs described in this subsection occurs, the advanced  
 25 practice registered nurse's name and the delegating physician's  
 26 name ~~shall~~**must** be used, recorded, or otherwise indicated in  
 27 connection with each order, receipt, or dispensing and both the  
 28 advanced practice registered nurse's and the delegating physician's  
 29 DEA registration number ~~shall~~**must** be used, recorded, or otherwise

1 indicated in connection with each order, receipt, or dispensing.

2       **(4) An advanced practice registered nurse who holds a**  
 3 **specialty certification in the specialty field of nurse**  
 4 **practitioner may order, receive, and dispense complimentary starter**  
 5 **doses of controlled substances included in schedules 2 to 5 of part**  
 6 **72 without delegation from a physician. If an advanced practice**  
 7 **registered nurse described in this subsection orders, receives, or**  
 8 **dispenses a complimentary starter dose drug described in this**  
 9 **subsection, only the advanced practice registered nurse's name must**  
 10 **be used, recorded, or otherwise indicated in connection with each**  
 11 **order, receipt, or dispensing and only the advanced practice**  
 12 **registered nurse's DEA registration number must be used, recorded,**  
 13 **or otherwise indicated in connection with each order, receipt, or**  
 14 **dispensing.**

15       **(5) ~~(4)~~**It is the intent of the legislature in enacting this  
 16 section to allow a ~~pharmaceutical~~ manufacturer or wholesale  
 17 distributor, as those terms are defined ~~in part 177,~~ **sections 17706**  
 18 **and 17709**, to distribute complimentary starter dose drugs to an  
 19 advanced practice registered nurse described in subsections (2),  
 20 ~~and (3),~~ **and (4)**, or to a registered professional nurse described  
 21 in subsection (1), in compliance with ~~section 503(d) of the federal~~  
 22 ~~food, drug, and cosmetic act,~~ 21 USC 353.

23       **(6) ~~(5)~~**As used in this section, "complimentary starter dose"  
 24 means that term as defined in section 17745.