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BILL ANALYSIS

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Senate Bill 981 (as enrolled)
Senate Bill 988 (as enrolled)
Sponsor: Senator Buzz Thomas (S.B. 981)
Senator Bruce Patterson (S.B. 988)
Senate Committee: Health Policy
House Committee: Health Policy

PUBLIC ACT 151 of 2004
PUBLIC ACT 187 of 2004

Date Completed: 7-20-04

RATIONALE

Under the Public Health Code, a licensed registered professional nurse who fulfills specific advanced educational and training requirements may obtain a specialty certification as a nurse practitioner from the Michigan Board of Nursing. According to the Michigan Nurses Association, a certified nurse practitioner may perform certain functions (some under the delegation or supervision of a physician), such as performing comprehensive physical examinations and health assessments; managing health care during common acute and stable chronic illnesses; providing health counseling and guidance; diagnosing health/illness status; prescribing and administering medications and therapeutic devices and measures; and ordering and interpreting laboratory tests and x-rays.

It was suggested that certified nurse practitioners be authorized to provide the certification of a person's disability required for someone to obtain a disabled parking placard under the Michigan Vehicle Code. Previously, only a licensed physician or physician's assistant could provide this certification. On a similar note, the Occupational Code requires that a boxing contestant undergo a physical examination and be certified to be in proper physical condition. It was suggested that a physician's assistant or certified nurse practitioner, in addition to a licensed physician, be authorized to perform the physical exam and certify the contestant's physical condition.

In an unrelated matter, in order to ensure that disabled parking placards were not misused by people who were not disabled, the State of Michigan previously required that a placard display the person's driver's license number or State ID number. Some people believe that this information might aid identify thieves, and suggested that only part of the number should be displayed.

CONTENT

Senate Bill 981 amended the Michigan Vehicle Code to allow a certified nurse practitioner to provide certification of a disabled parking placard applicant's disability. Additionally, the bill provides that a disabled parking placard may bear only part of an applicant's driver license or State ID number.

Senate Bill 988 amended the Occupational Code to allow a certified nurse practitioner or physician's assistant to perform a physical examination of a judge, referee, or boxing contestant, and certify that the contestant is in the proper physical condition to participate.

The bills specify that the amendments do not require new or additional third party reimbursement or worker's compensation benefits for services rendered.

Senate Bill 981 took effect on June 15, 2004, and Senate Bill 988 took effect on July 8, 2004. The bills are described below in further detail.

Senate Bill 981

Under the Michigan Vehicle Code, except under certain circumstances, a disabled person who applies for a windshield placard entitling him or her to free parking must provide a certification by a physician or physician's assistant attesting to the nature and estimated duration of the disabling condition, and verifying that the applicant qualifies for a free parking sticker. Under the bill, the certification and verification also may be provided by a certified nurse practitioner.

The Code previously required that a windshield placard issued to a disabled person bear the person's driver's license number or personal State ID number. Under the bill, the placard must bear the first letter and the last three digits of a person's driver's license number, or the first letter and the last four digits of a person's State ID number.

Senate Bill 988

The Occupational Code states that it does not apply to a boxing contest in which all contestants pass a physical examination, including a breath test to determine the contestant's blood alcohol content, performed by a licensed physician before the contest. The bill allows a licensed physician's assistant or certified nurse practitioner to perform the exam and administer the breath test.

The Code requires a person seeking a license as a judge, referee, or boxer to pass a physical examination acceptable to the athletic board of control and present evidence of passage to the Department of Labor and Economic Growth (DLEG). The bill specifies that the examination must be performed by a licensed physician, a licensed physician's assistant, or a certified nurse practitioner.

The Code required that a contestant be certified by a licensed physician to be in proper physical condition before participating in a boxing contest. Under the bill, the contestant must be certified by a physician, physician's assistant, or nurse practitioner.

The bill also added physician's assistants and nurse practitioners to the individuals

who must obtain a license from DLEG before participating either directly or indirectly in a boxing contest. (This requirement also applies to a promoter, boxing club, physician, referee, judge, matchmaker, timekeeper, announcer, professional boxer, and manager.)

MCL 257.675 (S.B. 981)
339.805a et al. (S.B. 988)

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Requirements for a physical exam were written into various statutes before nurse practitioners were recognized in Michigan, more than 25 years ago. Nurse practitioners undergo extensive training, including clinical and didactic work, and must obtain national certification. They are board-certified to perform physical exams necessary for surgical clearance, for children participating in school sports, and for children about to enter kindergarten, as well as annual gynecological exams. The U.S. Department of Transportation allows nurse practitioners to perform physical exams for commercial drivers. They may take comprehensive health histories and perform risk assessments, order and interpret laboratory work, and counsel clients and families regarding their health care.

Many patients choose to see nurse practitioners, rather than physicians, as their primary care providers. It is unreasonable to expect patients who regularly see a nurse practitioner to go to an unfamiliar provider for a routine exam. Expanding the procedures that a nurse practitioner may perform will reduce inconvenience and costs for patients who otherwise would have to go to several providers for different procedures. For example, an applicant for a disabled parking placard could go to a nurse practitioner for both the required certification of disability and her annual gynecological exam, saving time and money. This arrangement also will allow physicians to dedicate more time to patients with more complex health issues. Reportedly, increased use of nurse practitioners within the veterans' affairs

system has resulted in shorter wait times for patients.

According to Senate Health Policy Committee testimony, most other states allow nurse practitioners to perform required physical exams. This function is well within a nurse practitioner's scope of practice, and the law needed to be changed to reflect this.

Supporting Argument

Physician's assistants and nurse practitioners already may perform required physical exams under several State statutes, including exams of applicants for positions with local fire and police departments, and exams of driver training school licensees. It is appropriate to extend this ability to both physician's assistants and nurse practitioners in the case of boxing contestants.

Supporting Argument

The previous requirement that a disabled parking placard display the entire driver's license or State ID number unnecessarily subjected disabled people to the risk of identity theft. According to Secretary of State Terri Lynn Land, "Identity theft is one of the fastest-growing crimes, and identity thieves routinely prey on the vulnerable". She issued a directive in February 2004 stating that the Department of State would discontinue printing whole license numbers on disability placards, and instead would use only the last three digits. Although the Department changed its policy, it is important to codify the change so that it cannot be reversed in the future without legislative action. The bill allows law enforcement officials to verify that disabled parking placards are properly used, while protecting personal information from abuse by unscrupulous people.

Opposing Argument

Although nurse practitioners are qualified to perform a physical exam in many situations, they should not be allowed to perform physical exams of boxing contestants and certify that they are fit to perform, as Senate Bill 988 allows. Due to repeated impacts and effects of past injuries, certifying that a boxer is in proper condition to fight is distinct from performing a routine exam to certify that a person is disabled.

In the last 10 years, boxing has caused the death of 700 people. An assessment of a

boxer by a less-qualified professional simply should not be allowed. In fact, the American Association of Ringside Physicians implemented a certification program in January 2004, to ensure that only qualified ringside physicians are working at boxing matches. A certified ringside physician has completed additional educational and training requirements, and so is more prepared to handle situations that arise in a boxing match, compared with a regular physician.

Response: Although the physical exam performed before a boxing match requires more sensitive observation and evaluation than one performed to confirm that an individual qualifies for a disabled parking placard, it still falls within a nurse practitioner's scope of practice. In addition to the routine exams nurse practitioners perform every day, they frequently treat patients, such as car accident victims, who require them to make more nuanced decisions. Many nurse practitioners staff emergency rooms and are prepared to make serious judgments.

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bills will have no fiscal impact on State or local government.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.