

SENATE BILL No. 1019

June 7, 2016, Introduced by Senator KOWALL 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 17708 as amended by 2016 PA 49.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17210. (1) The board of nursing may issue a specialty
2 certification to a registered professional nurse who has advanced
3 training beyond that required for initial licensure and who has
4 demonstrated competency through examination or other evaluative
5 processes and who practices in ~~1 of the following~~ health profession
6 specialty fields: **FIELD OF** nurse midwifery, nurse anesthetist, or
7 nurse practitioner.

8 (2) **ALL OF THE FOLLOWING APPLY TO A REGISTERED PROFESSIONAL**
9 **NURSE WHO HOLDS A SPECIALTY CERTIFICATION AS A NURSE ANESTHETIST:**

10 (A) IN ADDITION TO PERFORMING DUTIES WITHIN THE SCOPE OF THE

1 PRACTICE OF NURSING, HIS OR HER SCOPE OF PRACTICE INCLUDES ANY OF
2 THE FOLLOWING ANESTHESIA AND ANALGESIA SERVICES:

3 (i) DEVELOPMENT OF A PLAN OF CARE.

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

7 (iii) SELECTION, ORDERING, OR PRESCRIBING AND THE
8 ADMINISTRATION OF ANESTHESIA AND ANALGESIC AGENTS, INCLUDING
9 PHARMACOLOGICAL AGENTS THAT ARE PRESCRIPTION DRUGS AS DEFINED IN
10 SECTION 17708 OR CONTROLLED SUBSTANCES. FOR PURPOSES OF THIS
11 SUBPARAGRAPH, THE AUTHORITY OF A REGISTERED PROFESSIONAL NURSE WHO
12 HOLDS A SPECIALTY CERTIFICATION AS A NURSE ANESTHETIST TO PRESCRIBE
13 PHARMACOLOGICAL AGENTS IS LIMITED TO PHARMACOLOGICAL AGENTS FOR
14 ADMINISTRATION TO PATIENTS AS DESCRIBED IN SUBDIVISION (B) OR (C),
15 AND HIS OR HER AUTHORITY DOES NOT INCLUDE ANY ACTIVITY THAT WOULD
16 PERMIT A PATIENT TO OBTAIN OR RECEIVE PHARMACOLOGICAL AGENTS,
17 INCLUDING PRESCRIPTION DRUGS OR CONTROLLED SUBSTANCES, OUTSIDE OF
18 THE FACILITY IN WHICH THE ANESTHETIC OR ANALGESIC SERVICES ARE
19 PERFORMED.

20 (B) HE OR SHE MAY PROVIDE THE ANESTHESIA AND ANALGESIA
21 SERVICES DESCRIBED IN SUBDIVISION (A) AS THE SOLE AND INDEPENDENT
22 ANESTHESIA PROVIDER IF HE OR SHE IS PART OF A PATIENT-CENTERED CARE
23 TEAM IN A HOSPITAL INPATIENT OR OUTPATIENT FACILITY; A FREESTANDING
24 SURGICAL OUTPATIENT FACILITY; AN OFFICE OF AN ALLOPATHIC OR
25 OSTEOPATHIC PHYSICIAN OR PODIATRIST; OR ANY OTHER OFFICE OR
26 FACILITY IN WHICH DIAGNOSTIC IMAGING, ENDOSCOPY, OR CYSTOSCOPY
27 SERVICES ARE PROVIDED TO PATIENTS. AS USED IN THIS SUBDIVISION:

1 (i) "HEALTH CARE PROFESSIONAL" MEANS AN INDIVIDUAL WHO IS
2 LICENSED OR REGISTERED TO PERFORM A HEALTH PROFESSION UNDER THIS
3 ARTICLE.

4 (ii) "PATIENT-CENTERED CARE TEAM" MEANS THE PATIENT AND AN
5 INTERDISCIPLINARY GROUP OF HEALTH CARE PROFESSIONALS THAT INCLUDES
6 HEALTH CARE PROFESSIONALS WHO ARE DIRECTLY INVOLVED IN AN
7 OPERATIVE, OBSTETRICAL, OR DIAGNOSTIC PROCEDURE PERFORMED ON THE
8 PATIENT. A PATIENT-CENTERED CARE TEAM MAY INCLUDE, BUT IS NOT
9 REQUIRED TO INCLUDE, PHYSICIANS, REGISTERED PROFESSIONAL NURSES,
10 LICENSED PRACTICAL NURSES, OR ANY OTHER SPECIFIC CATEGORIES OR
11 TYPES OF HEALTH CARE PROFESSIONALS.

12 (iii) "PHYSICIAN" MEANS THAT TERM AS DEFINED IN SECTION 17001
13 OR 17501.

14 (iv) "PODIATRIST" MEANS THAT TERM AS DEFINED IN SECTION 18001.

15 (C) THE ANESTHESIA AND ANALGESIA SERVICES DESCRIBED IN
16 SUBDIVISION (A) MAY BE PERFORMED FOR OPERATIVE, OBSTETRICAL,
17 INTERVENTIONAL, OR DIAGNOSTIC PURPOSES, BUT ONLY DURING 1 OR MORE
18 OF THE FOLLOWING:

19 (i) THE PREOPERATIVE, INTRAOPERATIVE, AND POSTOPERATIVE
20 PERIOD.

21 (ii) THE OBSTETRICAL SERVICE PERIOD.

22 (iii) THE PREOPERATIVE, INTRAOPERATIVE, AND POSTOPERATIVE
23 SURGICAL OR INTERVENTIONAL SERVICE PERIOD.

24 (iv) THE PREOPERATIVE, INTRAOPERATIVE, AND POSTOPERATIVE
25 DIAGNOSTIC SERVICE PERIOD.

26 (D) THE ANESTHESIA AND ANALGESIA SERVICES DESCRIBED IN
27 SUBDIVISION (A) DO NOT INCLUDE CHRONIC PAIN MANAGEMENT SERVICES.

1 HOWEVER, HE OR SHE MAY PERFORM CHRONIC PAIN MANAGEMENT SERVICES
2 UNDER DELEGATION PURSUANT TO SECTION 16215.

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

8 Sec. 17708. (1) "Preceptor" means a pharmacist WHO IS approved
9 by the board to direct the training of an intern in an approved
10 pharmacy.

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

12 (A) A licensed dentist. ~~—a~~

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

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

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

16 (E) A licensed optometrist certified under part 174 to
17 administer and prescribe therapeutic pharmaceutical agents. ~~—a~~

18 (F) A licensed veterinarian. ~~—or another~~

19 (G) A REGISTERED PROFESSIONAL NURSE WHO HOLDS A SPECIALTY
20 CERTIFICATION AS A NURSE ANESTHETIST UNDER SECTION 17210 WHEN HE OR
21 SHE IS ENGAGING IN THE PRACTICE OF NURSING AND PROVIDING THE
22 ANESTHESIA AND ANALGESIA SERVICES DESCRIBED IN SECTION 17210(2).
23 FOR PURPOSES OF THIS SUBDIVISION, THE AUTHORITY OF A REGISTERED
24 PROFESSIONAL NURSE WHO HOLDS A SPECIALTY CERTIFICATION AS A NURSE
25 ANESTHETIST UNDER SECTION 17210 TO PRESCRIBE PHARMACOLOGICAL AGENTS
26 IS LIMITED TO PHARMACOLOGICAL AGENTS FOR ADMINISTRATION TO PATIENTS

1 AS DESCRIBED IN SECTION 17210(2)(B) OR (C).

2 (H) ANY OTHER licensed health professional acting under the
3 delegation and using, recording, or otherwise indicating the name
4 of the delegating licensed doctor of medicine or licensed doctor of
5 osteopathic medicine and surgery.

6 (3) "Prescription" means an order by a prescriber to fill,
7 compound, or dispense a drug or device written and signed; written
8 or created in an electronic format, signed, and transmitted by
9 facsimile; or transmitted electronically or by other means of
10 communication. An order transmitted in other than written or hard-
11 copy form must be electronically recorded, printed, or written and
12 immediately dated by the pharmacist, and that record constitutes
13 the original prescription. In a health facility or agency licensed
14 under article 17 or other medical institution, an order for a drug
15 or device in the patient's chart constitutes for the purposes of
16 this definition the original prescription. Subject to section
17 17751(2) and (5), prescription includes, but is not limited to, an
18 order for a drug, not including a controlled substance ~~as defined~~
19 ~~in section 7104~~ except under circumstances described in section
20 17763(e), written and signed; written or created in an electronic
21 format, signed, and transmitted by facsimile; or transmitted
22 electronically or by other means of communication by a physician
23 prescriber, dentist prescriber, or veterinarian prescriber licensed
24 to practice dentistry, medicine, osteopathic medicine and surgery,
25 or veterinary medicine in another state.

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

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

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

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

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

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