

HOUSE BILL No. 4774

June 16, 2011, Introduced by Reps. Liss, Huuki, Olson, Crawford, McBroom, Shirkey, Hovey-Wright and Yonker and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 2701, 5119, 16327, 16333, 17033, 17201,
17210, 17211, 17221, 17533, 17607, 17708, 17745, and 17820 (MCL
333.2701, 333.5119, 333.16327, 333.16333, 333.17033, 333.17201,
333.17210, 333.17211, 333.17221, 333.17533, 333.17607, 333.17708,
333.17745, and 333.17820), section 2701 as added by 1990 PA 16,
section 5119 as amended by 2000 PA 209, section 16327 as amended
by 2009 PA 216, section 16333 as added by 1993 PA 80, sections
17033 and 17533 as amended by 1994 PA 234, sections 17211 and
17221 as amended by 2006 PA 409, section 17607 as added by 2008
PA 524, section 17708 as amended by 2009 PA 150, section 17745 as

amended by 2006 PA 672, and section 17820 as amended by 2009 PA 55, and by adding sections 17202 and 17712.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 2701. As used in this part:

(a) "Board certified" means certified to practice in a particular medical speciality by a national board recognized by the American board of medical specialties or the American osteopathic association.

(b) "Certified nurse midwife" means ~~an individual licensed as a registered professional nurse under part 172 who has been issued a specialty certification in the practice of nurse midwifery by the board of nursing under section 17210~~ **THAT TERM AS DEFINED IN SECTION 17201.**

(c) "Certified nurse practitioner" means ~~an individual licensed as a registered professional nurse under part 172 who has been issued a specialty certification as a nurse practitioner by the board of nursing under section 17210~~ **THAT TERM AS DEFINED IN SECTION 17201.**

(d) "Designated nurse" means a certified nurse midwife or certified nurse practitioner.

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

(f) "Designated professional" means a designated physician, designated nurse, or physician's assistant.

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

(h) "Medicaid" means benefits under the program of medical assistance established under title XIX of the social security act, ~~42 U.S.C. 1396 to 1396d, 1396f to 1396g, and 1396i to 1396s,~~ **42 USC 1396-1 TO 1396W-5**, and administered by the department of ~~social~~ **HUMAN** services under the social welfare act, ~~Act No. 280 of the Public Acts of 1939, being sections 400.1 to 400.121 of the Michigan Compiled Laws. 1939 PA 280, MCL 400.1 TO 400.119B.~~

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

(j) "Medicare" means benefits under the federal medicare program established under title XVIII of the social security act, ~~42 U.S.C. 1395 to 1395b, 1395b-2 to 1395i, 1395i-1a to 1395i-2, 1395j to 1395dd, 1395ff to 1395mm, and 1395oo to 1395eee. 42 USC 1395 TO 1395KKK.~~

(k) "National health service corps" means the agency established under ~~section 331 of title III of the public health service act, 42 U.S.C. 254d.~~ **42 USC 254D.**

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

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

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

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

(p) "Physician's assistant program" means an accredited program for the training of individuals to become physician's

1 assistants.

2 (q) "Service obligation" means the contractual obligation
3 undertaken by an individual under section 2705 or section 2707 to
4 provide health care services for a determinable time period at a
5 site designated by the department.

6 Sec. 5119. (1) An individual applying for a marriage license
7 shall be advised through the distribution of written educational
8 materials by the county clerk regarding prenatal care and the
9 transmission and prevention of venereal disease and HIV
10 infection. The written educational materials shall describe the
11 availability to the applicant of tests for both venereal disease
12 and HIV infection. The information shall include a list of
13 locations where HIV counseling and testing services funded by the
14 department are available. The written educational materials shall
15 be approved or prepared by the department.

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

24 (3) If either applicant for a marriage license undergoes a
25 test for HIV or an antibody to HIV, and if the test results
26 indicate that an applicant is HIV infected, the physician or a
27 designee of the physician, the physician's assistant, the

certified nurse midwife, or the certified nurse practitioner or the local health officer or designee of the local health officer administering the test immediately shall inform both applicants of the test results, and shall counsel both applicants regarding the modes of HIV transmission, the potential for HIV transmission to a fetus, and protective measures.

(4) As used in this section:

(a) "Certified nurse midwife" means ~~an individual licensed as a registered professional nurse under part 172 who has been issued a specialty certification in the practice of nurse midwifery by the board of nursing under section 17210.~~ **THAT TERM AS DEFINED IN SECTION 17201.**

(b) "Certified nurse practitioner" means ~~an individual licensed as a registered professional nurse under part 172 who has been issued a specialty certification as a nurse practitioner by the board of nursing under section 17210.~~ **THAT TERM AS DEFINED IN SECTION 17201.**

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

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

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

(a) Application processing fee..... \$ 24.00

1	(b)	License fee, per year.....	30.00
2	(c)	Temporary license.....	10.00
3	(d)	Limited license, per year.....	10.00
4	(e)	Specialty certification	
5		for registered nurse:	
6	(i)	Application processing fee.....	24.00
7	(ii)	Specialty certification, per year....	14.00

8 (2) FEES FOR AN INDIVIDUAL WHO SEEKS OR HOLDS A LICENSE AS
9 AN ADVANCED PRACTICE SPECIALTY NURSE UNDER PART 172 ARE AS
10 FOLLOWS:

11	(A)	APPLICATION PROCESSING FEE.....	\$ 24.00
12	(B)	CERTIFICATION FEE, PER YEAR.....	40.00

13 (3) FEES FOR AN INDIVIDUAL WHO SEEKS OR HOLDS A SPECIALTY
14 CERTIFICATION AS A NURSE ANESTHETIST UNDER PART 172 ARE AS
15 FOLLOWS:

16	(A)	APPLICATION PROCESSING FEE.....	\$ 24.00
17	(B)	CERTIFICATION FEE, PER YEAR.....	14.00

18 Sec. 16333. (1) Fees for a person licensed or seeking
19 licensure to engage in the practice of pharmacy or other
20 practices regulated under part 177 are as follows:

21	(a)	Application processing fees:	
22	(i)	Pharmacist.....	\$ 20.00
23	(ii)	Pharmacy.....	35.00
24	(iii)	Drug control.....	20.00

1	(iv)	Manufacturer or wholesaler.....	50.00
2	(v)	Clinical thermometer.....	50.00
3	(b)	Examination fees:	
4		Jurisprudence examination.....	30.00
5	(c)	License fees, per year:	
6	(i)	Pharmacist.....	30.00
7	(ii)	Pharmacy.....	50.00
8	(iii)	Drug control.....	15.00
9	(iv)	Manufacturer or wholesaler.....	25.00
10	(v)	Clinical thermometer.....	25.00
11	(d)	Temporary license for pharmacist.....	25.00
12	(e)	Limited license for pharmacist, per year...	15.00

13 **(2) FEES FOR AN ADVANCED PRACTICE REGISTERED NURSE LICENSED**
14 **UNDER PART 172 WHO SEEKS OR HOLDS A SPECIALTY PRESCRIPTIVE**
15 **CERTIFICATION UNDER SECTION 17712 ARE AS FOLLOWS:**

16	(A)	APPLICATION PROCESSING FEE.....	\$ 25.00
17	(B)	CERTIFICATION FEE, PER YEAR.....	25.00

18 Sec. 17033. (1) Notwithstanding the requirements of part
19 161, the board may require a licensee seeking renewal of a
20 license to furnish the board with satisfactory evidence that
21 during the 3 years immediately preceding application for renewal
22 the licensee has attended continuing education courses or
23 programs approved by the board totaling not less than 150 hours
24 in subjects related to the practice of medicine including, but
25 not limited to, medical ethics and designed to further educate
26 licensees.

27 (2) As required under section 16204, the board shall

1 promulgate rules requiring each applicant for license renewal to
2 complete as part of the continuing education requirement of
3 subsection (1) an appropriate number of hours or courses in pain
4 and symptom management.

5 (3) THE BOARD SHALL PROMULGATE RULES REQUIRING EACH
6 APPLICANT FOR LICENSE RENEWAL TO COMPLETE AS PART OF THE
7 CONTINUING EDUCATION REQUIREMENT OF SUBSECTION (1) AN APPROPRIATE
8 NUMBER OF HOURS OR COURSES IN THE EDUCATIONAL REQUIREMENTS AND
9 SCOPE OF PRACTICE OF ADVANCED PRACTICE REGISTERED NURSES LICENSED
10 UNDER PART 172.

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

12 (A) "ADVANCED PRACTICE REGISTERED NURSE" OR "A.P.R.N." MEANS
13 AN INDIVIDUAL WHO IS LICENSED UNDER THIS PART AS A CERTIFIED
14 NURSE MIDWIFE, CERTIFIED NURSE PRACTITIONER, OR CLINICAL NURSE
15 SPECIALIST-CERTIFIED.

16 (B) "CERTIFIED NURSE MIDWIFE" OR "C.N.M." MEANS AN
17 INDIVIDUAL WHO IS LICENSED UNDER THIS PART AS AN R.N., WHO IS
18 LICENSED AS AN A.P.R.N., AND WHO FOCUSES ON PRIMARY CARE SERVICES
19 FOR WOMEN THROUGHOUT THEIR LIFESPAN, INCLUDING COMPREHENSIVE
20 MATERNITY CARE THAT INCLUDES PRENATAL CARE, CHILDBIRTH IN DIVERSE
21 SETTINGS, POSTPARTUM CARE, AND NEWBORN CARE; GYNECOLOGICAL,
22 REPRODUCTIVE, AND CONTRACEPTIVE CARE; PHYSICAL EXAMS; DIAGNOSIS
23 AND TREATMENT OF COMMON HEALTH PROBLEMS WITH CONSULTATION OR
24 REFERRAL AS INDICATED; PRESCRIBING PHARMACOLOGICAL AND
25 NONPHARMACOLOGICAL INTERVENTIONS AND TREATMENTS; AND TREATMENT OF
26 MALE PARTNERS FOR SEXUALLY TRANSMITTED INFECTION AND REPRODUCTIVE
27 HEALTH.

(C) "CERTIFIED NURSE PRACTITIONER" OR "C.N.P." MEANS AN INDIVIDUAL WHO IS LICENSED UNDER THIS PART AS AN R.N., WHO IS LICENSED AS AN A.P.R.N., AND WHO FOCUSES ON THE PERFORMANCE OF COMPREHENSIVE ASSESSMENTS; PROVIDING PHYSICAL EXAMINATIONS AND OTHER HEALTH ASSESSMENTS AND SCREENING ACTIVITIES; AND DIAGNOSING, TREATING, AND MANAGING PATIENTS WITH ACUTE AND CHRONIC ILLNESSES AND DISEASES. NURSING CARE PROVIDED BY A C.N.P. INCLUDES ORDERING, PERFORMING, SUPERVISING, AND INTERPRETING LABORATORY AND IMAGING STUDIES; PRESCRIBING PHARMACOLOGICAL AND NONPHARMACOLOGICAL INTERVENTIONS AND TREATMENTS THAT ARE WITHIN THE C.N.P.'S SPECIALTY ROLE AND SCOPE OF PRACTICE; HEALTH PROMOTION; DISEASE PREVENTION; HEALTH EDUCATION; AND COUNSELING OF PATIENTS AND FAMILIES WITH POTENTIAL, ACUTE, AND CHRONIC HEALTH DISORDERS.

(D) "CLINICAL NURSE SPECIALIST-CERTIFIED" OR "C.N.S.-C." MEANS AN INDIVIDUAL WHO IS LICENSED UNDER THIS PART AS AN R.N., WHO IS LICENSED AS AN A.P.R.N., AND WHO FOCUSES ON CONTINUOUS IMPROVEMENT OF PATIENT OUTCOMES AND NURSING CARE WITH BROAD FOCUS ACROSS THE AREAS OF DIRECT PATIENT CARE, PATIENT EDUCATION, NURSING PRACTICE, AND ORGANIZATIONAL SYSTEMS. THE C.N.S.-C. IS RESPONSIBLE AND ACCOUNTABLE FOR DIAGNOSIS, INTERVENTION AND TREATMENT OF HEALTH OR ILLNESS STATES, PHARMACOLOGICAL AND NONPHARMACOLOGICAL DISEASE MANAGEMENT, HEALTH PROMOTION, AND PREVENTION OF ILLNESS AND RISK BEHAVIOR AMONG INDIVIDUALS, FAMILIES, GROUPS, AND COMMUNITIES. THE C.N.S.-C. EVALUATES PATIENT OUTCOMES; TRANSLATES EVIDENCE INTO PRACTICE; AND DEVELOPS, PLANS, COORDINATES, AND DIRECTS PROGRAMS OF CARE FOR

1 **ACUTE AND CHRONICALLY ILL PATIENTS AND THEIR FAMILIES.**

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

10 **(F)** ~~(b)~~—"Practice of nursing as a licensed practical nurse"
11 or "l.p.n." means the practice of nursing based on less
12 comprehensive knowledge and skill than that required of a
13 registered professional nurse and performed under the supervision
14 of a registered professional nurse, physician, or dentist.

15 **(G)** ~~(c)~~—"Registered professional nurse" or "r.n." means an
16 individual licensed under this ~~article~~ **PART** to engage in the
17 practice of nursing, which scope of practice includes the
18 teaching, direction, and supervision of less skilled personnel in
19 the performance of delegated nursing activities.

20 (2) In addition to the definitions in this part, article 1
21 contains general definitions and principles of construction
22 applicable to all articles in the code and part 161 contains
23 definitions applicable to this part.

24 **SEC. 17202. AN ADVANCED PRACTICE REGISTERED NURSE SHALL**
25 **PROVIDE THOSE FUNCTIONS COMMON TO THE POPULATION FOR WHICH**
26 **ADVANCED PRACTICE REGISTERED NURSES ARE EDUCATIONALLY AND**
27 **EXPERIENTIALLY PREPARED. AN A.P.R.N. SHALL DO ALL OF THE**

1 FOLLOWING:

2 (A) COMPLY WITH THE STANDARDS ESTABLISHED FOR REGISTERED
3 NURSES AND WITH THE STANDARDS OF THE NATIONAL PROFESSIONAL
4 NURSING ASSOCIATIONS.

5 (B) CONSULT WITH OR REFER PATIENTS TO OTHER HEALTH
6 PROFESSIONALS AS APPROPRIATE.

7 (C) SUPERVISE NURSES, NURSING PROFESSIONALS, AND HEALTH
8 PROFESSIONALS AS APPROPRIATE.

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

16 (2) THE BOARD SHALL ISSUE AN A.P.R.N. LICENSE TO A
17 REGISTERED PROFESSIONAL NURSE WHO MEETS ALL OF THE FOLLOWING
18 REQUIREMENTS:

19 (A) HAS COMPLETED AN ACCREDITED GRADUATE OR POSTGRADUATE
20 LEVEL NURSING EDUCATION PROGRAM PREPARING THE NURSE FOR THE ROLE
21 OF CERTIFIED NURSE MIDWIFE, CERTIFIED NURSE PRACTITIONER, OR
22 CLINICAL NURSE SPECIALIST-CERTIFIED.

23 (B) IS CERTIFIED BY A NATIONALLY ACCREDITED CERTIFICATION
24 BODY AS DEMONSTRATING A.P.R.N. ROLE AND POPULATION FOCUSED
25 COMPETENCIES AND WHO MAINTAINS CONTINUED COMPETENCE AS EVIDENCED
26 BY RECERTIFICATION IN THE ROLE AND POPULATION THROUGH THE
27 NATIONAL CERTIFICATION PROGRAM.

(3) THE DEPARTMENT SHALL RENEW AN A.P.R.N. LICENSE UNDER THIS PART CONCURRENTLY WITH THE REGISTERED PROFESSIONAL NURSE LICENSE.

(4) FOR THE PURPOSE OF ADMINISTERING OTHER STATE LAW OR RULES PROMULGATED BY THE BOARD OF NURSING, A REFERENCE TO A SPECIALTY CERTIFICATION IS ALSO A REFERENCE TO AN A.P.R.N. LICENSE ISSUED TO AN R.N. WHO IS ENGAGING IN AN A.P.R.N. ROLE.

Sec. 17211. (1) A person shall not engage in the practice of nursing or the practice of nursing as a licensed practical nurse unless licensed or otherwise authorized by this article.

(2) The following words, titles, or letters or a combination thereof ~~OF THEM~~, with or without qualifying words or phrases, are restricted in use only to those persons authorized under this part to use the terms and in a way prescribed in this part: "registered professional nurse", "registered nurse", "r.n.", "licensed practical nurse", "l.p.n.", "nurse midwife", "CERTIFIED NURSE MIDWIFE", "C.N.M.", "nurse anesthetist", "nurse practitioner", "CERTIFIED NURSE PRACTITIONER", "C.N.P.", "CLINICAL NURSE SPECIALIST-CERTIFIED", "C.N.S.-C.", "trained attendant", and "t.a.".

Sec. 17221. (1) The Michigan board of nursing is created in the department and, BEGINNING 30 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED SUBSECTION (3), shall consist of the following ~~23-27~~ voting members who shall meet the requirements of part 161: 9 registered professional nurses, ~~1-2~~ CERTIFIED nurse midwife, ~~MIDWIVES~~, 1 nurse anesthetist, ~~1-2~~ CERTIFIED nurse practitioner, ~~PRACTITIONERS~~, 2 CLINICAL NURSE

1 **SPECIALIST-CERTIFIEDS**, 3 licensed practical nurses, and 8 public
 2 members. Three of the registered professional nurse members shall
 3 be engaged in nursing education, 1 of whom shall be in less than
 4 a baccalaureate program, 1 in a baccalaureate or higher program,
 5 and 1 in a licensed practical nurse program, and each of whom
 6 shall have a master's degree from an accredited college with a
 7 major in nursing. Three of the registered professional nurse
 8 members shall be engaged in nursing practice or nursing
 9 administration, each of whom shall have a baccalaureate degree in
 10 nursing from an accredited college. Three of the registered
 11 professional nurse members shall be engaged in nursing practice
 12 or nursing administration, each of whom shall be a
 13 nonbaccalaureate registered nurse. The 3 licensed practical nurse
 14 members shall have graduated from a state approved program for
 15 the preparation of individuals to practice as licensed practical
 16 nurses. ~~The~~ **A CERTIFIED** nurse midwife, ~~the nurse anesthetist, and~~
 17 ~~the~~ **A CERTIFIED** nurse practitioner, **AND A CLINICAL NURSE**
 18 **SPECIALIST-CERTIFIED** shall each have a ~~specialty certification~~ **AN**
 19 **A.P.R.N. LICENSE** issued by the department in his or her
 20 respective ~~specialty field~~ **ROLE AND THE NURSE ANESTHETIST SHALL**
 21 **HAVE A SPECIALTY CERTIFICATE ISSUED BY THE DEPARTMENT IN THAT**
 22 **SPECIALTY FIELD.**

23 (2) The terms of office of individual members of the board
 24 created under this part, except those appointed to fill
 25 vacancies, expire 4 years after appointment on June 30 of the
 26 year in which the term expires.

27 (3) **AN ADVANCED PRACTICE REGISTERED NURSE TASK FORCE IS**

1 CREATED AS A SUBCOMMITTEE OF THE MICHIGAN BOARD OF NURSING. THE
2 ADVANCED PRACTICE REGISTERED NURSE SUBCOMMITTEE SHALL CONSIST OF
3 THE FOLLOWING 6 MEMBERS OF THE BOARD: THE 2 CERTIFIED NURSE
4 MIDWIVES, THE 2 CERTIFIED NURSE PRACTITIONERS, AND THE 2 CLINICAL
5 NURSE SPECIALISTS-CERTIFIEDS. THE ADVANCED PRACTICE REGISTERED
6 NURSE SUBCOMMITTEE SHALL DO ALL OF THE FOLLOWING ON BEHALF OF THE
7 BOARD:

8 (A) DEVELOP AND MAKE PUBLIC GUIDELINES ON THE APPROPRIATE
9 SCOPE OF PRACTICE OF AN A.P.R.N. ACCORDING TO HIS OR HER
10 EDUCATION, TRAINING, AND EXPERIENCE. GUIDELINES DEVELOPED UNDER
11 THIS SUBDIVISION ARE NOT BINDING, BUT SHALL SERVE TO EXPLAIN THE
12 TASK FORCE'S CRITERIA FOR DETERMINING WHETHER AN A.P.R.N. IS
13 PRACTICING WITHIN HIS OR HER SCOPE OF PRACTICE.

14 (B) IN CONSULTATION WITH THE BOARD, DISCIPLINE AN A.P.R.N.
15 DETERMINED TO BE PRACTICING OUTSIDE THE RECOGNIZED SCOPE OF
16 PRACTICE FOR THE ROLE IN WHICH HE OR SHE IS LICENSED.

17 (C) DIRECT THE DEPARTMENT TO ISSUE A LICENSE TO AN APPLICANT
18 WHO MEETS THE REQUIREMENTS OF THIS PART AND RULES PROMULGATED
19 UNDER THIS PART FOR PRACTICE AND USE OF THE RECOGNIZED TITLE FOR
20 THE A.P.R.N. ROLE.

21 (D) MAKE WRITTEN RECOMMENDATIONS TO THE BOARD ON
22 REINSTATEMENT OF A.P.R.N. LICENSES AND NOTICES OF INTENT TO DENY
23 A.P.R.N. LICENSES.

24 Sec. 17533. (1) Notwithstanding the requirements of part
25 161, the board may require a licensee seeking renewal of a
26 license to furnish the board with satisfactory evidence that
27 during the 3 years immediately preceding an application for

1 renewal the licensee has attended continuing education courses or
2 programs approved by the board and totaling not less than 150
3 hours in subjects related to the practice of osteopathic medicine
4 and surgery and designed to further educate licensees.

5 (2) As required under section 16204, the board shall
6 promulgate rules requiring each applicant for license renewal to
7 complete as part of the continuing education requirement of
8 subsection (1) an appropriate number of hours or courses in pain
9 and symptom management.

10 (3) THE BOARD SHALL PROMULGATE RULES REQUIRING EACH
11 APPLICANT FOR LICENSE RENEWAL TO COMPLETE AS PART OF THE
12 CONTINUING EDUCATION REQUIREMENT OF SUBSECTION (1) AN APPROPRIATE
13 NUMBER OF HOURS OR COURSES IN THE EDUCATIONAL REQUIREMENTS AND
14 SCOPE OF PRACTICE OF ADVANCED PRACTICE REGISTERED NURSES LICENSED
15 UNDER PART 172.

16 Sec. 17607. (1) An individual shall not engage in the
17 practice of speech-language pathology unless licensed under this
18 part.

19 (2) A licensee shall not perform an act, task, or function
20 within the practice of speech-language pathology unless he or she
21 is trained to perform the act, task, or function and the
22 performance of that act, task, or function is consistent with the
23 rules promulgated under section 17610(3). A speech-language
24 pathologist shall refer a patient to a person licensed in the
25 practice of medicine or osteopathic medicine and surgery if signs
26 or symptoms identified during the practice of speech-language
27 pathology cause the speech-language pathologist to suspect that

1 the patient has an underlying medical condition.

2 (3) A licensee shall perform assessment, treatment or
3 therapy, and procedures related to swallowing disorders and
4 medically related communication disorders only on patients who
5 have been referred to him or her by a person licensed in the
6 practice of medicine or osteopathic medicine and surgery **OR BY AN**
7 **ADVANCED PRACTICE REGISTERED NURSE LICENSED UNDER PART 172.**

8 (4) Limited diagnostic testing, such as endoscopic
9 videolaryngostroboscopy, shall only be performed by a licensee in
10 collaboration with or under the supervision of a person licensed
11 in the practice of medicine or osteopathic medicine and surgery.

12 (5) A licensee shall follow procedures in which
13 collaboration among the licensee and a person licensed in the
14 practice of medicine or osteopathic medicine and surgery and
15 other licensed health care professionals is regarded to be in the
16 best interests of the patient.

17 (6) Subsection (1) does not prevent any of the following:

18 (a) An individual licensed or registered under any other
19 part or act from performing activities that are considered
20 speech-language pathology services if those activities are within
21 the individual's scope of practice and if the individual does not
22 use the titles protected under section 17603.

23 (b) The practice of speech-language pathology that is an
24 integral part of a program of study by students enrolled in an
25 accredited speech-language pathology educational program approved
26 by the board, provided that those individuals are identified as
27 students and provide speech-language pathology services only

1 while under the supervision of a licensed speech-language
2 pathologist.

3 (c) Self-care by a patient or uncompensated care by a friend
4 or family member who does not represent or hold himself or
5 herself out to be a licensed speech-language pathologist.

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

9 (2) "Prescriber" means a licensed dentist, a licensed doctor
10 of medicine, a licensed doctor of osteopathic medicine and
11 surgery, a licensed doctor of podiatric medicine and surgery, a
12 licensed optometrist certified under part 174 to administer and
13 prescribe therapeutic pharmaceutical agents, **A LICENSED ADVANCED**
14 **PRACTICE REGISTERED NURSE WHO MEETS THE REQUIREMENTS OF SECTION**
15 **17712**, a licensed veterinarian, or another licensed health
16 professional acting under the delegation and using, recording, or
17 otherwise indicating the name of the delegating licensed doctor
18 of medicine or licensed doctor of osteopathic medicine and
19 surgery.

20 (3) "Prescription" means an order for a drug or device
21 written and signed or transmitted by facsimile, electronic
22 transmission, or other means of communication by a prescriber to
23 be filled, compounded, or dispensed. Prescribing is limited to a
24 prescriber. An order transmitted in other than written form shall
25 be electronically recorded, printed, or written and immediately
26 dated by the pharmacist, and that record constitutes the original
27 prescription. In a health facility or agency licensed under

1 article 17 or other medical institution, an order for a drug or
2 device in the patient's chart constitutes for the purposes of
3 this definition the original prescription. Subject to section
4 17751(2), prescription includes, but is not limited to, an order
5 for a drug, not including a controlled substance as defined in
6 section 7104 except under circumstances described in section
7 17763(e), written and signed or transmitted by facsimile,
8 electronic transmission, or other means of communication by a
9 physician prescriber licensed to practice in a state other than
10 Michigan.

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

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

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

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

17 **SEC. 17712. (1) AN ADVANCED PRACTICE REGISTERED NURSE**
18 **LICENSED UNDER SECTION 17210 MAY POSSESS, PRESCRIBE, AND**
19 **ADMINISTER NONSCHEDULED PRESCRIPTION DRUGS AND CONTROLLED**
20 **SUBSTANCES INCLUDED IN SCHEDULES 2 TO 5 SUBJECT TO THE**
21 **REQUIREMENTS OF SECTION 17202 AND ALL OF THE FOLLOWING:**

22 (A) HE OR SHE HAS COMPLETED GRADUATE LEVEL PHARMACOLOGY,
23 PATHOPHYSIOLOGY, AND PHYSICAL ASSESSMENT COURSES AND CLINICAL
24 PRACTICUM IN THE SPECIFIED A.P.R.N. ROLE.

25 (B) UNLESS OTHERWISE PROVIDED BY RULE, HE OR SHE HAS
26 COMPLETED THE NUMBER OF CONTACT HOURS IN PHARMACOLOGY AS PART OF
27 THE REQUISITE CONTINUING EDUCATION FOR CERTIFICATION AND

1 LICENSURE RENEWAL AS DETERMINED BY THE BOARD OF NURSING UNDER
2 PART 172.

3 (C) HE OR SHE HAS APPLIED FOR AND BEEN GRANTED PRESCRIPTIVE
4 AUTHORITY WITHIN HIS OR HER RESPECTIVE SCOPE OF PRACTICE AND
5 POPULATION, IF APPLICABLE.

6 (2) THE DEPARTMENT SHALL ISSUE A SPECIALTY PRESCRIPTIVE
7 CERTIFICATION AND A CONTROLLED SUBSTANCES LICENSE TO AN A.P.R.N.
8 WHO APPLIES AND IS QUALIFIED UNDER SUBSECTION (1) TO POSSESS,
9 PRESCRIBE, AND ADMINISTER NONSCHEDULED PRESCRIPTION DRUGS AND
10 CONTROLLED SUBSTANCES INCLUDED IN SCHEDULES 2 TO 5.

11 (3) THE AMENDATORY ACT THAT ADDED THIS SECTION DOES NOT
12 REQUIRE NEW OR ADDITIONAL THIRD-PARTY REIMBURSEMENT OR MANDATED
13 WORKER'S COMPENSATION BENEFITS FOR SERVICES RENDERED BY AN
14 INDIVIDUAL AUTHORIZED TO ACT AS A PRESCRIBER UNDER THIS SECTION.

15 Sec. 17745. (1) Except as otherwise provided in this
16 subsection, a prescriber who wishes to dispense prescription
17 drugs shall obtain from the board a drug control license for each
18 location in which the storage and dispensing of prescription
19 drugs occur. A drug control license is not necessary if the
20 dispensing occurs in the emergency department, emergency room, or
21 trauma center of a hospital licensed under article 17 or if the
22 dispensing involves only the issuance of complimentary starter
23 dose drugs.

24 (2) A dispensing prescriber shall dispense prescription
25 drugs only to his or her own patients.

26 (3) A dispensing prescriber shall include in a patient's
27 chart or clinical record a complete record, including

1 prescription drug names, dosages, and quantities, of all
2 prescription drugs dispensed directly by the dispensing
3 prescriber or indirectly under his or her delegatory authority.
4 If prescription drugs are dispensed under the prescriber's
5 delegatory authority, the delegatee who dispenses the
6 prescription drugs shall initial the patient's chart, clinical
7 record, or log of prescription drugs dispensed. In a patient's
8 chart or clinical record, a dispensing prescriber shall
9 distinguish between prescription drugs dispensed to the patient
10 and prescription drugs prescribed for the patient. A dispensing
11 prescriber shall retain information required under this
12 subsection for not less than 5 years after the information is
13 entered in the patient's chart or clinical record.

14 (4) A dispensing prescriber shall store prescription drugs
15 under conditions that will maintain their stability, integrity,
16 and effectiveness and will assure that the prescription drugs are
17 free of contamination, deterioration, and adulteration.

18 (5) A dispensing prescriber shall store prescription drugs
19 in a substantially constructed, securely lockable cabinet. Access
20 to the cabinet shall be limited to individuals authorized to
21 dispense prescription drugs in compliance with this part and
22 article 7.

23 (6) Unless otherwise requested by a patient, a dispensing
24 prescriber shall dispense a prescription drug in a safety closure
25 container that complies with the poison prevention packaging act
26 of 1970, ~~Public Law 91-601, 84 Stat. 1670~~ **15 USC 1471 TO 1477.**

27 (7) A dispensing prescriber shall dispense a drug in a

1 container that bears a label containing all of the following
2 information:

3 (a) The name and address of the location from which the
4 prescription drug is dispensed.

5 (b) The patient's name and record number.

6 (c) The date the prescription drug was dispensed.

7 (d) The prescriber's name.

8 (e) The directions for use.

9 (f) The name and strength of the prescription drug.

10 (g) The quantity dispensed.

11 (h) The expiration date of the prescription drug or the
12 statement required under section 17756.

13 (8) A dispensing prescriber who dispenses, **OR AN ADVANCED**
14 **PRACTICE REGISTERED NURSE WHO MEETS THE REQUIREMENTS OF SECTION**
15 **17712 AND WHO POSSESSES, PRESCRIBES, OR ADMINISTERS,** a
16 complimentary starter dose drug to a patient shall give the
17 patient at least all of the following information, either by
18 dispensing the complimentary starter dose drug to the patient in
19 a container that bears a label containing the information or by
20 giving the patient a written document which may include, but is
21 not limited to, a preprinted insert that comes with the
22 complimentary starter dose drug, that contains the information:

23 (a) The name and strength of the complimentary starter dose
24 drug.

25 (b) Directions for the patient's use of the complimentary
26 starter dose drug.

27 (c) The expiration date of the complimentary starter dose

1 drug or the statement required under section 17756.

2 (9) The information required under subsection (8) is in
3 addition to, and does not supersede or modify, other state or
4 federal law regulating the labeling of prescription drugs.

5 (10) In addition to meeting the requirements of this part, a
6 dispensing prescriber who dispenses controlled substances shall
7 comply with section 7303a.

8 (11) The board may periodically inspect locations from which
9 prescription drugs are dispensed.

10 (12) The act, task, or function of dispensing prescription
11 drugs shall be delegated only as provided in section 16215 and
12 this part.

13 (13) A supervising physician may delegate in writing to a
14 pharmacist practicing in a hospital pharmacy within a hospital
15 licensed under article 17 the receipt of complimentary starter
16 dose drugs other than controlled substances as defined by article
17 7 or federal law. When the delegated receipt of complimentary
18 starter dose drugs occurs, both the pharmacist's name and the
19 supervising physician's name shall be used, recorded, or
20 otherwise indicated in connection with each receipt. A pharmacist
21 described in this subsection may dispense a prescription for
22 complimentary starter dose drugs written or transmitted by
23 facsimile, electronic transmission, or other means of
24 communication by a prescriber.

25 (14) As used in this section, "complimentary starter dose"
26 means a prescription drug packaged, dispensed, and distributed in
27 accordance with state and federal law that is provided to a

1 dispensing prescriber free of charge by a manufacturer or
2 distributor and dispensed free of charge by the dispensing
3 prescriber to his or her patients.

4 Sec. 17820. (1) A person shall not engage in the practice of
5 physical therapy or practice as a physical therapist assistant
6 unless licensed or otherwise authorized under this part. A person
7 shall engage in the actual treatment of an individual only upon
8 the prescription of an individual holding a license issued under
9 part 166, 170, **172**, 175, or 180, or the equivalent license issued
10 by another state.

11 (2) The following words, titles, or letters or a combination
12 thereof, with or without qualifying words or phrases, are
13 restricted in use only to those persons authorized under this
14 part to use the terms and in a way prescribed in this part:
15 "physical therapy", "physical therapist", "physiotherapist",
16 "physiotherapy", "registered physical therapist", "licensed
17 physical therapist", "physical therapy technician", "physical
18 therapist assistant", "physical therapy assistant",
19 "physiotherapist assistant", "physiotherapy assistant", "p.t.
20 assistant", "p.t.", "r.p.t.", "l.p.t.", "c.p.t.", "d.p.t.",
21 "m.p.t.", "p.t.a.", "registered p.t.a.", "licensed p.t.a.",
22 "certified p.t.a.", "c.p.t.a.", "l.p.t.a.", "r.p.t.a.", and
23 "p.t.t.".