

SENATE BILL NO. 268

April 29, 2025, Introduced by Senators IRWIN, OUTMAN, BAYER, CHANG and SHINK and referred to Committee on Regulatory Affairs.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 17201, 17210, 17211a, and 17212 (MCL
333.17201, 333.17210, 333.17211a, and 333.17212), 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. 17201. (1) As used in this part:

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

6 (i) Nurse midwifery.

7 (ii) Nurse practitioner.

8 (iii) Clinical nurse specialist.

9 (b) "Physician" means a physician who is licensed under part
10 170 or part 175.

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

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

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

29 (2) In addition to the definitions in this part, article 1

contains general definitions and principles of construction applicable to all articles in the code and part 161 contains definitions applicable to this part.

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

(a) Nurse midwifery.

(b) Nurse anesthetist.

(c) Nurse practitioner.

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

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

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

(a) In addition to performing duties within the scope of the practice of nursing, ~~his or her~~ **the individual's** scope of practice includes any of the following anesthesia and analgesia services if the services are performed in accordance with the American Association of Nurse Anesthetists Standards for Nurse Anesthesia

1 Practice:

2 (i) ~~Development of~~ **Developing** a plan of care.

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

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

1 subsection by a registered professional nurse who holds a specialty
2 certification 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.

(ii) A dentist licensed under part 166.

(iii) A podiatric physician licensed under part 180.

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

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

(b) Holds a certification from a nationally accredited certification body approved by the board.

(c) Meets any other requirement established by the board by rule.

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

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

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

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

(iii) Ordering, performing, supervising, and interpreting laboratory and imaging studies.

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

(v) Engaging in health promotion and disease prevention.

1 (vi) Providing health education.

2 (vii) Counseling patients and families with potential, acute,
3 and chronic health disorders.

4 (b) The individual shall do both of the following:

5 (i) Comply with the standards established by the board and with
6 the national accreditation standards of the national professional
7 nursing associations applicable to the individual's specialty
8 certification.

9 (ii) Consult with other health professionals and refer a
10 patient to other health professionals, as the board considers
11 appropriate.

12 (c) The individual may supervise registered professional
13 nurses, licensed practical nurses, and other individuals performing
14 health occupations.

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

17 (a) A nonscheduled prescription drug.

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

21 ~~(2)—If an advanced practice registered nurse prescribes a~~
22 ~~controlled substance under subsection (1)(b),~~ **this subdivision,**
23 ~~both the advanced practice registered nurse's name and the~~
24 ~~physician's name shall~~ **must** ~~be used, recorded, or otherwise~~
25 ~~indicated in connection with that prescription, .—If an advanced~~
26 ~~practice registered nurse prescribes a controlled substance under~~
27 ~~subsection (1)(b),~~ **and** ~~both the advanced practice registered~~
28 ~~nurse's and the physician's DEA registration numbers shall~~ **must** ~~be~~
29 ~~used, recorded, or otherwise indicated in connection with that~~

1 prescription.

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

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

21 Sec. 17212. (1) Subject to subsections (2), ~~and~~ (3), **and (4)**,
22 in addition to acts, tasks, and functions delegated under section
23 16215, 17211a(1)(b), 17745, 17745a, or 17745b, a supervising
24 physician may delegate in writing to a registered professional
25 nurse the ordering, receipt, and dispensing of complimentary
26 starter dose drugs other than controlled substances as defined in
27 article 7 or federal law. If a delegated ordering, receipt, or
28 dispensing of complimentary starter dose drugs described in this
29 subsection occurs, both the registered professional nurse's name

1 and the supervising physician's name ~~shall~~**must** be used, recorded,
2 or otherwise indicated in connection with each order, receipt, or
3 dispensing.

4 (2) ~~Subject to subsection (3), an~~**An** advanced practice
5 registered nurse may order, receive, and dispense a complimentary
6 starter dose drug **other than a controlled substance** without
7 delegation from a physician. Only the name of the advanced practice
8 registered nurse ~~shall~~**must** be used, recorded, or otherwise
9 indicated in connection with an order, receipt, or dispensing of a
10 complimentary starter dose drug under this subsection.

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

23 (4) **An advanced practice registered nurse who holds a**
24 **specialty certification in the specialty field of nurse**
25 **practitioner may order, receive, and dispense complimentary starter**
26 **doses of controlled substances included in schedules 2 to 5 of part**
27 **72 without delegation from a physician. If an advanced practice**
28 **registered nurse described in this subsection orders, receives, or**
29 **dispenses a complimentary starter dose drug described in this**

1 subsection, only the advanced practice registered nurse's name must
2 be used, recorded, or otherwise indicated in connection with each
3 order, receipt, or dispensing and only the advanced practice
4 registered nurse's DEA registration number must be used, recorded,
5 or otherwise indicated in connection with each order, receipt, or
6 dispensing.

7 (5) ~~(4)~~—It is the intent of the legislature in enacting this
8 section to allow a ~~pharmaceutical~~ manufacturer or wholesale
9 distributor, as those terms are defined ~~in part 177,~~ **sections 17706**
10 **and 17709**, to distribute complimentary starter dose drugs to an
11 advanced practice registered nurse described in subsections (2),
12 ~~and (3),~~ **and (4)**, or to a registered professional nurse described
13 in subsection (1), in compliance with ~~section 503(d) of the federal~~
14 ~~food, drug, and cosmetic act,~~ 21 USC 353.

15 (6) ~~(5)~~—As used in this section, "complimentary starter dose"
16 means that term as defined in section 17745.