

**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, peribstetrical,  
6 or periprocedural period.

7 (b) If he or she has held the specialty certification as a  
8 nurse anesthetist for 3 years or more or receives either a doctor  
9 of nurse anesthesia practice degree or doctor of nursing practice  
10 degree, he or she may provide the anesthesia and analgesia services  
11 described in subdivision (a) without supervision and as the sole  
12 and independent anesthesia provider while he or she is  
13 collaboratively participating in a patient-centered care team. As  
14 used in this subdivision:

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

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

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

25 (i) A hospital inpatient or outpatient facility.

26 (ii) A freestanding surgical outpatient facility.

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

28 (iv) Any other office or facility in which diagnostic or  
29 therapeutic procedures are provided to a patient, including, but



1 not limited to, imaging, endoscopy, or cystoscopy services.

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

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

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

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

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

23 (a) A licensed dentist. ~~ra~~

24 (b) A licensed doctor of medicine. ~~ra~~

25 (c) A licensed doctor of osteopathic medicine and surgery. ~~ra~~

26 (d) A licensed doctor of podiatric medicine and surgery. ~~ra~~

27 (e) A licensed physician's assistant. ~~ra~~

28 (f) A licensed optometrist certified under part 174 to  
29 administer and prescribe therapeutic pharmaceutical agents. ~~ran~~



1           **(g) An** advanced practice registered nurse as that term is  
 2 defined in section 17201 who meets the requirements of section  
 3 17211a. ~~or a~~

4           **(h) A** licensed veterinarian. ~~or another~~

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

14           **(j) Any other** licensed health professional acting under the  
 15 delegation and using, recording, or otherwise indicating the name  
 16 of the delegating licensed doctor of medicine or licensed doctor of  
 17 osteopathic medicine and surgery.

18           (3) "Prescription" means an order by a prescriber to fill,  
 19 compound, or dispense a drug or device written and signed; written  
 20 or created in an electronic format, signed, and transmitted by  
 21 facsimile; or transmitted electronically or by other means of  
 22 communication. An order transmitted in other than written or hard-  
 23 copy form must be electronically recorded, printed, or written and  
 24 immediately dated by the pharmacist, and that record is considered  
 25 the original prescription. In a health facility or agency licensed  
 26 under article 17 or other medical institution, an order for a drug  
 27 or device in the patient's chart is considered for the purposes of  
 28 this definition the original prescription. For purposes of this  
 29 part, prescription also includes a standing order issued under



1 section 17744e. Subject to section 17751(2) and (5), prescription  
2 includes, but is not limited to, an order for a drug, not including  
3 a controlled substance except under circumstances described in  
4 section 17763(e), written and signed; written or created in an  
5 electronic format, signed, and transmitted by facsimile; or  
6 transmitted electronically or by other means of communication by a  
7 physician prescriber, dentist prescriber, or veterinarian  
8 prescriber who is licensed to practice dentistry, medicine,  
9 osteopathic medicine and surgery, or veterinary medicine in another  
10 state.

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

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

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

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

18 (5) "Remote pharmacy" means a pharmacy described in sections  
19 17742a and 17742b.

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

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

