

**SUBSTITUTE FOR  
SENATE BILL NO. 68**

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending sections 2701, 5119, 16315, 16327, 17201, 17210,  
17211, 17221, and 17708 (MCL 333.2701, 333.5119, 333.16315,  
333.16327, 333.17201, 333.17210, 333.17211, 333.17221, and  
333.17708), section 2701 as amended by 2014 PA 172, section 5119  
as amended by 2000 PA 209, section 16315 as amended by 2013 PA  
268, section 16327 as amended by 2009 PA 216, sections 17211 and  
17221 as amended by 2006 PA 409, and section 17708 as amended by  
2012 PA 209, and by adding sections 17202, 17210a, and 17214.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1       Sec. 2701. As used in this part:
- 2       (a) "Board certified" means certified to practice in a
- 3       particular medical ~~speciality~~**SPECIALTY** by a national board

1 recognized by the American ~~board~~ **BOARD** of ~~medical specialties~~  
2 **MEDICAL SPECIALTIES** or the American ~~osteopathic~~  
3 ~~association~~. **OSTEOPATHIC ASSOCIATION.**

4 (b) "Certified nurse midwife" means an individual ~~licensed~~  
5 ~~as a registered professional nurse under part 172 who has been~~  
6 ~~issued a specialty certification in the practice of nurse~~  
7 ~~midwifery by the board of nursing under section 17210.~~ **WHO IS**  
8 **LICENSED AS A CERTIFIED NURSE MIDWIFE UNDER PART 172.**

9 (c) "Certified nurse practitioner" means an individual  
10 ~~licensed as a registered professional nurse under part 172 who~~  
11 ~~has been issued a specialty certification as a nurse practitioner~~  
12 ~~by the board of nursing under section 17210.~~ **WHO IS LICENSED AS A**  
13 **CERTIFIED NURSE PRACTITIONER UNDER PART 172.**

14 (d) "Dental school" means an accredited program for the  
15 training of individuals to become dentists.

16 (e) "Dentist" means an individual licensed to engage in the  
17 practice of dentistry under part 166.

18 (f) "Designated nurse" means a certified nurse midwife or  
19 certified nurse practitioner.

20 (g) "Designated physician" means a physician qualified in 1  
21 of the physician specialty areas identified in section 2711.

22 (h) "Designated professional" means a designated physician,  
23 designated nurse, dentist, or physician's assistant.

24 (i) "Health resource shortage area" means a geographic area,  
25 population group, or health facility designated by the department  
26 under section 2717.

27 (j) "Medicaid" means benefits under the program of medical

1 assistance established under title XIX of the social security  
2 act, 42 USC 1396 to 1396w-5, and administered by the department  
3 of **HEALTH AND** human services under the social welfare act, 1939  
4 PA 280, MCL 400.1 to 400.119b.

5 (k) "Medical school" means an accredited program for the  
6 training of individuals to become physicians.

7 (l) "Medicare" means benefits under the federal ~~medicare~~  
8 **MEDICARE** program established under title XVIII of the social  
9 security act, 42 USC 1395 to ~~1395kkk-1-1395lll~~.

10 (m) "National ~~health service corps~~" **HEALTH SERVICE CORPS**  
11 means the agency established under 42 USC 254d.

12 (n) "Nurse" means an individual licensed to engage in the  
13 practice of nursing under part 172.

14 (o) "Nursing program" means an accredited program for the  
15 training of individuals to become nurses.

16 (p) "Physician" means an individual licensed as a physician  
17 under part 170 or an osteopathic physician under part 175.

18 (q) "Physician's assistant" means an individual licensed as  
19 a physician's assistant under part 170 or part 175.

20 (r) "Physician's assistant program" means an accredited  
21 program for the training of individuals to become physician's  
22 assistants.

23 (s) "Service obligation" means the contractual obligation  
24 undertaken by an individual under section 2705 or section 2707 to  
25 provide health care services for a determinable time period at a  
26 site designated by the department.

27 Sec. 5119. (1) An individual **WHO IS** applying for a marriage

1 license shall be advised through the distribution of written  
2 educational materials by the county clerk regarding prenatal care  
3 and the transmission and prevention of venereal disease and HIV  
4 infection. The written educational materials shall describe the  
5 availability to the applicant of tests for both venereal disease  
6 and HIV infection. The information shall include a list of  
7 locations where HIV counseling and testing services funded by the  
8 department are available. The written educational materials shall  
9 be approved or prepared by the department.

10 (2) A county clerk shall not issue a marriage license to an  
11 applicant who fails to sign and file with the county clerk an  
12 application for a marriage license that includes a statement with  
13 a check-off box indicating that the applicant has received the  
14 educational materials regarding the transmission and prevention  
15 of both venereal disease and HIV infection and has been advised  
16 of testing for both venereal disease and HIV infection, pursuant  
17 to subsection (1).

18 (3) If either applicant for a marriage license undergoes a  
19 test for HIV or an antibody to HIV, and if the test results  
20 indicate that an applicant is HIV infected, the physician or a  
21 **HIS OR HER** designee, ~~of the physician,~~ the physician's assistant,  
22 the certified nurse midwife, ~~or the certified nurse practitioner,~~  
23 **THE CLINICAL NURSE SPECIALIST-CERTIFIED**, or the local health  
24 officer or **HIS OR HER** designee ~~of the local health officer~~  
25 administering the test immediately shall inform both applicants  
26 of the test results, and shall counsel both applicants regarding  
27 the modes of HIV transmission, the potential for HIV transmission

1 to a fetus, and protective measures.

2 (4) As used in this section:

3 (a) "Certified nurse midwife" means an individual ~~licensed~~  
 4 ~~as a registered professional nurse under part 172 who has been~~  
 5 ~~issued a specialty certification in the practice of nurse~~  
 6 ~~midwifery by the board of nursing under section 17210.~~ **WHO IS**  
 7 **LICENSED AS A CERTIFIED NURSE MIDWIFE UNDER PART 172.**

8 (b) "Certified nurse practitioner" means an individual  
 9 ~~licensed as a registered professional nurse under part 172 who~~  
 10 ~~has been issued a specialty certification as a nurse practitioner~~  
 11 ~~by the board of nursing under section 17210.~~ **WHO IS LICENSED AS A**  
 12 **CERTIFIED NURSE PRACTITIONER UNDER PART 172.**

13 (C) "CLINICAL NURSE SPECIALIST-CERTIFIED" MEANS AN  
 14 INDIVIDUAL WHO IS LICENSED AS A CLINICAL NURSE SPECIALIST-  
 15 CERTIFIED UNDER PART 172.

16 (D) ~~(e)~~ "Physician" means an individual licensed as a  
 17 physician under part 170 or ~~an osteopathic physician under part~~  
 18 ~~175.~~

19 (E) ~~(d)~~ "Physician's assistant" means an individual licensed  
 20 as a physician's assistant under part 170 or part 175.

21 Sec. 16315. (1) The health professions regulatory fund is  
 22 established in the state treasury. Except as otherwise provided  
 23 in this section, the state treasurer shall credit the fees  
 24 collected under sections 16319 to 16349 to the health professions  
 25 regulatory fund. The **DEPARTMENT SHALL EXPEND** money in the health  
 26 professions regulatory fund, ~~shall be expended UPON~~  
 27 **APPROPRIATION**, only as provided in subsection ~~(5)~~ **(3)**.

(2) The state treasurer shall direct the investment of the health professions regulatory fund. ~~Interest~~ **THE STATE TREASURER SHALL CREDIT TO THE HEALTH PROFESSIONS REGULATORY FUND INTEREST** and earnings from ~~health professions regulatory fund investment shall be credited to the health professions regulatory fund.~~

~~—— (3) The unencumbered balance~~ **INVESTMENTS. MONEY** in the health professions regulatory fund at the close of the fiscal year ~~shall remain~~ **REMAINS** in the health professions regulatory fund and ~~shall~~ **DOES** not revert to the general fund.

~~—— (4) The health professions regulatory fund~~ **STATE TREASURER** may receive gifts and devises and other money as provided by law **FOR DEPOSIT INTO THE HEALTH PROFESSIONS REGULATORY FUND. THE DEPARTMENT IS THE ADMINISTRATOR OF THE HEALTH PROFESSIONS REGULATORY FUND FOR AUDITING PURPOSES.**

(3) ~~(5) The department shall use~~ **EXPEND MONEY FROM** the health professions regulatory fund, **UPON APPROPRIATION,** to carry out its powers and duties under this article, article 7, and article 8, including, but not limited to, reimbursing the department of attorney general for the reasonable cost of services provided to the department under this article, article 7, and article 8.

(4) ~~(6) The nurse professional fund is established in the state treasury. Of the money that is attributable to per-year license fees collected under section 16327, the state treasurer shall credit \$8.00 of each individual annual license fee collected to the nurse professional fund. The money in the nurse~~

~~professional fund shall be expended only as provided in~~  
~~subsection (9).~~ **THE FOLLOWING AMOUNTS TO THE NURSE PROFESSIONAL**  
**FUND:**

(A) FROM EACH INDIVIDUAL ANNUAL LICENSE FEE COLLECTED UNDER  
 SECTION 16327(1), \$8.00. THE DEPARTMENT SHALL EXPEND MONEY  
 CREDITED TO THE NURSE PROFESSIONAL FUND UNDER THIS SUBDIVISION,  
 UPON APPROPRIATION, ONLY AS PROVIDED IN SUBSECTION (6).

(B) FROM EACH INDIVIDUAL ANNUAL LICENSE FEE COLLECTED UNDER  
 SECTION 16327(2), \$10.00. THE DEPARTMENT SHALL EXPEND MONEY  
 CREDITED TO THE NURSE PROFESSIONAL FUND UNDER THIS SUBDIVISION,  
 UPON APPROPRIATION, ONLY AS PROVIDED IN SUBSECTION (7).

(5) ~~(7)~~—The state treasurer shall direct the investment of  
 the nurse professional fund, and shall credit **TO THE FUND**  
 interest and earnings from ~~the investment to the nurse~~  
~~professional fund~~ **INVESTMENTS**. The ~~nurse professional fund~~ **STATE**  
**TREASURER** may receive gifts and devises and other money as  
 provided by law **FOR DEPOSIT INTO THE NURSE PROFESSIONAL FUND. THE**  
**DEPARTMENT IS THE ADMINISTRATOR OF THE NURSE PROFESSIONAL FUND**  
**FOR AUDITING PURPOSES.**

~~——(8) The unencumbered balance—MONEY in the nurse professional~~  
~~fund at the close of the fiscal year shall remain—REMAINS in the~~  
~~nurse professional fund and shall—DOES not revert to the general~~  
~~fund.~~

(6) ~~(9)~~—The department of community health shall use **EXPEND**  
**MONEY CREDITED TO** the nurse professional fund ~~each fiscal year~~  
**UNDER SUBSECTION (4) (A), UPON APPROPRIATION,** only as follows:

(a) To promote safe patient care in all nursing practice

1 environments.

2 (b) To advance the safe practice of the nursing profession.

3 (c) To assure a continuous supply of high-quality direct  
4 care nurses, nursing faculty, and nursing education programs.

5 (d) To operate a nursing scholarship program.

6 (7) THE DEPARTMENT SHALL EXPEND MONEY CREDITED TO THE NURSE  
7 PROFESSIONAL FUND UNDER SUBSECTION (4) (B) , UPON APPROPRIATION,  
8 AND AT THE DISCRETION OF AND UNDER THE DIRECTION OF THE MICHIGAN  
9 BOARD OF NURSING, TO PROVIDE MONETARY INCENTIVES TO ADVANCED  
10 PRACTICE REGISTERED NURSES WHO BEGIN EMPLOYMENT TO ENGAGE IN THE  
11 PRACTICE OF ADVANCED PRACTICE REGISTERED NURSING IN A HEALTH  
12 RESOURCE SHORTAGE AREA DESIGNATED BY THE DEPARTMENT OF HEALTH AND  
13 HUMAN SERVICES UNDER SECTION 2717. AS USED IN THIS SUBSECTION,  
14 "ADVANCED PRACTICE REGISTERED NURSE" AND "PRACTICE OF ADVANCED  
15 PRACTICE REGISTERED NURSING" MEAN THOSE TERMS AS DEFINED IN  
16 SECTION 17201.

17 (8) ~~(10)~~—The pain management education and controlled  
18 substances electronic monitoring and antidiversion fund is  
19 established in the state treasury.

20 ~~——(11)~~—The state treasurer shall direct the investment of the  
21 pain management education and controlled substances electronic  
22 monitoring and antidiversion fund. ~~Interest~~ **THE STATE TREASURER**  
23 **SHALL CREDIT TO THE PAIN MANAGEMENT EDUCATION AND CONTROLLED**  
24 **SUBSTANCES ELECTRONIC MONITORING AND ANTIDIVERSION FUND INTEREST**  
25 and earnings from ~~investment of the pain management education and~~  
26 ~~controlled substances electronic monitoring and antidiversion~~  
27 ~~fund shall be credited to the pain management education and~~



~~controlled substances electronic monitoring and antidiversion~~  
 fund **INVESTMENTS. THE STATE TREASURER IS THE ADMINISTRATOR OF THE**  
**PAIN MANAGEMENT EDUCATION AND CONTROLLED SUBSTANCES ELECTRONIC**  
**MONITORING AND ANTIDIVERSION FUND FOR AUDITING PURPOSES.**

(9) ~~(12) The unencumbered balance~~ **MONEY** in the pain  
 management education and controlled substances electronic  
 monitoring and antidiversion fund at the close of the fiscal year  
~~shall remain~~ **REMAINS** in the pain management education and  
 controlled substances electronic monitoring and antidiversion  
 fund and ~~shall~~ **DOES** not revert to the general fund. The ~~pain~~  
~~management education and controlled substances electronic~~  
~~monitoring and antidiversion fund~~ **STATE TREASURER** may receive  
 gifts and devises and other money as provided by law **FOR DEPOSIT**  
**INTO THE PAIN MANAGEMENT EDUCATION AND CONTROLLED SUBSTANCES**  
**ELECTRONIC MONITORING AND ANTIDIVERSION FUND.** ~~Twenty dollars of~~  
~~the~~ **FROM EACH** license fee received ~~by the department under~~  
 section 16319, **THE DEPARTMENT** shall ~~be deposited~~ **DEPOSIT \$20.00**  
 with the state treasurer to the credit of the pain management  
 education and controlled substances electronic monitoring and  
 antidiversion fund. The department shall ~~use~~ **EXPEND MONEY FROM**  
 the pain management education and controlled substances  
 electronic monitoring and antidiversion fund, **UPON APPROPRIATION,**  
 only in connection with programs relating to pain management  
 education for health professionals, preventing the diversion of  
 controlled substances, and development and maintenance of the  
 electronic monitoring system for controlled substances data  
 required by section 7333a.

(10) AS USED IN THIS SECTION:

(A) "ADVANCED PRACTICE REGISTERED NURSE" MEANS THAT TERM AS DEFINED IN SECTION 17201.

(B) "HEALTH RESOURCE SHORTAGE AREA" MEANS A HEALTH RESOURCE SHORTAGE AREA DESIGNATED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES UNDER SECTION 2717.

(C) "PRACTICE OF ADVANCED PRACTICE REGISTERED NURSING" MEAN THAT TERM AS DEFINED IN SECTION 17201.

Sec. 16327. (1) Fees for ~~a person~~ AN INDIVIDUAL WHO IS licensed or seeking licensure to practice nursing as a registered PROFESSIONAL nurse, a licensed practical nurse, or a trained attendant under part 172 are as follows:

(a)	Application processing fee.....	\$ 24.00
(b)	License fee, per year.....	30.00
(c)	Temporary license.....	10.00
(d)	Limited license, per year.....	10.00
(e)	Specialty certification for registered nurse:	
(i)	Application processing fee.....	24.00
(ii)	Specialty certification, per year....	14.00

(2) FEES FOR AN INDIVIDUAL WHO SEEKS OR HOLDS A LICENSE AS A CERTIFIED NURSE MIDWIFE, CERTIFIED NURSE PRACTITIONER, OR CLINICAL NURSE SPECIALIST-CERTIFIED UNDER PART 172 ARE AS FOLLOWS:

(A) APPLICATION PROCESSING FEE..... \$ 32.00

1 (B) LICENSE FEE, PER YEAR..... 65.00

2 Sec. 17201. (1) As used in this part:

3 (A) "ADVANCED PRACTICE REGISTERED NURSE" OR "A.P.R.N." MEANS  
4 AN INDIVIDUAL WHO IS LICENSED UNDER THIS PART AS A CERTIFIED  
5 NURSE MIDWIFE, CERTIFIED NURSE PRACTITIONER, OR CLINICAL NURSE  
6 SPECIALIST-CERTIFIED AND MEETS THE REQUIREMENTS OF SECTION 17210A  
7 APPLICABLE TO THAT LICENSE.

8 (B) "CERTIFIED NURSE MIDWIFE" OR "C.N.M." MEANS AN  
9 INDIVIDUAL WHO MEETS ALL OF THE FOLLOWING:

10 (i) IS A REGISTERED PROFESSIONAL NURSE.

11 (ii) IS LICENSED UNDER THIS PART AS A CERTIFIED NURSE MIDWIFE  
12 AND MEETS THE REQUIREMENTS OF SECTION 17210A APPLICABLE TO THAT  
13 LICENSE.

14 (iii) IS ENGAGED IN THE PRACTICE OF A CERTIFIED NURSE MIDWIFE.

15 (C) "CERTIFIED NURSE PRACTITIONER" OR "C.N.P." MEANS AN  
16 INDIVIDUAL WHO MEETS ALL OF THE FOLLOWING:

17 (i) IS A REGISTERED PROFESSIONAL NURSE.

18 (ii) IS LICENSED UNDER THIS PART AS A CERTIFIED NURSE  
19 PRACTITIONER AND MEETS THE REQUIREMENTS OF SECTION 17210A  
20 APPLICABLE TO THAT LICENSE.

21 (iii) IS ENGAGED IN THE PRACTICE OF A CERTIFIED NURSE  
22 PRACTITIONER.

23 (D) "CLINICAL NURSE SPECIALIST-CERTIFIED" OR "C.N.S.-C."  
24 MEANS AN INDIVIDUAL WHO MEETS ALL OF THE FOLLOWING:

25 (i) IS A REGISTERED PROFESSIONAL NURSE.

26 (ii) IS LICENSED UNDER THIS PART AS A CLINICAL NURSE

1 SPECIALIST-CERTIFIED AND MEETS THE REQUIREMENTS OF SECTION 17210A  
2 APPLICABLE TO THAT LICENSE.

3 (iii) IS ENGAGED IN THE PRACTICE OF A CLINICAL NURSE  
4 SPECIALIST-CERTIFIED.

5 (E) "MEANINGFUL CONSULTATION" MEANS THE DISCUSSION AND  
6 INTERACTION THAT OCCURS BETWEEN AN A.P.R.N. AND THE OTHER MEMBERS  
7 OF A PATIENT CARE TEAM.

8 (F) "PATIENT CARE TEAM" MEANS A TEAM OF HEALTH CARE  
9 PROVIDERS, FORMED TO COLLABORATE IN THE BEST INTEREST OF PATIENT  
10 HEALTH.

11 (G) "PHYSICIAN" MEANS A PHYSICIAN WHO IS LICENSED UNDER PART  
12 170 OR 175.

13 (H) "PRACTICE OF ADVANCED PRACTICE REGISTERED NURSING" MEANS  
14 1 OR MORE OF THE FOLLOWING, AS APPLICABLE:

15 (i) PERFORMING ANY OF THE TASKS, FUNCTIONS, OR DUTIES  
16 INCLUDED IN THE PRACTICE OF A CERTIFIED NURSE MIDWIFE, PRACTICE  
17 OF A CERTIFIED NURSE PRACTITIONER, OR PRACTICE OF A CLINICAL  
18 NURSE SPECIALIST-CERTIFIED, AS APPLICABLE.

19 (ii) AS A MEMBER OF A PATIENT CARE TEAM, PERFORMING ANY  
20 TASKS, FUNCTIONS, OR DUTIES INCLUDED IN THE PRACTICE OF MEDICINE,  
21 AS DEFINED IN SECTION 17001, FOR WHICH HE OR SHE IS RESPONSIBLE,  
22 AS AUTHORIZED UNDER AN AGREEMENT DESCRIBED IN SECTION 17202(1).

23 (iii) AS A MEMBER OF A PATIENT CARE TEAM, PRESCRIBING  
24 PHARMACOLOGICAL INTERVENTIONS AUTHORIZED UNDER AN AGREEMENT  
25 DESCRIBED IN SECTION 17202(1).

26 (I) "PRACTICE OF A CERTIFIED NURSE MIDWIFE" MEANS, WITHIN  
27 THE PARAMETERS OF HIS OR HER EDUCATION, TRAINING, AND NATIONAL

1 CERTIFICATION, A FOCUS ON HEALTH CARE SERVICES FOR WOMEN  
2 THROUGHOUT THEIR LIFESPAN, INCLUDING COMPREHENSIVE MATERNITY CARE  
3 THAT INCLUDES PRENATAL CARE, CHILDBIRTH IN DIVERSE SETTINGS,  
4 POSTPARTUM CARE, AND CARE OF NEWBORNS WHO ARE 28 DAYS OLD OR  
5 YOUNGER; GYNECOLOGICAL, REPRODUCTIVE, AND CONTRACEPTIVE CARE;  
6 PHYSICAL EXAMS; AND TREATMENT OF MALE PARTNERS FOR SEXUALLY  
7 TRANSMITTED INFECTION AND REPRODUCTIVE HEALTH.

8 (J) "PRACTICE OF A CERTIFIED NURSE PRACTITIONER" MEANS,  
9 WITHIN THE PARAMETERS OF HIS OR HER EDUCATION, TRAINING, AND  
10 NATIONAL CERTIFICATION, A FOCUS ON THE PERFORMANCE OF  
11 COMPREHENSIVE ASSESSMENTS; PROVIDING PHYSICAL EXAMINATIONS AND  
12 OTHER HEALTH ASSESSMENTS AND SCREENING ACTIVITIES; AND TREATING  
13 AND MANAGING PATIENTS WITH ACUTE AND CHRONIC ILLNESSES AND  
14 DISEASES. IN PROVIDING NURSING CARE, THE TERM INCLUDES PROVIDING  
15 TREATMENTS THAT ARE WITHIN THE C.N.P.'S SPECIALTY ROLE AND SCOPE  
16 OF PRACTICE; HEALTH PROMOTION; DISEASE PREVENTION; HEALTH  
17 EDUCATION; AND COUNSELING OF PATIENTS AND FAMILIES WITH  
18 POTENTIAL, ACUTE, AND CHRONIC HEALTH DISORDERS.

19 (K) "PRACTICE OF A CLINICAL NURSE SPECIALIST-CERTIFIED"  
20 MEANS, WITHIN THE PARAMETERS OF HIS OR HER EDUCATION, TRAINING,  
21 AND NATIONAL CERTIFICATION, A FOCUS ON CONTINUOUS IMPROVEMENT OF  
22 PATIENT OUTCOMES AND NURSING CARE WITH BROAD FOCUS ACROSS THE  
23 AREAS OF DIRECT PATIENT CARE, PATIENT EDUCATION, NURSING  
24 EDUCATION, NURSING PRACTICE, AND ORGANIZATIONAL SYSTEMS; BEING  
25 RESPONSIBLE AND ACCOUNTABLE FOR INTERVENTION AND TREATMENT OF  
26 HEALTH OR ILLNESS STATES AND DISEASE MANAGEMENT; HEALTH  
27 PROMOTION; AND PREVENTION OF ILLNESS AND RISK BEHAVIOR AMONG

1 INDIVIDUALS, FAMILIES, GROUPS, AND COMMUNITIES. THE TERM ALSO  
2 INCLUDES THE EVALUATION OF PATIENT OUTCOMES; THE TRANSLATION OF  
3 EVIDENCE INTO PRACTICE; AND THE DEVELOPMENT, PLANNING,  
4 COORDINATION, AND DIRECTION OF PROGRAMS OF CARE FOR ACUTE AND  
5 CHRONICALLY ILL PATIENTS AND THEIR FAMILIES.

6 (I) ~~(a)~~—"Practice of nursing" means the systematic  
7 application of substantial specialized knowledge and skill,  
8 derived from the biological, physical, and behavioral sciences,  
9 to the care, treatment, counsel, and health teaching of  
10 individuals who are experiencing changes in the normal health  
11 processes or who require assistance in the maintenance of health  
12 and the prevention or management of illness, injury, or  
13 disability.

14 (M) ~~(b)~~—"Practice of nursing as a licensed practical nurse"  
15 or "l.p.n." means the practice of nursing based on less  
16 comprehensive knowledge and skill than that required of a  
17 registered professional nurse and performed under the supervision  
18 of a registered professional nurse, physician, or dentist.

19 (N) ~~(c)~~—"Registered professional nurse" or "r.n." means an  
20 individual **WHO IS** licensed under this ~~article~~**PART** to engage in  
21 the practice of nursing, which scope of practice includes the  
22 teaching, direction, and supervision of less skilled personnel in  
23 the performance of delegated nursing activities.

24 (2) In addition to the definitions in this part, article 1  
25 contains general definitions and principles of construction  
26 applicable to all articles in the code and part 161 contains  
27 definitions applicable to this part.

1 SEC. 17202. (1) AN A.P.R.N. WHO HAS LESS THAN 5 YEARS OF  
2 EXPERIENCE, WHILE A LICENSEE UNDER SECTION 17210A OR THE HOLDER  
3 OF A SPECIALTY CERTIFICATION UNDER SECTION 17210, AS A NURSE  
4 MIDWIFE, NURSE PRACTITIONER, OR NURSE SPECIALIST-CERTIFIED SHALL  
5 ONLY PERFORM A TASK, FUNCTION, OR DUTY INCLUDED IN THE PRACTICE  
6 OF MEDICINE, AS DEFINED IN SECTION 17001, FOR A PATIENT, OR  
7 PRESCRIBE A DRUG OR DEVICE FOR A PATIENT, IF ALL THE FOLLOWING  
8 ARE MET:

9 (A) THE A.P.R.N. IS A MEMBER OF THAT PATIENT'S PATIENT CARE  
10 TEAM. THE PATIENT CARE TEAM MUST INCLUDE AT LEAST 1 PHYSICIAN.

11 (B) THE A.P.R.N. OPERATES PURSUANT TO A WRITTEN AGREEMENT  
12 THAT PROVIDES FOR EACH OF THE FOLLOWING:

13 (i) MEANINGFUL CONSULTATION.

14 (ii) A REFERRAL PROCESS.

15 (iii) AVAILABILITY OF A PHYSICIAN AND OTHER TEAM MEMBERS  
16 THROUGH WRITTEN OR ELECTRONIC MEANS.

17 (iv) PERIODIC REVIEW, AND REVISION IF NECESSARY, OF  
18 PROTOCOLS.

19 (v) PERIODIC JOINT EVALUATION OF THE SERVICES.

20 (vi) IF THE A.P.R.N. PRESCRIBES, DELEGATED PRESCRIPTIVE  
21 AUTHORITY FROM AT LEAST 1 PHYSICIAN ON THE PATIENT CARE TEAM.

22 (2) AN A.P.R.N. WHO HAS 5 OR MORE YEARS OF EXPERIENCE, WHILE  
23 A LICENSEE UNDER SECTION 17210A OR THE HOLDER OF A SPECIALTY  
24 CERTIFICATION UNDER SECTION 17210, AS A NURSE MIDWIFE, NURSE  
25 PRACTITIONER, OR NURSE SPECIALIST-CERTIFIED SHALL ONLY PERFORM A  
26 TASK, FUNCTION, OR DUTY INCLUDED IN THE PRACTICE OF MEDICINE, AS  
27 DEFINED IN SECTION 17001, FOR A PATIENT, OR PRESCRIBE A DRUG OR

1 DEVICE FOR A PATIENT, IF ALL OF THE FOLLOWING ARE MET:

2 (A) THE A.P.R.N. IS A MEMBER OF THE PATIENT'S PATIENT CARE  
3 TEAM. THE PATIENT CARE TEAM MAY INCLUDE A PHYSICIAN.

4 (B) IF THE A.P.R.N. PRESCRIBES A CONTROLLED SUBSTANCE  
5 INCLUDED IN SCHEDULE 2 UNDER SECTION 7214 OR SCHEDULE 3 UNDER  
6 SECTION 7216, THE A.P.R.N. HAS DELEGATED PRESCRIPTIVE AUTHORITY,  
7 IN WRITING, FROM AT LEAST 1 PHYSICIAN. AN A.P.R.N. IS NOT  
8 REQUIRED TO OBTAIN DELEGATED PRESCRIPTIVE AUTHORITY FROM A  
9 PHYSICIAN TO PRESCRIBE ANY OTHER DRUG OR DEVICE FOR A PATIENT.

10 (3) FOR PURPOSES OF THE DELEGATED PRESCRIPTIVE AUTHORITY  
11 DESCRIBED IN SUBSECTION (1) (B) (vi) AND (2) (B), AN A.P.R.N. SHALL  
12 ONLY PRESCRIBE A CONTROLLED SUBSTANCE INCLUDED IN SCHEDULE 2  
13 UNDER SECTION 7214 OR SCHEDULE 3 UNDER SECTION 7216 FOR A PATIENT  
14 IF THE FOLLOWING ARE INCLUDED AS PART OF THE WRITTEN AGREEMENT  
15 DESCRIBED IN SUBSECTION (1) (B) OR THE WRITING DESCRIBED IN  
16 SUBSECTION (2) (B):

17 (A) A PROVISION FOR REVIEW BY THE DELEGATING PHYSICIAN OF  
18 THE PRESCRIBING PRACTICES OF THE A.P.R.N.

19 (B) PROTOCOLS COVERING THE FURNISHING OF A CONTROLLED  
20 SUBSTANCE INCLUDED IN SCHEDULE 2 UNDER SECTION 7214 OR SCHEDULE 3  
21 UNDER SECTION 7216, INCLUDING, BUT NOT LIMITED TO, PROTOCOLS THAT  
22 ADDRESS UNDER WHAT CIRCUMSTANCES THE A.P.R.N. MAY PRESCRIBE THAT  
23 CONTROLLED SUBSTANCE.

24 (C) IF AN A.P.R.N. IS GRANTED AUTHORITY TO PRESCRIBE A  
25 CONTROLLED SUBSTANCE IN SCHEDULE 2 UNDER SECTION 7214, THE GRANT  
26 OF AUTHORITY IS PATIENT SPECIFIC AND ADDRESSES THE DIAGNOSIS OF  
27 THE ILLNESS OR INJURY FOR WHICH THE CONTROLLED SUBSTANCE IS TO BE



1 FURNISHED.

2 (D) PERIODIC REVIEW OF THE A.P.R.N.'S EXERCISE OF HIS OR HER  
3 PRESCRIPTIVE AUTHORITY, INCLUDING PEER REVIEW.

4 (4) THIS SECTION DOES NOT REQUIRE NEW OR ADDITIONAL THIRD  
5 PARTY REIMBURSEMENT OR MANDATED WORKER'S COMPENSATION BENEFITS  
6 FOR SERVICES RENDERED BY AN A.P.R.N. WHO IS AUTHORIZED UNDER THIS  
7 SECTION TO PRESCRIBE NONSCHEDULED PRESCRIPTION DRUGS OR DEVICES  
8 AND CONTROLLED SUBSTANCES THAT ARE INCLUDED IN SCHEDULE 2 UNDER  
9 SECTION 7214 OR SCHEDULE 3 UNDER SECTION 7216.

10 (5) IF A MEMBER OF A PATIENT CARE TEAM IS COVERED BY A  
11 PROFESSIONAL LIABILITY INSURANCE POLICY, HE OR SHE IS NOT  
12 REQUIRED TO PAY ADDITIONAL CHARGES RELATING TO LIABILITY AS A  
13 CONDITION OF PARTICIPATION ON THE PATIENT CARE TEAM.

14 Sec. 17210. The ~~board of nursing~~ DEPARTMENT may issue a  
15 specialty certification to a registered professional nurse who  
16 has advanced training beyond that required for initial licensure  
17 and who has demonstrated competency through examination or other  
18 evaluative processes and who practices in ~~1 of the following~~ A  
19 health profession specialty ~~fields~~: FIELD AS FOLLOWS:

20 (A) BEFORE THE DATE INCLUDED IN SUBDIVISION (B), nurse  
21 midwifery, nurse anesthetist, or nurse practitioner.

22 (B) BEGINNING 180 DAYS AFTER THE EFFECTIVE DATE OF THE  
23 AMENDATORY ACT THAT ADDED SECTION 17210A, NURSE ANESTHETIST.

24 SEC. 17210A. (1) BEGINNING 180 DAYS AFTER THE EFFECTIVE DATE  
25 OF THIS SECTION, THE DEPARTMENT SHALL ISSUE A CERTIFIED NURSE  
26 MIDWIFE LICENSE UNDER THIS ARTICLE TO A REGISTERED PROFESSIONAL  
27 NURSE WHO MEETS ALL OF THE FOLLOWING REQUIREMENTS:

1 (A) HAS COMPLETED AN ACCREDITED GRADUATE, POSTGRADUATE, OR  
2 DOCTORAL LEVEL NURSING EDUCATION PROGRAM THAT PREPARES THE R.N.  
3 FOR THE ROLE OF CERTIFIED NURSE MIDWIFE.

4 (B) IS CERTIFIED BY A NATIONALLY ACCREDITED CERTIFICATION  
5 BODY AS DEMONSTRATING ROLE AND POPULATION-FOCUSED COMPETENCIES  
6 FOR CERTIFIED NURSE MIDWIVES, OR THE BOARD DETERMINES THAT HE OR  
7 SHE MEETS THE STANDARDS FOR THAT CERTIFICATION.

8 (C) MAINTAINS CONTINUED COMPETENCE BY OBTAINING  
9 RECERTIFICATION IN THE ROLE AND POPULATION-FOCUSED COMPETENCIES  
10 DESCRIBED IN SUBDIVISION (B) THROUGH THE NATIONAL CERTIFICATION  
11 PROGRAM, OR THE BOARD DETERMINES THAT HE OR SHE MEETS THE  
12 STANDARDS FOR THAT RECERTIFICATION.

13 (D) DEMONSTRATES TO THE SATISFACTION OF THE BOARD THAT HE OR  
14 SHE MEETS ALL OF THE FOLLOWING:

15 (i) HAS ACQUIRED ADVANCED CLINICAL KNOWLEDGE AND SKILLS THAT  
16 PRIMARILY PREPARE HIM OR HER TO PROVIDE DIRECT CARE TO PATIENTS,  
17 AND ALSO TO PROVIDE INDIRECT CARE.

18 (ii) HIS OR HER PRACTICE BUILDS ON THE COMPETENCIES OF  
19 REGISTERED PROFESSIONAL NURSES BY DEMONSTRATING A GREATER DEPTH  
20 AND BREADTH OF KNOWLEDGE, A GREATER SYNTHESIS OF DATA, INCREASED  
21 COMPLEXITY OF SKILLS AND INTERVENTIONS, AND GREATER ROLE  
22 AUTONOMY.

23 (iii) IS EDUCATIONALLY PREPARED TO ASSUME RESPONSIBILITY AND  
24 ACCOUNTABILITY FOR HEALTH PROMOTION OR MAINTENANCE AND THE  
25 ASSESSMENT, DIAGNOSIS, AND MANAGEMENT OF PATIENT PROBLEMS,  
26 INCLUDING, BUT NOT LIMITED TO, THE USE AND PRESCRIPTION OF  
27 PHARMACOLOGIC AND NONPHARMACOLOGIC INTERVENTIONS WITHIN THE

1 PARAMETERS OF HIS OR HER EDUCATION, TRAINING, AND NATIONAL  
2 CERTIFICATION.

3 (iv) HAS CLINICAL EXPERIENCE OF SUFFICIENT DEPTH AND BREADTH  
4 TO PERFORM AS A LICENSEE.

5 (2) BEGINNING 180 DAYS AFTER THE EFFECTIVE DATE OF THIS  
6 SECTION, THE DEPARTMENT SHALL ISSUE A CERTIFIED NURSE  
7 PRACTITIONER LICENSE UNDER THIS ARTICLE TO A REGISTERED  
8 PROFESSIONAL NURSE WHO MEETS ALL OF THE FOLLOWING REQUIREMENTS:

9 (A) HAS COMPLETED AN ACCREDITED GRADUATE, POSTGRADUATE, OR  
10 DOCTORAL LEVEL NURSING EDUCATION PROGRAM THAT PREPARES THE R.N.  
11 FOR THE ROLE OF CERTIFIED NURSE PRACTITIONER.

12 (B) IS CERTIFIED BY A NATIONALLY ACCREDITED CERTIFICATION  
13 BODY AS DEMONSTRATING ROLE AND POPULATION-FOCUSED COMPETENCIES  
14 FOR CERTIFIED NURSE PRACTITIONERS, OR THE BOARD DETERMINES THAT  
15 HE OR SHE MEETS THE STANDARDS FOR THAT CERTIFICATION.

16 (C) MAINTAINS CONTINUED COMPETENCE BY OBTAINING  
17 RECERTIFICATION IN THE ROLE AND POPULATION-FOCUSED COMPETENCIES  
18 DESCRIBED IN SUBDIVISION (B) THROUGH THE NATIONAL CERTIFICATION  
19 PROGRAM, OR THE BOARD DETERMINES THAT HE OR SHE MEETS THE  
20 STANDARDS FOR THAT RECERTIFICATION.

21 (D) DEMONSTRATES TO THE SATISFACTION OF THE BOARD THAT HE OR  
22 SHE MEETS ALL OF THE FOLLOWING:

23 (i) HAS ACQUIRED ADVANCED CLINICAL KNOWLEDGE AND SKILLS THAT  
24 PRIMARILY PREPARE HIM OR HER TO PROVIDE DIRECT CARE TO PATIENTS,  
25 AND ALSO TO PROVIDE INDIRECT CARE.

26 (ii) HIS OR HER PRACTICE BUILDS ON THE COMPETENCIES OF  
27 REGISTERED PROFESSIONAL NURSES BY DEMONSTRATING A GREATER DEPTH

1 AND BREADTH OF KNOWLEDGE, A GREATER SYNTHESIS OF DATA, INCREASED  
2 COMPLEXITY OF SKILLS AND INTERVENTIONS, AND GREATER ROLE  
3 AUTONOMY.

4 (iii) IS EDUCATIONALLY PREPARED TO ASSUME RESPONSIBILITY AND  
5 ACCOUNTABILITY FOR HEALTH PROMOTION OR MAINTENANCE AND THE  
6 ASSESSMENT, DIAGNOSIS, AND MANAGEMENT OF PATIENT PROBLEMS,  
7 INCLUDING, BUT NOT LIMITED TO, THE USE AND PRESCRIPTION OF  
8 PHARMACOLOGIC AND NONPHARMACOLOGIC INTERVENTIONS WITHIN THE  
9 PARAMETERS OF HIS OR HER EDUCATION, TRAINING, AND NATIONAL  
10 CERTIFICATION.

11 (iv) HAS CLINICAL EXPERIENCE OF SUFFICIENT DEPTH AND BREADTH  
12 TO PERFORM AS A LICENSEE.

13 (3) BEGINNING 180 DAYS AFTER THE EFFECTIVE DATE OF THIS  
14 SECTION, THE DEPARTMENT SHALL ISSUE A CLINICAL NURSE SPECIALIST-  
15 CERTIFIED LICENSE UNDER THIS ARTICLE TO A REGISTERED PROFESSIONAL  
16 NURSE WHO MEETS ALL OF THE FOLLOWING REQUIREMENTS:

17 (A) HAS COMPLETED AN ACCREDITED GRADUATE, POSTGRADUATE, OR  
18 DOCTORAL LEVEL NURSING EDUCATION PROGRAM THAT PREPARES THE R.N.  
19 FOR THE ROLE OF CLINICAL NURSE SPECIALIST-CERTIFIED.

20 (B) IS CERTIFIED BY A NATIONALLY ACCREDITED CERTIFICATION  
21 BODY AS DEMONSTRATING ROLE AND POPULATION-FOCUSED COMPETENCIES  
22 FOR CLINICAL NURSE SPECIALIST-CERTIFIEDS, OR THE BOARD DETERMINES  
23 THAT HE OR SHE MEETS THE STANDARDS FOR THAT CERTIFICATION.

24 (C) MAINTAINS CONTINUED COMPETENCE BY OBTAINING  
25 RECERTIFICATION IN THE ROLE AND POPULATION-FOCUSED COMPETENCIES  
26 DESCRIBED IN SUBDIVISION (B) THROUGH THE NATIONAL CERTIFICATION  
27 PROGRAM, OR THE BOARD DETERMINES THAT HE OR SHE MEETS THE

1 STANDARDS FOR THAT RECERTIFICATION.

2 (D) DEMONSTRATES TO THE SATISFACTION OF THE BOARD THAT HE OR  
3 SHE MEETS ALL OF THE FOLLOWING:

4 (i) HAS ACQUIRED ADVANCED CLINICAL KNOWLEDGE AND SKILLS THAT  
5 PRIMARILY PREPARE HIM OR HER TO PROVIDE DIRECT CARE TO PATIENTS,  
6 AND ALSO TO PROVIDE INDIRECT CARE.

7 (ii) HIS OR HER PRACTICE BUILDS ON THE COMPETENCIES OF  
8 REGISTERED PROFESSIONAL NURSES BY DEMONSTRATING A GREATER DEPTH  
9 AND BREADTH OF KNOWLEDGE, A GREATER SYNTHESIS OF DATA, INCREASED  
10 COMPLEXITY OF SKILLS AND INTERVENTIONS, AND GREATER ROLE  
11 AUTONOMY.

12 (iii) IS EDUCATIONALLY PREPARED TO ASSUME RESPONSIBILITY AND  
13 ACCOUNTABILITY FOR HEALTH PROMOTION OR MAINTENANCE AND THE  
14 ASSESSMENT, DIAGNOSIS, AND MANAGEMENT OF PATIENT PROBLEMS,  
15 INCLUDING, BUT NOT LIMITED TO, THE USE AND PRESCRIPTION OF  
16 PHARMACOLOGIC AND NONPHARMACOLOGIC INTERVENTIONS WITHIN THE  
17 PARAMETERS OF HIS OR HER EDUCATION, TRAINING, AND NATIONAL  
18 CERTIFICATION.

19 (iv) HAS CLINICAL EXPERIENCE OF SUFFICIENT DEPTH AND BREADTH  
20 TO PERFORM AS A LICENSEE.

21 (4) BEGINNING 180 DAYS AFTER THE EFFECTIVE DATE OF THIS  
22 SECTION, THE DEPARTMENT SHALL ISSUE AN A.P.R.N. LICENSE TO A  
23 REGISTERED PROFESSIONAL NURSE WHO HOLDS A SPECIALTY CERTIFICATION  
24 ISSUED BY THE DEPARTMENT UNDER SECTION 17210(A) AS A NURSE  
25 MIDWIFE OR NURSE PRACTITIONER, WHO SUBMITS A LICENSE APPLICATION,  
26 AND WHO MEETS ALL OF THE FOLLOWING:

27 (A) HIS OR HER REGISTERED PROFESSIONAL NURSE LICENSE AND

1 SPECIALTY CERTIFICATION ISSUED BY THE DEPARTMENT UNDER SECTION  
2 17210(A) IS CURRENT ON THE EFFECTIVE DATE OF THIS SECTION.

3 (B) HE OR SHE SUBMITS THE LICENSE APPLICATION IN THE 2-YEAR  
4 PERIOD BEGINNING 180 DAYS AFTER THE EFFECTIVE DATE OF THIS  
5 SECTION.

6 (C) HIS OR HER LICENSE AND SPECIALTY CERTIFICATION ISSUED BY  
7 THE DEPARTMENT UNDER SECTION 17210(A) IS CURRENT ON THE DATE HE  
8 OR SHE SUBMITS THE LICENSE APPLICATION.

9 (D) ON THE DATE HE OR SHE SUBMITS THE LICENSE APPLICATION,  
10 HE OR SHE MEETS ANY REQUIREMENTS FOR PROFESSIONAL CERTIFICATION  
11 ESTABLISHED BY THE DEPARTMENT IN CONSULTATION WITH THE BOARD.

12 (5) BEGINNING 180 DAYS AFTER THE EFFECTIVE DATE OF THIS  
13 SECTION, THE DEPARTMENT SHALL ISSUE A LICENSE AS A CLINICAL NURSE  
14 SPECIALIST-CERTIFIED TO A REGISTERED PROFESSIONAL NURSE WHO  
15 SUBMITS A LICENSE APPLICATION AND MEETS ALL OF THE FOLLOWING:

16 (A) HIS OR HER REGISTERED PROFESSIONAL NURSE LICENSE IS  
17 CURRENT ON THE DATE HE OR SHE SUBMITS THE LICENSE APPLICATION.

18 (B) HE OR SHE SUBMITS THE LICENSE APPLICATION IN THE 2-YEAR  
19 PERIOD BEGINNING 180 DAYS AFTER THE EFFECTIVE DATE OF THIS  
20 SECTION.

21 (C) ON THE DATE HE OR SHE SUBMITS THE LICENSE APPLICATION,  
22 HE OR SHE HOLDS A CURRENT CERTIFICATION BY A NATIONALLY  
23 ACCREDITED CERTIFICATION BODY.

24 (D) ON THE DATE HE OR SHE SUBMITS THE LICENSE APPLICATION,  
25 HE OR SHE MEETS ANY REQUIREMENTS FOR PROFESSIONAL CERTIFICATION  
26 ESTABLISHED BY THE DEPARTMENT IN CONSULTATION WITH THE BOARD.

27 (6) THE DEPARTMENT SHALL NOT RENEW A REGISTERED PROFESSIONAL

1 NURSE LICENSE ISSUED UNDER THIS PART IF THE LICENSEE HAS NOT  
 2 COMPLETED THE REQUIRED HOURS OF CONTINUING EDUCATION COURSES  
 3 APPROVED BY THE BOARD IN CONSULTATION WITH THE DEPARTMENT DURING  
 4 THE 2-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF HIS OR HER  
 5 APPLICATION FOR RENEWAL.

6 (7) THE DEPARTMENT SHALL NOT RENEW AN A.P.R.N., CERTIFIED  
 7 NURSE MIDWIFE, CERTIFIED NURSE PRACTITIONER, OR CLINICAL NURSE  
 8 SPECIALIST-CERTIFIED LICENSE ISSUED UNDER THIS PART IF THE  
 9 LICENSEE HAS NOT COMPLETED THE REQUIRED HOURS OF CONTINUING  
 10 EDUCATION COURSES APPROVED BY THE BOARD IN CONSULTATION WITH THE  
 11 DEPARTMENT DURING THE 2-YEAR PERIOD IMMEDIATELY PRECEDING THE  
 12 DATE OF HIS OR HER APPLICATION FOR RENEWAL.

13 (8) IF THE DEPARTMENT RENEWS AN INDIVIDUAL'S LICENSE AS AN  
 14 A.P.R.N., CERTIFIED NURSE MIDWIFE, CERTIFIED NURSE PRACTITIONER,  
 15 OR CLINICAL NURSE SPECIALIST-CERTIFIED UNDER THIS PART, THE TERM  
 16 OF THAT LICENSE SHALL BEGIN AND END ON THE SAME DATE AS THE  
 17 INDIVIDUAL'S LICENSE AS A REGISTERED PROFESSIONAL NURSE.

18 Sec. 17211. (1) ~~A person~~ AN INDIVIDUAL shall not engage in  
 19 the practice of nursing, ~~or~~ the practice of nursing as a licensed  
 20 practical nurse, THE PRACTICE OF ADVANCED PRACTICE REGISTERED  
 21 NURSING, THE PRACTICE OF A CERTIFIED NURSE MIDWIFE, THE PRACTICE  
 22 OF A CERTIFIED NURSE PRACTITIONER, OR THE PRACTICE OF A CLINICAL  
 23 NURSE SPECIALIST-CERTIFIED unless HE OR SHE IS licensed or  
 24 otherwise authorized by this article.

25 (2) The following words, titles, or letters, or a  
 26 combination thereof, ~~OF THE WORDS, TITLES, OR LETTERS,~~ with or  
 27 without qualifying words or phrases, are restricted in use only

1 to those persons authorized under this part to use the terms and  
2 in a way prescribed in this part: "registered professional  
3 nurse", "registered nurse", "r.n.", "licensed practical nurse",  
4 "l.p.n.", "nurse midwife", "CERTIFIED NURSE MIDWIFE", "C.N.M.",  
5 "nurse anesthetist", "nurse practitioner", "CERTIFIED NURSE  
6 PRACTITIONER", "C.N.P.", "CLINICAL NURSE SPECIALIST-CERTIFIED",  
7 "C.N.S.-C.", "ADVANCED PRACTICE REGISTERED NURSE", "A.P.R.N.",  
8 "trained attendant", and "t.a.".

9 SEC. 17214. WITHIN 180 DAYS AFTER THE EFFECTIVE DATE OF THIS  
10 SECTION, AFTER CONSULTING WITH THE DEPARTMENT, THE BOARD SHALL  
11 PROMULGATE RULES THAT ESTABLISH ALL OF THE FOLLOWING:

12 (A) FOR PURPOSES OF SECTION 17210A(6), THE CONTINUING  
13 EDUCATION REQUIREMENTS FOR RENEWAL OF A REGISTERED PROFESSIONAL  
14 NURSE LICENSE UNDER THIS PART. THE RULES SHALL INCLUDE THE  
15 MINIMUM HOURS OF CONTINUING EDUCATION COURSES APPROVED BY THE  
16 BOARD THAT A REGISTERED PROFESSIONAL NURSE MUST COMPLETE IN THE  
17 2-YEAR PERIOD PRECEDING HIS OR HER RENEWAL APPLICATION IN ORDER  
18 FOR THE DEPARTMENT TO RENEW THAT LICENSE.

19 (B) FOR PURPOSES OF SECTION 17210A(7), THE CONTINUING  
20 EDUCATION REQUIREMENTS FOR RENEWAL OF AN A.P.R.N., CERTIFIED  
21 NURSE MIDWIFE, CERTIFIED NURSE PRACTITIONER, OR CLINICAL NURSE  
22 SPECIALIST-CERTIFIED LICENSE UNDER THIS PART. THE RULES SHALL  
23 INCLUDE THE MINIMUM HOURS OF CONTINUING EDUCATION COURSES  
24 APPROVED BY THE BOARD THAT AN A.P.R.N., CERTIFIED NURSE MIDWIFE,  
25 CERTIFIED NURSE PRACTITIONER, OR CLINICAL NURSE SPECIALIST-  
26 CERTIFIED MUST COMPLETE IN THE 2-YEAR PERIOD PRECEDING HIS OR HER  
27 RENEWAL APPLICATION IN ORDER FOR THE DEPARTMENT TO RENEW THAT



1 **LICENSE.**

2 Sec. 17221. (1) The Michigan board of nursing is created in  
3 the department. ~~and~~

4 **(2) BEFORE THE BOARD RESTRUCTURING DATE, THE MICHIGAN BOARD**  
5 **OF NURSING** shall consist of the following 23 voting members who  
6 shall ~~shall~~**MUST** meet the requirements of part 161: 9 registered  
7 professional nurses, 1 nurse midwife, 1 nurse anesthetist, 1  
8 nurse practitioner, 3 licensed practical nurses, and 8 public  
9 members. Three of the registered professional nurse members shall  
10 be engaged in nursing education, 1 of whom shall be in less than  
11 a baccalaureate program, 1 in a baccalaureate or higher program  
12 and 1 in a licensed practical nurse program and each of whom  
13 shall have a master's degree from an accredited college with a  
14 major in nursing. Three of the registered professional nurse  
15 members shall be engaged in nursing practice or nursing  
16 administration, each of whom shall have a baccalaureate degree in  
17 nursing from an accredited college. Three of the registered  
18 professional nurse members shall be engaged in nursing practice  
19 or nursing administration, each of whom shall be a  
20 nonbaccalaureate registered nurse. The 3 licensed practical nurse  
21 members shall have graduated from a state approved program for  
22 the preparation of individuals to practice as licensed practical  
23 nurses. The nurse midwife, the nurse anesthetist, and the nurse  
24 practitioner shall each have a specialty certification issued by  
25 the department in his or her respective specialty field.

26 **(3) EXCEPT AS PROVIDED IN THIS SUBSECTION AND SUBJECT TO**  
27 **SUBSECTION (4), BEGINNING ON THE BOARD RESTRUCTURING DATE, THE**

MICHIGAN BOARD OF NURSING SHALL CONSIST OF THE FOLLOWING 23  
VOTING MEMBERS WHO MUST MEET THE REQUIREMENTS OF PART 161: 9  
REGISTERED PROFESSIONAL NURSES, 1 CERTIFIED NURSE MIDWIFE, 1  
NURSE ANESTHETIST, 1 CERTIFIED NURSE PRACTITIONER, 1 CLINICAL  
NURSE SPECIALIST-CERTIFIED, 3 LICENSED PRACTICAL NURSES, AND 7  
PUBLIC MEMBERS. ALL OF THE FOLLOWING APPLY TO THE MEMBERS OF THE  
BOARD AS DESCRIBED IN THIS SUBSECTION:

(A) THREE OF THE REGISTERED PROFESSIONAL NURSE MEMBERS MUST  
BE ENGAGED IN NURSING EDUCATION, 1 IN AN ASSOCIATE DEGREE  
PROGRAM, 1 IN A BACCALAUREATE OR HIGHER DEGREE PROGRAM, AND 1 IN  
A LICENSED PRACTICAL NURSE PROGRAM, AND EACH OF WHOM MUST HAVE A  
MASTER'S DEGREE FROM AN ACCREDITED COLLEGE WITH A MAJOR IN  
NURSING.

(B) THREE OF THE REGISTERED PROFESSIONAL NURSE MEMBERS MUST  
BE ENGAGED IN NURSING PRACTICE OR NURSING ADMINISTRATION AND MUST  
HAVE A BACCALAUREATE DEGREE IN NURSING FROM AN ACCREDITED  
COLLEGE.

(C) THREE OF THE REGISTERED PROFESSIONAL NURSE MEMBERS MUST  
BE ENGAGED IN NURSING PRACTICE OR NURSING ADMINISTRATION AND BE A  
REGISTERED NURSE WHO HOLDS AN ASSOCIATE DEGREE IN NURSING.

(D) THE 3 LICENSED PRACTICAL NURSE MEMBERS MUST HAVE  
GRADUATED FROM A STATE APPROVED PROGRAM FOR THE PREPARATION OF  
INDIVIDUALS TO PRACTICE AS LICENSED PRACTICAL NURSES.

(E) THE CERTIFIED NURSE MIDWIFE, CERTIFIED NURSE  
PRACTITIONER, AND CLINICAL NURSE SPECIALIST-CERTIFIED APPOINTED  
TO THE BOARD MUST HAVE AN A.P.R.N. LICENSE ISSUED BY THE  
DEPARTMENT IN THEIR RESPECTIVE AREAS OF PRACTICE, AND THE NURSE

1 ANESTHETIST MUST HAVE A SPECIALTY CERTIFICATE ISSUED BY THE  
2 DEPARTMENT IN THAT SPECIALTY FIELD UNDER SECTION 17210.

3 (F) THE GOVERNOR SHALL NOT APPOINT THE CLINICAL NURSE  
4 SPECIALIST-CERTIFIED MEMBER TO THE BOARD UNTIL THE NUMBER OF  
5 PUBLIC MEMBERS OF THE BOARD IS REDUCED TO 7 UNDER SUBSECTION  
6 (4) (C) .

7 (4) ALL OF THE FOLLOWING APPLY TO THE MEMBERS OF THE BOARD  
8 DESCRIBED IN SUBSECTION (2) WHO ARE IN OFFICE ON THE DAY BEFORE  
9 THE BOARD RESTRUCTURING DATE:

10 (A) A REGISTERED PROFESSIONAL NURSE, NURSE ANESTHETIST, OR  
11 LICENSED PRACTICAL NURSE MEMBER SHALL CONTINUE AS A MEMBER OF THE  
12 BOARD UNDER SUBSECTION (3) FOR THE REMAINDER OF HIS OR HER  
13 ORIGINAL TERM.

14 (B) IF HE OR SHE DOES NOT HOLD AN A.P.R.N. LICENSE AS A  
15 CERTIFIED NURSE MIDWIFE OR CERTIFIED NURSE PRACTITIONER ON THE  
16 DAY BEFORE THE BOARD RESTRUCTURING DATE, THE NURSE MIDWIFE'S OR  
17 NURSE PRACTITIONER'S APPOINTMENT TO THE BOARD IS TERMINATED ON  
18 THE DAY BEFORE THE BOARD RESTRUCTURING DATE. IF HE OR SHE DOES  
19 HOLD AN A.P.R.N. LICENSE ON THE DAY BEFORE THE BOARD  
20 RESTRUCTURING DATE, HE OR SHE SHALL CONTINUE AS THE CERTIFIED  
21 NURSE MIDWIFE OR CERTIFIED NURSE PRACTITIONER OF THE BOARD UNDER  
22 SUBSECTION (3) FOR THE REMAINDER OF HIS OR HER ORIGINAL TERM.

23 (C) THE 8 PUBLIC MEMBERS OF THE BOARD SHALL CONTINUE IN  
24 OFFICE FOR THE REMAINDER OF THEIR RESPECTIVE TERMS. UNTIL THE  
25 TERM OF OFFICE OF 1 OF THOSE PUBLIC MEMBERS EXPIRES, THE BOARD  
26 SHALL CONTINUE WITH 24 MEMBERS. WHEN THE TERM OF OFFICE OF 1 OR  
27 MORE OF THE 8 PUBLIC MEMBERS FIRST EXPIRES AFTER THE BOARD

1 RESTRUCTURING DATE, THE GOVERNOR SHALL NOT APPOINT 1 PUBLIC  
2 MEMBER, TO REDUCE THE TOTAL NUMBER OF PUBLIC MEMBERS TO 7 AND THE  
3 TOTAL NUMBER OF BOARD MEMBERS TO 23 FOR PURPOSES OF IMPLEMENTING  
4 SUBSECTION (3).

5 (5) ~~(2) The~~ EXCEPT AS PROVIDED IN SUBSECTION (4), THE terms  
6 of office of individual members of the board created under this  
7 part, except those appointed to fill vacancies, expire 4 years  
8 after appointment on June 30 of the year in which the term  
9 expires.

10 (6) AS USED IN THIS SECTION, "BOARD RESTRUCTURING DATE"  
11 MEANS THE DATE THAT IS 180 DAYS AFTER THE EFFECTIVE DATE OF THIS  
12 SECTION.

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

16 (2) "Prescriber" means a licensed dentist, a licensed doctor  
17 of medicine, a licensed doctor of osteopathic medicine and  
18 surgery, a licensed doctor of podiatric medicine and surgery, a  
19 licensed optometrist certified under part 174 to administer and  
20 prescribe therapeutic pharmaceutical agents, **AN ADVANCED PRACTICE**  
21 **REGISTERED NURSE WHO IS LICENSED UNDER PART 172 AND PRESCRIBING**  
22 **UNDER SECTION 17202**, a licensed veterinarian, or another licensed  
23 health professional acting under the delegation and using,  
24 recording, or otherwise indicating the name of the delegating  
25 licensed doctor of medicine or licensed doctor of osteopathic  
26 medicine and surgery.

27 (3) "Prescription" means an order by a prescriber to fill,

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

20 (4) "Prescription drug" means 1 or more of the following:

21 (a) A drug dispensed pursuant to a prescription.

22 (b) A drug bearing the federal legend "CAUTION: federal law  
23 prohibits dispensing without prescription" or "Rx only".

24 (c) A drug designated by the board as a drug that may only  
25 be dispensed pursuant to a prescription.

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