

Legislative Analysis



EXPAND ROLE OF NURSE PRACTITIONERS IN CONDUCTING PHYSICALS

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House Bill 5245 (Substitute H-1)
Sponsor: Rep. David Robertson

House Bill 5247 (Substitute H-1)
Sponsor: Rep. Barbara Vander Veen

House Bill 5248 (Substitute H-1)
Sponsor: Rep. Lisa Wojno
Committee: Health Policy

First Analysis (10-24-05)

BRIEF SUMMARY: The bills would amend various laws to allow nurse practitioners to conduct physical examinations for court cases, for adoptive parents as part of a preplacement assessment, and for truck driver certifications.

FISCAL IMPACT: The bills would have no fiscal impact on state or local units of government.

THE APPARENT PROBLEM:

In 2004, a legislative package was enacted that amended various statutes to allow mandatory physical examinations to be provided by a physician's assistant or a nurse practitioner (rather than just by a physician). The impetus behind the move to include nurse practitioners reflects the scope of practice for the profession as established by the national accrediting board and accepted by the state licensing board. According to information on the website of the American College of Nurse Practitioners (www.nurse.org), nurse practitioners are registered nurses who, through advanced education and clinical training, are able to diagnose some illnesses, manage diseases, provide primary care services to patients, and write prescriptions. Unlike a physician's assistant, who can only practice under a physician's supervision, nurse practitioners can practice independently but are required to have established a collaborative relationship with a physician.

Many believe that remaining statutes which mandate physical examinations should also be amended to include nurse practitioners among the health care professionals authorized to conduct the exams.

THE CONTENT OF THE BILLS:

House Bill 5245 would amend the Revised Judicature Act (MCL 600.1445) to allow a certified nurse practitioner to perform a physical examination for any individual ordered to submit to such an examination by a court, board or commission, or other public body

or officer. Currently, the physical examinations may only be conducted by a licensed physician. The bill's provisions would not require new or additional third party reimbursement or worker's compensation benefits for services rendered.

The bill would also make numerous editorial changes to update the language of the provision and would clarify that the mileage reimbursement for attending the examination is one way, estimated from the individual's residence.

House Bill 5247 would amend the Michigan Adoption Code (MCL 710.23f) to require a child placing agency to request an individual seeking a preplacement assessment to undergo a physical examination in order to determine if that individual was free from any known condition that would affect the individual's ability to care for an adoptee. The physical examination could be conducted by a licensed physician, a physician's assistant, or certified nurse practitioner.

If the individual had undergone a physical examination in the preceding twelve months, he or she could instead submit a medical statement signed by the physician, physician's assistant, or certified nurse practitioner that verified the individual had had an examination and that the individual was free from any known condition that would affect his or her ability to care for an adoptee. The bill would specify that this provision would not require new or additional third party reimbursement or worker's compensation benefits for services rendered.

House Bill 5248 would amend the Motor Carrier Safety Act (MCL 480.11a) to define the term "medical examiner," for purposes of the act, to mean that term as defined under federal motor carrier safety regulations. Under the Motor Carrier Safety Act, a person who drives a commercial motor vehicle must have on his or her person the original, or a photographic copy of, a valid medical examiner's certificate that he or she is physically qualified to drive a motor vehicle.

(The Code of Federal Regulations – 49 CFR 390.5 – defines "medical examiner" as a person who is licensed, certified, and/or registered, in accordance with applicable State laws and regulations, to perform physical examinations. The term includes, but is not limited to, doctors of medicine, doctors of osteopathy, physician assistants, advanced practice nurses, and doctors of chiropractic.)

ARGUMENTS:

For:

The bills are part of a move to amend various laws to authorize nurse practitioners to conduct physical examinations. When many of these laws were first enacted, the profession of nurse practitioner either did not yet exist or was just developing. Last year, several bills were enacted to allow nurse practitioners to perform routine physical exams for school bus drivers, boxing contestants, and others, and more bills have been introduced this year (the bills being discussed in this analysis are part of the larger package). Conducting physical examinations is within the scope of practice of nurse

practitioners as defined by the national accrediting board. Though many nurse practitioners work within a doctor's office or health facility, some maintain their own independent practices. The health care offered may be general, such as providing primary care services, or specific, such as end of life care or gynecological services. Nurse practitioners are authorized under their certification standards and state license to diagnose certain illnesses as well as provide treatment and disease management. Many areas in the state suffer from a shortage of physicians; nurse practitioners can therefore increase many residents' access to health care. In addition, according to information on the website of the American College of Nurse Practitioners, one study that compared the costs of care for two primary care problems found that the cost of care given by nurse practitioners was 20 percent less than the cost of care given by physicians. There simply is no reason for outdated statutory provisions to block the performance of health care services that nurse practitioners are trained and accredited to provide.

Against:

Some in the medical professions do not see a need for the bills. The current arrangement of physicians working in concert with nurse practitioners to provide care to patients is working well. No delays for persons seeking mandatory physical examinations have been reported in the state, at least not to the society representing medical doctors. Absent a demonstrated need, the current laws authorizing only physicians to conduct physical examinations should remain unchanged.

POSITIONS:

The Michigan Council of Nurse Practitioners testified in support of the bills. (10-18-05)

A representative of the Department of Human Services testified in support of House Bill 5247. (10-11-05)

A representative of the Michigan Nurses Association indicated support for the bills. (10-18-05)

A representative of the Department of Community Health indicated a position of neutrality on House Bills 5245 and 5247. (10-18-05)

The Michigan State Medical Society submitted a letter in opposition to the bills. (10-11-05)

A representative of the Michigan Osteopathic Associations indicated opposition to the bills. (10-18-05)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.