

Legislative Analysis



ALLOW NURSE PRACTITIONERS TO DO BOXING AND WRESTLING EXAMS

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**Senate Bill 988 (Substitute H-1)
Senate Bill 1191 as passed by the Senate
Sponsor: Sen. Bruce Patterson**

**House Committee: Health Policy
Senate Committee: Health Policy**

First Analysis (6-22-04)

BRIEF SUMMARY: The bills would allow nurse practitioners and physician assistants to conduct pre-fight exams for boxing contests and establish a license fee for those health professionals who desire to do such exams.

FISCAL IMPACT: Senate Bill 988 would have no fiscal impact to either state or local units of government. As for Senate Bill 1191, there is the possibility of increased revenue to the state by the addition of physician's assistants and nurse practitioners to the list of individuals able to apply to perform a physical examination as part of a boxing contest. The number of individuals who may do this is indeterminate; therefore a revenue projection is indeterminate. There is no fiscal impact on local units of government.

THE APPARENT PROBLEM:

Earlier this spring, a legislative package was enacted that amended various acts to allow mandatory physical examinations to be provided, in addition to a physician, by a physician's assistant or certified nurse practitioner. (Senate Bills 979, 981, 982, 985, and 987 which became Public Acts 131, 151, 132, 133, and 152, respectively. For more information, see the Senate Fiscal Agency's analysis of these bills dated 4-21-04 and the House Fiscal Agency's addendum to the SFA analysis dated 5-5-04.)

Another bill that was part of the package would also have authorized physician's assistants and certified nurse practitioners to do physical examinations required for contestants in boxing and boxing elimination contests. However, after the bill passed the Senate, those working on the issue realized that the bill needed to be amended to require these health professionals to obtain a license from the Department of Labor and Economic Growth before doing these exams just as is required for physicians. A companion bill to establish a fee for that license would also be necessary. That legislation is now ready and is being offered for consideration.

THE CONTENT OF THE BILLS:

Senate Bill 988 would amend the Occupational Code (MCL 339.805a et al.). Contestants for an elimination boxing contest must pass a physical examination and contestants in a professional or amateur boxing contest must be certified to be in proper physical condition before participating in the event. The code also specifies that persons seeking a license as judge, referee, or boxer pass a physical examination. Currently, only licensed physicians are authorized under the code to perform these examinations.

The bill would also allow these physical examinations to be performed by a physician's assistant or certified nurse practitioner. In addition, as part of the physical examination required for contestants in a boxing elimination contest, the contestant must undergo a preliminary breath test (PBT). The bill would authorize a physician's assistant or certified nurse practitioner to also administer a PBT. The bill would require that a physician's assistant and nurse practitioner (the bill does not specify a "certified" nurse practitioner) obtain a license from the Department of Labor and Economic Growth before participating directly or indirectly in a boxing contest, just as is currently required for physicians. Lastly, the bill would specify that the article regulating boxing contests would not require new or additional third party reimbursement or worker's compensation benefits for services rendered.

Senate Bill 1191 would amend the State License Fee Act (MCL 338.2249) to the section of the act that establishes license fees for individuals involved in boxing and wrestling contests (Senate Bill 988 only authorizes physician's assistants and certified nurse practitioners to provide physical examinations for boxing contests and boxing elimination contests.) The fee would be the same as for a physician - \$30 through September 30, 2007 and \$15 after that date.

The bill is tie-barred to Senate Bill 988.

HOUSE COMMITTEE ACTION:

An H-1 substitute was adopted for Senate Bill 988 adding a requirement for a physician's assistant or nurse practitioner to obtain a license from the Department of Labor and Economic Growth before providing a physical examination for a contestant.

ARGUMENTS:

For:

Physician's assistants and certified nurse practitioners receive extensive training and the duties they would perform under Senate Bill 988 are within their respective scopes of practice. These health professionals perform routine physical examinations every day, and also work in hospital emergency rooms and other settings where serious and nuanced decisions must be made. They are very capable of providing quality care to boxing contestants.

Against:

Some people are of the opinion that the types of injuries boxers experience, especially those who have been in multiple contests, are beyond the experience and knowledge level of nurse practitioners and physician's assistants. Boxers can sustain serious neurological, internal, auditory, and even ocular injuries that are not always apparent in a pre-match exam and so require a very experienced and well-trained health professional to detect. In fact, the American Association of Ringside Physicians implemented a certification program in January of this year to ensure that only qualified ringside physicians are working at boxing matches. To receive the certification, the physician must complete additional educational and training requirements. Therefore, a physician's assistant or certified nurse practitioner may not be as qualified to do these preliminary physical exams.

POSITIONS:

The Michigan Academy of Physician's Assistants supports the bills. (6-17-04)

The Michigan Nurses Association supports the bills. (6-15-04)

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