

# HOUSE BILL No. 5400

February 24, 2016, Introduced by Rep. 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, 16145, 16146, 16177, 16191, 16261, 16327, 17201, 17210, 17211, 17212, 17221, 17607, 17708, 17745, 17820, 17822, and 20201 (MCL 333.2701, 333.5119, 333.16145, 333.16146, 333.16177, 333.16191, 333.16261, 333.16327, 333.17201, 333.17210, 333.17211, 333.17212, 333.17221, 333.17607, 333.17708, 333.17745, 333.17820, 333.17822, and 333.20201), section 2701 as amended by 2014 PA 172, section 5119 as amended by 2000 PA 209, section 16145 as amended by 1993 PA 80, section 16146 as amended by 2006 PA 26, section 16177 as amended by 2006 PA 481, section 16191 as amended by 1986 PA 174, section 16261 as amended by 2002 PA 734, section 16327 as amended by 2009 PA 216, sections 17211 and 17221 as amended by 2006 PA 409, section 17212 as added by 1996 PA 355, section 17607 as added by 2008 PA 524, section 17708 as amended by

2012 PA 209, section 17745 as amended by 2014 PA 525, section 17820 as amended by 2014 PA 260, section 17822 as amended by 2005 PA 281, and section 20201 as amended by 2011 PA 210, and by adding sections 17210a, 17211a, 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 ~~specialty~~ **SPECIALTY** by a national board  
4 recognized by the American ~~board~~ **BOARD** of ~~medical specialties~~  
5 **MEDICAL SPECIALTIES** or the American ~~osteopathic~~  
6 ~~association~~ **OSTEOPATHIC ASSOCIATION**.

7           (b) "Certified nurse midwife" means an individual licensed as  
8 a ~~registered professional~~ **AN ADVANCED PRACTICE REGISTERED** nurse  
9 under part 172 who ~~has been issued a specialty certification in the~~  
10 ~~practice of nurse midwifery by the board of nursing under section~~  
11 ~~17210~~ **MEETS THE REQUIREMENTS FOR THE A.P.R.N. SPECIALTY ROLE OF A**  
12 **CERTIFIED NURSE MIDWIFE**.

13           (c) "Certified nurse practitioner" means an individual  
14 licensed as a ~~registered professional nurse~~ **AN ADVANCED PRACTICE**  
15 **REGISTERED NURSE** under part 172 who ~~has been issued a specialty~~  
16 ~~certification as a nurse practitioner by the board of nursing under~~  
17 ~~section 17210~~ **MEETS THE REQUIREMENTS FOR THE A.P.R.N. SPECIALTY**  
18 **ROLE OF A CERTIFIED NURSE PRACTITIONER**.

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

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

1 (f) "Designated nurse" means a certified nurse midwife or  
2 certified nurse practitioner.

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

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

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

10 (j) "Medicaid" means benefits under the program of medical  
11 assistance established under title XIX of the social security act,  
12 42 USC 1396 to 1396w-5, and administered by the department of  
13 **HEALTH AND** human services under the social welfare act, 1939 PA  
14 280, MCL 400.1 to 400.119b.

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

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

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

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

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

26 (p) "Physician" means an individual licensed as a physician  
27 under part 170 or ~~an osteopathic physician under part 175~~.

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

3 (r) "Physician's assistant program" means an accredited  
4 program for the training of individuals to become physician's  
5 assistants.

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

10 Sec. 5119. (1) An individual **WHO IS** applying for a marriage  
11 license shall be advised through the distribution of written  
12 educational materials by the county clerk regarding prenatal care  
13 and the transmission and prevention of venereal disease and HIV  
14 infection. The written educational materials shall describe the  
15 availability to the applicant of tests for both venereal disease  
16 and HIV infection. The information shall include a list of  
17 locations where HIV counseling and testing services funded by the  
18 department are available. The **DEPARTMENT SHALL APPROVE OR PREPARE**  
19 **THE** written educational materials. ~~shall be approved or prepared by~~  
20 ~~the department.~~

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

1 subsection (1).

2 (3) If either applicant for a marriage license undergoes a  
3 test for HIV or an antibody to HIV, and if the test results  
4 indicate that an applicant is HIV infected, the physician or a ~~HIS~~  
5 ~~OR HER~~ designee, ~~of the physician,~~ the physician's assistant, the  
6 certified nurse midwife, ~~or the certified nurse practitioner,~~ **THE**  
7 **CLINICAL NURSE SPECIALIST-CERTIFIED**, or the local health officer or  
8 **HIS OR HER** designee ~~of the local health officer~~ administering the  
9 test immediately shall inform both applicants of the test results,  
10 and shall counsel both applicants regarding the modes of HIV  
11 transmission, the potential for HIV transmission to a fetus, and  
12 protective measures.

13 (4) As used in this section:

14 (a) "Certified nurse midwife" means an individual licensed as  
15 ~~a registered professional nurse~~ **AN ADVANCED PRACTICE REGISTERED**  
16 **NURSE** under part 172 who has ~~been issued a specialty certification~~  
17 ~~in the practice of nurse midwifery by the board of nursing under~~  
18 ~~section 17210.~~ **MEETS THE REQUIREMENTS FOR THE A.P.R.N. SPECIALTY**  
19 **ROLE OF A CERTIFIED NURSE MIDWIFE.**

20 (b) "Certified nurse practitioner" means an individual  
21 licensed as ~~a registered professional nurse~~ **AN ADVANCED PRACTICE**  
22 **REGISTERED NURSE** under part 172 who has ~~been issued a specialty~~  
23 ~~certification as a nurse practitioner by the board of nursing under~~  
24 ~~section 17210.~~ **MEETS THE REQUIREMENTS FOR THE A.P.R.N. SPECIALTY**  
25 **ROLE OF A CERTIFIED NURSE PRACTITIONER.**

26 (c) "CLINICAL NURSE SPECIALIST-CERTIFIED" MEANS AN INDIVIDUAL  
27 LICENSED AS AN ADVANCED PRACTICE REGISTERED NURSE UNDER PART 172

1 WHO MEETS THE REQUIREMENTS FOR THE A.P.R.N. SPECIALTY ROLE OF A  
2 CLINICAL NURSE SPECIALIST-CERTIFIED.

3 (D) ~~(c)~~-"Physician" means an individual licensed as a  
4 physician under part 170 or ~~an osteopathic physician under part~~  
5 175.

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

8 Sec. 16145. (1) A board may adopt and have an official seal.

9 (2) A board or task force may promulgate rules necessary or  
10 appropriate to fulfill its functions as prescribed in this article.

11 (3) ~~Only~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, ONLY** a  
12 board or task force shall promulgate rules to specify requirements  
13 for licenses, registrations, renewals, examinations, and required  
14 passing scores.

15 Sec. 16146. (1) ~~A~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS**  
16 **ARTICLE, A** board shall grant a license or registration to an  
17 applicant meeting the requirements for the license or registration  
18 as prescribed in this article and the rules promulgated under this  
19 article.

20 (2) A board ~~which~~ **THAT** grants licenses may:

21 (a) Certify licensees in those health profession specialty  
22 fields within its scope of practice ~~which~~ **THAT** are established in  
23 this article.

24 (b) Reclassify licenses on the basis of a determination that  
25 the addition or removal of conditions or restrictions is  
26 appropriate.

27 (c) Upon good cause, request that a licensee or registrant

1 have a criminal history check conducted in accordance with section  
2 16174(3).

3       Sec. 16177. (1) An individual applying for licensure or  
4 registration under this article shall do so on a form provided by  
5 the department. The department shall require each applicant to  
6 include on the application form his or her social security number.  
7 The department shall not display an applicant's social security  
8 number on his or her license or registration. If the facts set  
9 forth in the application meet the requirements of the board, ~~or~~  
10 task force, **OR THE DEPARTMENT** and **THE REQUIREMENTS OF** this article  
11 for licensure or registration, the board, ~~or~~ task force, **OR THE**  
12 **DEPARTMENT** shall grant a license or registration to the applicant.  
13 A board or task force may require the applicant to take an  
14 examination to determine if the applicant meets the qualifications  
15 for licensure or registration. The examination shall include  
16 subjects determined by the board or task force to be essential to  
17 the safe and competent practice of the health profession, the  
18 appropriate use of a title, or both. Passing scores or the  
19 procedure used to determine passing scores shall be established  
20 before an examination is administered.

21       (2) In addition to the information required under subsection  
22 (1), an applicant for licensure or registration or a licensee or  
23 registrant applying for renewal shall include on a form provided by  
24 the department all of the following information, if applicable:

25       (a) A felony conviction.

26       (b) A misdemeanor conviction punishable by imprisonment for a  
27 maximum term of 2 years or a misdemeanor conviction involving the

1 illegal delivery, possession, or use of alcohol or a controlled  
2 substance.

3 (c) Sanctions imposed against the applicant by a similar  
4 licensure, registration, certification, or disciplinary board of  
5 another state or country.

6 (3) In addition to the information required under subsections  
7 (1) and (2), a physician, osteopathic physician, dentist, or  
8 podiatrist applying for licensure or renewal under this article  
9 shall report to the department on a form provided by the department  
10 the name of each hospital with which he or she is employed or under  
11 contract, and each hospital in which he or she is allowed to  
12 practice.

13 (4) In addition to the information required under subsections  
14 (1), (2), and (3), an applicant for licensure and, beginning the  
15 license renewal cycle after ~~the effective date of the amendatory~~  
16 ~~act that added section 16213, DECEMBER 22, 2006,~~ a licensee  
17 applying for renewal shall provide the department, on the  
18 application or the license renewal form, with an affidavit stating  
19 that he or she has a written policy for protecting, maintaining,  
20 and providing access to his or her medical records in accordance  
21 with section 16213 and for complying with section 16213 in the  
22 event that he or she sells or closes his or her practice, retires  
23 from practice, or otherwise ceases to practice under this article.  
24 The applicant or licensee shall make the written policy available  
25 to the department upon request.

26 (5) A requirement under this section to include a social  
27 security number on an application does not apply to an applicant



1 who demonstrates he or she is exempt under law from obtaining a  
2 social security number or to an applicant who for religious  
3 convictions is exempt under law from disclosure of his or her  
4 social security number under these circumstances. The department  
5 shall inform the applicant of this possible exemption.

6       Sec. 16191. (1) The department shall issue a certificate of  
7 licensure or registration to an applicant who is granted a license  
8 or registration ~~by a board.~~ **UNDER THIS ARTICLE.**

9       (2) A licensee or registrant shall display his or her current  
10 certificate of licensure or registration prominently and where  
11 visible to the public in the licensee's or registrant's principal  
12 place of business, if any.

13       (3) A licensee or registrant shall have available for  
14 inspection a card, which shall be issued by the department,  
15 containing the essential information on the certificate.

16       (4) If a license is limited ~~by a board,~~ **UNDER THIS ARTICLE,**  
17 the licensee shall display the statement of limitation prepared by  
18 the department in the same manner as prescribed for display of the  
19 certificate and shall attach the statement to the certificate or  
20 display the statement in immediate proximity with the certificate.

21       Sec. 16261. (1) ~~An individual who~~ **A PERSON THAT** is not  
22 licensed or registered under this article shall not use an  
23 insignia, title, or letter, or a word, letter, or phrase singly or  
24 in combination, with or without qualifying words, letters, or  
25 phrases, under a circumstance to induce the belief that the person  
26 is licensed or registered in this state, is lawfully entitled in  
27 this state to engage in the practice of a health profession

1 regulated by this article, or is otherwise in compliance with this  
2 article.

3 (2) An individual shall not announce or hold himself or  
4 herself out to the public as limiting his or her practice to, as  
5 being specially qualified in, or as giving particular attention to  
6 a health profession specialty field for which a board **OR THE**  
7 **DEPARTMENT** issues a specialty certification or a health profession  
8 specialty field license, without first having obtained a specialty  
9 certification or a health profession specialty field license.

10 (3) An individual shall not announce or hold himself or  
11 herself out to the public as being able to perform a chiropractic  
12 adjustment, chiropractic manipulation, or other chiropractic  
13 services or chiropractic opinion, unless the individual is a  
14 chiropractor licensed under this article.

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

19	(a)	Application processing fee.....	\$ <del>24.00</del> <b>75.00</b>
20	(b)	License fee, per year.....	<del>30.00</del> <b>60.00</b>
21	(c)	Temporary license.....	10.00
22	(d)	Limited license, per year.....	10.00
23	(e)	Specialty certification for	
24		registered nurse:	
25	(i)	Application processing fee.....	24.00
26	(ii)	Specialty certification, per year....	14.00

1 (2) FEES FOR AN INDIVIDUAL WHO SEEKS OR HOLDS A LICENSE AS AN  
2 ADVANCED PRACTICE REGISTERED NURSE UNDER PART 172 ARE AS FOLLOWS:

- 3 (A) APPLICATION PROCESSING FEE..... \$ 75.00
- 4 (B) LICENSE FEE, PER YEAR..... 65.00

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

6 (A) "ADVANCED PRACTICE REGISTERED NURSE" OR "A.P.R.N." MEANS  
7 AN INDIVIDUAL WHO IS LICENSED UNDER THIS PART AS AN A.P.R.N., MEETS  
8 THE REQUIREMENTS OF SECTION 17210A, AND MEETS THE STANDARDS FOR  
9 EDUCATION AND TRAINING FOR AN A.P.R.N. SPECIALTY ROLE.

10 (B) "ADVANCED PRACTICE REGISTERED NURSE SPECIALTY ROLE" OR  
11 "A.P.R.N. SPECIALTY ROLE" MEANS THE PRACTICE OF A CERTIFIED NURSE  
12 MIDWIFE, CERTIFIED NURSE PRACTITIONER, OR CLINICAL NURSE  
13 SPECIALIST-CERTIFIED.

14 (C) "PHYSICIAN" MEANS A PHYSICIAN WHO IS LICENSED UNDER PART  
15 170 OR PART 175.

16 (D) "PRACTICE OF ADVANCED PRACTICE REGISTERED NURSING" MEANS 1  
17 OR MORE OF THE FOLLOWING, AS APPLICABLE:

18 (i) THE USE OF ADVANCED PROFESSIONAL NURSING KNOWLEDGE AND  
19 SKILL IN THE IDENTIFICATION OF, AND DISCRIMINATION BETWEEN,  
20 PHYSICAL AND PSYCHOLOGICAL SIGNS OR SYMPTOMS TO ARRIVE AT A  
21 CONCLUSION THAT A CONDITION EXISTS FOR WHICH ADVANCED NURSING CARE  
22 IS INDICATED OR FOR WHICH A REFERRAL TO AN APPROPRIATE MEDICAL OR  
23 COMMUNITY RESOURCE IS REQUIRED.

24 (ii) PERFORMING A TASK, FUNCTION, OR DUTY THAT IS COMMON TO  
25 THE POPULATION IN WHICH AN A.P.R.N. IS PREPARED BY HIS OR HER  
26 EDUCATION AND EXPERIENCE AND THAT IS WITHIN THE PARAMETERS OF HIS

1 OR HER A.P.R.N. SPECIALTY ROLE, AS ESTABLISHED BY THE DEPARTMENT  
2 UNDER SECTION 17214 (C) .

3 (iii) PRESCRIBING, POSSESSING, AND ADMINISTERING  
4 PHARMACOLOGICAL AND NONPHARMACOLOGICAL INTERVENTIONS THAT ARE  
5 WITHIN THE PARAMETERS OF HIS OR HER A.P.R.N.'S SPECIALTY ROLE.

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

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

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

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

27 Sec. 17210. The ~~board of nursing~~**DEPARTMENT** may issue a

1 specialty certification to a registered professional nurse who has  
2 advanced training beyond that required for initial licensure and  
3 who has demonstrated competency through examination or other  
4 evaluative processes and who practices in ~~1 of the following~~ A  
5 health profession specialty ~~fields~~: **FIELD AS FOLLOWS:**

6 (A) BEFORE THE DATE DESCRIBED IN SUBDIVISION (B), nurse  
7 midwifery, nurse anesthetist, or nurse practitioner.

8 (B) BEGINNING 550 DAYS AFTER THE EFFECTIVE DATE OF THE  
9 AMENDATORY ACT THAT ADDED SECTION 17210A, NURSE ANESTHETIST.

10 SEC. 17210A. (1) BEGINNING 60 DAYS AFTER THE DEPARTMENT  
11 PROMULGATES RULES UNDER SECTION 17214, THE DEPARTMENT SHALL ISSUE  
12 AN ADVANCED PRACTICE REGISTERED NURSE LICENSE UNDER THIS ARTICLE TO  
13 A REGISTERED PROFESSIONAL NURSE WHO MEETS ALL OF THE FOLLOWING  
14 REQUIREMENTS:

15 (A) HAS COMPLETED AN ACCREDITED GRADUATE, POSTGRADUATE, OR  
16 DOCTORAL LEVEL NURSING EDUCATION PROGRAM THAT PREPARES THE R.N. FOR  
17 THE ROLE OF ADVANCED PRACTICE REGISTERED NURSE.

18 (B) IS CERTIFIED BY A NATIONALLY ACCREDITED CERTIFICATION BODY  
19 AS DEMONSTRATING ROLE AND POPULATION-FOCUSED COMPETENCIES FOR  
20 ADVANCED PRACTICE REGISTERED NURSES, OR THE BOARD DETERMINES THAT  
21 HE OR SHE MEETS THE STANDARDS FOR THAT CERTIFICATION.

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

27 (D) DEMONSTRATES TO THE SATISFACTION OF THE BOARD THAT HE OR

1 SHE MEETS ALL OF THE FOLLOWING:

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

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

9 (iii) IS EDUCATIONALLY PREPARED TO ASSUME RESPONSIBILITY AND  
10 ACCOUNTABILITY FOR HEALTH PROMOTION OR MAINTENANCE AND THE  
11 ASSESSMENT AND MANAGEMENT OF PATIENT PROBLEMS, INCLUDING, BUT NOT  
12 LIMITED TO, THE USE OF PRESCRIPTION OF PHARMACOLOGICAL AND  
13 NONPHARMACOLOGICAL INTERVENTIONS WITHIN THE PARAMETERS OF HIS OR  
14 HER A.P.R.N. SPECIALTY ROLE.

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

17 (2) THE DEPARTMENT SHALL NOT RENEW AN INDIVIDUAL'S LICENSE AS  
18 AN A.P.R.N. UNDER THIS PART IF THE LICENSEE HAS NOT COMPLETED THE  
19 REQUIRED HOURS OF CONTINUING EDUCATION COURSES APPROVED BY THE  
20 DEPARTMENT IN CONSULTATION WITH THE BOARD DURING THE 2-YEAR PERIOD  
21 IMMEDIATELY PRECEDING THE DATE OF HIS OR HER APPLICATION FOR  
22 RENEWAL.

23 (3) IF THE DEPARTMENT RENEWS AN INDIVIDUAL'S LICENSE AS AN  
24 A.P.R.N. UNDER THIS PART, THE TERM OF THAT LICENSE MUST BEGIN AND  
25 END ON THE SAME DATE AS THE INDIVIDUAL'S LICENSE AS A REGISTERED  
26 PROFESSIONAL NURSE.

27 Sec. 17211. (1) ~~A person~~ AN INDIVIDUAL shall not engage in the

1 practice of nursing **AS A REGISTERED PROFESSIONAL NURSE**, ~~or the~~  
 2 practice of nursing as a licensed practical nurse, **OR THE PRACTICE**  
 3 **OF NURSING AS AN ADVANCED PRACTICE REGISTERED NURSE** unless **HE OR**  
 4 **SHE IS** licensed or **IS** otherwise authorized by this article.

5 (2) The following words, titles, or letters or a combination  
 6 thereof, ~~OF THE WORDS, TITLES, OR LETTERS~~, with or without  
 7 qualifying words or phrases, are restricted in use only to those  
 8 persons authorized under this part to use the terms and in a way  
 9 prescribed in this part: "registered professional nurse",  
 10 "registered nurse", "r.n.", "licensed practical nurse", "l.p.n.",  
 11 "nurse midwife", "**CERTIFIED NURSE MIDWIFE**", "**C.N.M.**", "**ADVANCED**  
 12 **PRACTICE REGISTERED NURSE**", "**A.P.R.N.**", "nurse anesthetist", "nurse  
 13 practitioner", "**CERTIFIED NURSE PRACTITIONER**", "**C.N.P.**", "**CLINICAL**  
 14 **NURSE SPECIALIST-CERTIFIED**", "**C.N.S.-C.**", "trained attendant", and  
 15 "t.a.".

16 **SEC. 17211A. (1) AN ADVANCED PRACTICE REGISTERED NURSE WHO IS**  
 17 **ENGAGED IN THE PRACTICE OF ADVANCED PRACTICE REGISTERED NURSING MAY**  
 18 **PRESCRIBE ANY OF THE FOLLOWING:**

19 (A) A NONSCHEDULED PRESCRIPTION DRUG.

20 (B) A CONTROLLED SUBSTANCE INCLUDED IN SCHEDULES 4 TO 5 OF  
 21 PART 72.

22 (C) SUBJECT TO SUBSECTION (2), A CONTROLLED SUBSTANCE INCLUDED  
 23 IN SCHEDULES 2 TO 3 OF PART 72, AS A DELEGATED ACT OF A SUPERVISING  
 24 PHYSICIAN.

25 (2) IF AN ADVANCED PRACTICE REGISTERED NURSE PRESCRIBES A  
 26 CONTROLLED SUBSTANCE UNDER SUBSECTION (1) (C), BOTH THE ADVANCED  
 27 PRACTICE REGISTERED NURSE'S NAME AND THE SUPERVISING PHYSICIAN'S

1 NAME SHALL BE USED, RECORDED, OR OTHERWISE INDICATED IN CONNECTION  
2 WITH THAT PRESCRIPTION. IF AN ADVANCED PRACTICE REGISTERED NURSE  
3 PRESCRIBES A CONTROLLED SUBSTANCE UNDER SUBSECTION (1) (C), BOTH THE  
4 ADVANCED PRACTICE REGISTERED NURSE'S AND THE SUPERVISING  
5 PHYSICIAN'S DEA REGISTRATION NUMBERS SHALL BE USED, RECORDED, OR  
6 OTHERWISE INDICATED IN CONNECTION WITH THAT PRESCRIPTION.

7 (3) THE AMENDATORY ACT THAT ADDED THIS SECTION DOES NOT  
8 REQUIRE NEW OR ADDITIONAL THIRD-PARTY REIMBURSEMENT OR MANDATED  
9 WORKER'S COMPENSATION BENEFITS FOR SERVICES RENDERED BY AN ADVANCED  
10 PRACTICE REGISTERED NURSE WHO IS AUTHORIZED TO PRESCRIBE  
11 NONSCHEDULED PRESCRIPTION DRUGS AND CONTROLLED SUBSTANCES INCLUDED  
12 IN SCHEDULES 2 TO 5 OF PART 72 UNDER THIS SECTION.

13 Sec. 17212. (1) ~~In~~ **SUBJECT TO SUBSECTION (2)**, IN addition to  
14 acts, tasks, and functions delegated under section 16215,  
15 **17211A(1) (C)**, 17745, 17745a, or 17745b, a supervising physician may  
16 delegate in writing to a registered professional nurse the  
17 ordering, receipt, and dispensing of complimentary starter dose  
18 drugs other than controlled substances as defined ~~by~~ **IN** article 7  
19 or federal law. ~~When the~~ **IF A** delegated ordering, receipt, or  
20 dispensing of complimentary starter dose drugs **DESCRIBED IN THIS**  
21 **SUBSECTION** occurs, both the registered professional nurse's name  
22 and the supervising physician's name shall be used, recorded, or  
23 otherwise indicated in connection with each order, receipt, or  
24 dispensing. ~~As used in this subsection, "complimentary starter~~  
25 ~~dose" means that term as defined in section 17745.~~

26 (2) **AN ADVANCED PRACTICE REGISTERED NURSE WHO IS ENGAGED IN**  
27 **THE PRACTICE OF ADVANCED PRACTICE REGISTERED NURSING MAY ORDER,**



1 RECEIVE, AND DISPENSE A COMPLIMENTARY STARTER DOSE OF EITHER A  
2 PRESCRIPTION DRUG OR A CONTROLLED SUBSTANCE INCLUDED IN SCHEDULES 2  
3 TO 5 OF PART 72 WITHOUT DELEGATION FROM A SUPERVISING PHYSICIAN.  
4 ONLY THE NAME OF THE ADVANCED PRACTICE REGISTERED NURSE SHALL BE  
5 USED, RECORDED, OR OTHERWISE INDICATED IN CONNECTION WITH AN ORDER,  
6 RECEIPT, OR DISPENSING OF A COMPLIMENTARY STARTER DOSE OF A  
7 PRESCRIPTION DRUG OR CONTROLLED SUBSTANCE UNDER THIS SUBSECTION.

8 (3) ~~(2)~~—It is the intent of the legislature in enacting this  
9 section to allow a pharmaceutical manufacturer or wholesale  
10 distributor, as those terms are defined in part 177, to distribute  
11 complimentary starter dose drugs to **AN ADVANCED PRACTICE REGISTERED**  
12 **NURSE DESCRIBED IN SUBSECTION (2)**, OR TO a registered professional  
13 nurse ~~as~~ described in subsection (1), in compliance with section  
14 503(d) of the federal food, drug, and cosmetic act, ~~chapter 675, 52~~  
15 ~~Stat. 1051, 21 U.S.C. USC 353.~~

16 (4) AS USED IN THIS SECTION, "COMPLIMENTARY STARTER DOSE"  
17 MEANS THAT TERM AS DEFINED IN SECTION 17745.

18 SEC. 17214. WITHIN 550 DAYS AFTER THE EFFECTIVE DATE OF THE  
19 AMENDATORY ACT THAT ADDED THIS SECTION, AFTER CONSULTING WITH THE  
20 BOARD, THE DEPARTMENT SHALL PROMULGATE RULES THAT ESTABLISH ALL OF  
21 THE FOLLOWING:

22 (A) FOR PURPOSES OF SECTION 17210A, THE CONTINUING EDUCATION  
23 REQUIREMENTS FOR THE RENEWAL OF AN ADVANCED PRACTICE REGISTERED  
24 NURSE LICENSE UNDER THIS PART. THE RULES SHALL INCLUDE THE MINIMUM  
25 HOURS OF CONTINUING EDUCATION COURSES THAT AN ADVANCED PRACTICE  
26 REGISTERED NURSE SHALL COMPLETE IN THE 2-YEAR PERIOD PRECEDING HIS  
27 OR HER RENEWAL APPLICATION IN ORDER FOR THE DEPARTMENT TO RENEW

1 THAT LICENSE.

2 (B) THE TRAINING AND EDUCATION REQUIREMENTS FOR EACH A.P.R.N.  
3 SPECIALTY ROLE.

4 (C) THE PARAMETERS OF EACH A.P.R.N. SPECIALTY ROLE, INCLUDING,  
5 BUT NOT LIMITED TO, THE SCOPE OF PRACTICE FOR EACH A.P.R.N.  
6 SPECIALTY ROLE.

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

9 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), THE  
10 MICHIGAN BOARD OF NURSING shall consist of the following ~~23~~—24  
11 voting members who shall meet the requirements of part 161: 9  
12 registered professional nurses, 1 nurse midwife, 1 nurse  
13 anesthetist, 1 nurse practitioner, 3 licensed practical nurses, 1  
14 INDIVIDUAL WHO IS A REGISTERED PROFESSIONAL NURSE THAT THE  
15 DEPARTMENT DETERMINES IS CERTIFIED BY A NATIONAL ORGANIZATION AS A  
16 CLINICAL NURSE SPECIALIST-CERTIFIED, and 8 public members. Three of  
17 the registered professional nurse members shall be engaged in  
18 nursing education, 1 of whom shall be in less than a baccalaureate  
19 program, 1 in a baccalaureate or higher program and 1 in a licensed  
20 practical nurse program and each of whom shall have a master's  
21 degree from an accredited college with a major in nursing. Three of  
22 the registered professional nurse members shall be engaged in  
23 nursing practice or nursing administration, each of whom shall have  
24 a baccalaureate degree in nursing from an accredited college. Three  
25 of the registered professional nurse members shall be engaged in  
26 nursing practice or nursing administration, each of whom shall be a  
27 nonbaccalaureate registered nurse. The 3 licensed practical nurse

1 members shall have graduated from a state approved program for the  
2 preparation of individuals to practice as licensed practical  
3 nurses. The nurse midwife, the nurse anesthetist, and the nurse  
4 practitioner shall each have a specialty certification issued by  
5 the department in his or her respective specialty field.

6 (3) ALL OF THE FOLLOWING APPLY TO THE MEMBERS OF THE BOARD  
7 DESCRIBED IN SUBSECTION (2):

8 (A) THE NURSE MIDWIFE SHALL CONTINUE AS A MEMBER OF THE BOARD  
9 UNDER SUBSECTION (2) FOR THE REMAINDER OF HIS OR HER RESPECTIVE  
10 TERM. WHEN THE TERM OF THE NURSE MIDWIFE EXPIRES, SUBJECT TO  
11 SECTION 16121, THE GOVERNOR SHALL APPOINT AN A.P.R.N. WHO MEETS THE  
12 REQUIREMENTS FOR THE A.P.R.N. SPECIALTY ROLE AS A CERTIFIED NURSE  
13 MIDWIFE.

14 (B) THE NURSE PRACTITIONER SHALL CONTINUE AS A MEMBER OF THE  
15 BOARD UNDER SUBSECTION (2) FOR THE REMAINDER OF HIS OR HER  
16 RESPECTIVE TERM. WHEN THE TERM OF THE NURSE PRACTITIONER EXPIRES,  
17 SUBJECT TO SECTION 16121, THE GOVERNOR SHALL APPOINT AN A.P.R.N.  
18 WHO MEETS THE REQUIREMENTS FOR THE A.P.R.N. SPECIALTY ROLE AS A  
19 CERTIFIED NURSE PRACTITIONER.

20 (C) THE INDIVIDUAL WHO IS A REGISTERED PROFESSIONAL NURSE WHO  
21 IS CERTIFIED BY A NATIONAL ORGANIZATION AS A CLINICAL NURSE  
22 SPECIALIST-CERTIFIED SHALL CONTINUE AS A MEMBER OF THE BOARD UNDER  
23 SUBSECTION (2) FOR THE REMAINDER OF HIS OR HER RESPECTIVE TERM.  
24 WHEN THE TERM OF THE REGISTERED PROFESSIONAL NURSE DESCRIBED IN  
25 THIS SUBDIVISION EXPIRES, SUBJECT TO SECTION 16121, THE GOVERNOR  
26 SHALL APPOINT AN A.P.R.N. WHO MEETS THE REQUIREMENTS FOR THE  
27 A.P.R.N. SPECIALTY ROLE AS A CLINICAL NURSE SPECIALIST-CERTIFIED.

1 (D) THE 8 PUBLIC MEMBERS ON THE BOARD SHALL CONTINUE IN OFFICE  
2 FOR THE REMAINDER OF THEIR RESPECTIVE TERMS. UNTIL THE TERM OF  
3 OFFICE OF 1 OF THOSE PUBLIC MEMBERS EXPIRES, THE BOARD SHALL  
4 CONTINUE WITH 24 MEMBERS. WHEN THE TERM OF OFFICE OF 1 OR MORE OF  
5 THE 8 PUBLIC MEMBERS FIRST EXPIRES, THE GOVERNOR SHALL NOT APPOINT  
6 1 PUBLIC MEMBER, TO REDUCE THE TOTAL NUMBER OF PUBLIC MEMBERS TO 7  
7 AND THE TOTAL NUMBER OF BOARD MEMBERS TO 23.

8 (4) ~~(2)~~—The terms of office of individual members of the board  
9 created under this part, except those appointed to fill vacancies,  
10 expire 4 years after appointment on June 30 of the year in which  
11 the term expires.

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

14 (2) A licensee shall not perform an act, task, or function  
15 within the practice of speech-language pathology unless he or she  
16 is trained to perform the act, task, or function and the  
17 performance of that act, task, or function is consistent with the  
18 rules promulgated under section 17610(3). A speech-language  
19 pathologist shall refer a patient to ~~a person~~ **AN INDIVIDUAL**  
20 licensed in the practice of medicine or osteopathic medicine and  
21 surgery if signs or symptoms identified during the practice of  
22 speech-language pathology cause the speech-language pathologist to  
23 suspect that the patient has an underlying medical condition.

24 (3) A licensee shall perform assessment, treatment or therapy,  
25 and procedures related to swallowing disorders and medically  
26 related communication disorders only on patients who have been  
27 referred to him or her by ~~a person~~ **AN INDIVIDUAL** licensed in the

1 practice of medicine or osteopathic medicine and surgery **OR BY AN**  
2 **ADVANCED PRACTICE REGISTERED NURSE WHO IS LICENSED UNDER PART 172**  
3 **WHILE ENGAGED IN THE PRACTICE OF ADVANCED PRACTICE REGISTERED**  
4 **NURSING.**

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

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

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

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

21 (b) The practice of speech-language pathology that is an  
22 integral part of a program of study by students enrolled in an  
23 accredited speech-language pathology educational program approved  
24 by the board, ~~provided that~~ **IF** those individuals are identified as  
25 students and provide speech-language pathology services only while  
26 under the supervision of a licensed speech-language pathologist.

27 (c) Self-care by a patient or uncompensated care by a friend

1 or family member who does not represent or hold himself or herself  
2 out to be a licensed speech-language pathologist.

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

5 (2) "Prescriber" means a licensed dentist, a licensed doctor  
6 of medicine, a licensed doctor of osteopathic medicine and surgery,  
7 a licensed doctor of podiatric medicine and surgery, a licensed  
8 optometrist certified under part 174 to administer and prescribe  
9 therapeutic pharmaceutical agents, **A LICENSED ADVANCED PRACTICE**  
10 **REGISTERED NURSE WHO MEETS THE REQUIREMENTS OF SECTION 17211A**, a  
11 licensed veterinarian, or another licensed health professional  
12 acting under the delegation and using, recording, or otherwise  
13 indicating the name of the delegating licensed doctor of medicine  
14 or licensed doctor of osteopathic medicine and surgery.

15 (3) "Prescription" means an order by a prescriber to fill,  
16 compound, or dispense a drug or device written and signed; written  
17 or created in an electronic format, signed, and transmitted by  
18 facsimile; or transmitted electronically or by other means of  
19 communication. An order transmitted in other than written or hard-  
20 copy form shall be electronically recorded, printed, or written and  
21 immediately dated by the pharmacist, and that record constitutes  
22 the original prescription. In a health facility or agency licensed  
23 under article 17 or other medical institution, an order for a drug  
24 or device in the patient's chart constitutes for the purposes of  
25 this definition the original prescription. Subject to section  
26 17751(2) and (5), prescription includes, but is not limited to, an  
27 order for a drug, not including a controlled substance as defined

1 in section 7104 except under circumstances described in section  
2 17763(e), written and signed; written or created in an electronic  
3 format, signed, and transmitted by facsimile; or transmitted  
4 electronically or by other means of communication by a physician  
5 prescriber or dentist prescriber licensed to practice dentistry,  
6 medicine, or osteopathic medicine and surgery in a state other than  
7 ~~Michigan.~~ **THIS STATE.**

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

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

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

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

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

22 (2) Except as otherwise authorized for expedited partner  
23 therapy in section 5110 or as provided in section 17744a or 17744b,  
24 a dispensing prescriber shall dispense prescription drugs only to  
25 his or her own patients.

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

1 names, dosages, and quantities, of all prescription drugs dispensed  
2 directly by the dispensing prescriber or indirectly under his or  
3 her delegatory authority. If prescription drugs are dispensed under  
4 the prescriber's delegatory authority, the delegatee who dispenses  
5 the prescription drugs shall initial the patient's chart, clinical  
6 record, or log of prescription drugs dispensed. In a patient's  
7 chart or clinical record, a dispensing prescriber shall distinguish  
8 between prescription drugs dispensed to the patient, prescription  
9 drugs prescribed for the patient, prescription drugs dispensed or  
10 prescribed for expedited partner therapy as authorized in section  
11 5110, and prescription drugs dispensed or prescribed as authorized  
12 under section 17744a or 17744b. A dispensing prescriber shall  
13 retain information required under this subsection for not less than  
14 5 years after the information is entered in the patient's chart or  
15 clinical record.

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

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

24 (6) Unless otherwise requested by a patient, a dispensing  
25 prescriber shall dispense a prescription drug in a safety closure  
26 container that complies with the poison prevention packaging act of  
27 1970, 15 USC 1471 to 1477.



1 (7) A dispensing prescriber shall dispense a drug in a  
2 container that bears a label containing all of the following  
3 information:

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

6 (b) Except as otherwise authorized under section 5110, 17744a,  
7 or 17744b, the patient's name and record number.

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

9 (d) The prescriber's name or, if dispensed under the  
10 prescriber's delegatory authority, the name of the delegatee.

11 (e) The directions for use.

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

13 (g) The quantity dispensed.

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

16 (8) A dispensing prescriber who dispenses a complimentary  
17 starter dose drug to a patient, **OR AN ADVANCED PRACTICE REGISTERED**  
18 **NURSE WHO IS LICENSED UNDER PART 172 AND DISPENSES A COMPLIMENTARY**  
19 **STARTER DOSE DRUG TO A PATIENT UNDER SECTION 17212**, shall give the  
20 patient the information required in this subsection, by dispensing  
21 the complimentary starter dose drug to the patient in a container  
22 that bears a label containing the required information or by giving  
23 the patient a written document that may include, but is not limited  
24 to, a preprinted insert that comes with the complimentary starter  
25 dose drug and that contains the required information. The  
26 information required to be given to the patient under this  
27 subsection includes all of the following:

1 (a) The name and strength of the complimentary starter dose  
2 drug.

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

5 (c) The expiration date of the complimentary starter dose drug  
6 or the statement required under section 17756.

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

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

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

15 (12) The act, task, or function of dispensing prescription  
16 drugs shall be delegated only as provided in this part and sections  
17 16215, 17048, 17076, **17211A**, 17212, and 17548.

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

1 transmission, or other means of communication by a prescriber.

2 (14) As used in this section, "complimentary starter dose"  
3 means a prescription drug packaged, dispensed, and distributed in  
4 accordance with state and federal law that is provided to a  
5 dispensing prescriber free of charge by a manufacturer or  
6 distributor and dispensed free of charge by the dispensing  
7 prescriber to his or her patients.

8 Sec. 17820. (1) An individual shall not engage in the practice  
9 of physical therapy or practice as a physical therapist assistant  
10 unless licensed or otherwise authorized under this part. Except as  
11 otherwise provided in this subsection, a physical therapist or  
12 physical therapist assistant shall engage in the treatment of a  
13 patient ~~only upon the prescription of~~ **IF THAT TREATMENT IS**  
14 **PRESCRIBED BY** a health care professional who holds a license issued  
15 under part 166, 170, 175, or 180, **AN ADVANCED PRACTICE REGISTERED**  
16 **NURSE LICENSE UNDER PART 172 WHILE ENGAGED IN THE PRACTICE OF**  
17 **ADVANCED PRACTICE REGISTERED NURSING**, or ~~the~~ **AN** equivalent license  
18 issued by another state. A physical therapist or a physical  
19 therapist assistant may engage in the treatment of a patient  
20 without the prescription of a health care professional who holds a  
21 license issued under part 166, 170, 175, or 180, **AN ADVANCED**  
22 **PRACTICE REGISTERED NURSE LICENSE UNDER PART 172**, or ~~the~~ **AN**  
23 equivalent license issued by another state, under either of the  
24 following circumstances:

25 (a) For 21 days or 10 treatments, whichever first occurs.  
26 However, a physical therapist shall determine that the patient's  
27 condition requires physical therapy before delegating physical

1 therapy interventions to a physical therapist assistant.

2 (b) The patient is seeking physical therapy services for the  
3 purpose of preventing injury or promoting fitness.

4 (2) The following words, titles, or letters or a combination  
5 of words, titles, or letters, with or without qualifying words or  
6 phrases, are restricted in use only to those persons authorized  
7 under this part to use the terms and in a way prescribed in this  
8 part: "physical therapy", "physical therapist", "doctor of  
9 physiotherapy", "doctor of physical therapy", "physiotherapist",  
10 "physiotherapy", "registered physical therapist", "licensed  
11 physical therapist", "physical therapy technician", "physical  
12 therapist assistant", "physical therapy assistant",  
13 "physiotherapist assistant", "physiotherapy assistant", "p.t.  
14 assistant", "p.t.", "r.p.t.", "l.p.t.", "c.p.t.", "d.p.t.",  
15 "m.p.t.", "p.t.a.", "registered p.t.a.", "licensed p.t.a.",  
16 "certified p.t.a.", "c.p.t.a.", "l.p.t.a.", "r.p.t.a.", and  
17 "p.t.t.".

18 Sec. 17822. This part does not prohibit a hospital, as a  
19 condition of employment or the granting of staff privileges, from  
20 requiring **THAT** a physical therapist ~~to~~ **PERFORM ACTIVITIES WITHIN**  
21 **HIS OR HER SCOPE OF** practice in the hospital ~~only upon the~~  
22 ~~prescription of~~ **IF THAT TREATMENT IS PRESCRIBED BY** an individual  
23 ~~holding~~ **WHO HOLDS** a license issued under part 166, 170, 175, or  
24 180, **AN ADVANCED REGISTERED PRACTICAL NURSE LICENSE UNDER PART 172**  
25 **WHILE ENGAGED IN THE PRACTICE OF ADVANCED PRACTICE REGISTERED**  
26 **NURSING**, or ~~the~~ **AN** equivalent license issued by another state.

27 Sec. 20201. (1) A health facility or agency that provides

1 services directly to patients or residents and is licensed under  
2 this article shall adopt a policy describing the rights and  
3 responsibilities of patients or residents admitted to the health  
4 facility or agency. Except for a licensed health maintenance  
5 organization, which shall comply with chapter 35 of the insurance  
6 code of 1956, 1956 PA 218, MCL 500.3501 to 500.3580, **THE HEALTH**  
7 **FACILITY OR AGENCY SHALL POST** the policy ~~shall be posted at a~~  
8 public place in the health facility or agency and shall ~~be provided~~  
9 **PROVIDE THE POLICY** to each member of the health facility or agency  
10 staff. Patients or residents shall be treated in accordance with  
11 the policy.

12 (2) The policy describing the rights and responsibilities of  
13 patients or residents required under subsection (1) shall include,  
14 as a minimum, all of the following:

15 (a) A patient or resident shall not be denied appropriate care  
16 on the basis of race, religion, color, national origin, sex, age,  
17 disability, marital status, sexual preference, or source of  
18 payment.

19 (b) An individual who is or has been a patient or resident is  
20 entitled to inspect, or receive for a reasonable fee, a copy of his  
21 or her medical record upon request in accordance with the medical  
22 records access act, 2004 PA 47, MCL 333.26261 to 333.26271. Except  
23 as otherwise permitted or required under the health insurance  
24 portability and accountability act of 1996, Public Law 104-191, or  
25 regulations promulgated under that act, 45 CFR parts 160 and 164, a  
26 third party shall not be given a copy of the patient's or  
27 resident's medical record without prior authorization of the

1 patient or resident.

2 (c) A patient or resident is entitled to confidential  
3 treatment of personal and medical records, and may refuse their  
4 release to a person outside the health facility or agency except as  
5 required because of a transfer to another health care facility, as  
6 required by law or third party payment contract, or as permitted or  
7 required under the health insurance portability and accountability  
8 act of 1996, Public Law 104-191, or regulations promulgated under  
9 that act, 45 CFR parts 160 and 164.

10 (d) A patient or resident is entitled to privacy, to the  
11 extent feasible, in treatment and in caring for personal needs with  
12 consideration, respect, and full recognition of his or her dignity  
13 and individuality.

14 (e) A patient or resident is entitled to receive adequate and  
15 appropriate care, and to receive, from the appropriate individual  
16 within the health facility or agency, information about his or her  
17 medical condition, proposed course of treatment, and prospects for  
18 recovery, in terms that the patient or resident can understand,  
19 unless medically contraindicated as documented in the medical  
20 record by the attending physician, ~~or~~ a physician's assistant to  
21 whom the physician has delegated the performance of medical care  
22 services, **OR AN ADVANCED PRACTICE REGISTERED NURSE LICENSED UNDER**  
23 **PART 172 WHILE ENGAGED IN THE PRACTICE OF ADVANCED PRACTICE**  
24 **REGISTERED NURSING.**

25 (f) A patient or resident is entitled to refuse treatment to  
26 the extent provided by law and to be informed of the consequences  
27 of that refusal. If a refusal of treatment prevents a health

1 facility or agency or its staff from providing appropriate care  
2 according to ethical and professional standards, the relationship  
3 with the patient or resident may be terminated upon reasonable  
4 notice.

5 (g) A patient or resident is entitled to exercise his or her  
6 rights as a patient or resident and as a citizen, and to this end  
7 may present grievances or recommend changes in policies and  
8 services on behalf of himself or herself or others to the health  
9 facility or agency staff, to governmental officials, or to another  
10 person of his or her choice within or outside the health facility  
11 or agency, free from restraint, interference, coercion,  
12 discrimination, or reprisal. A patient or resident is entitled to  
13 information about the health facility's or agency's policies and  
14 procedures for initiation, review, and resolution of patient or  
15 resident complaints.

16 (h) A patient or resident is entitled to information  
17 concerning an experimental procedure proposed as a part of his or  
18 her care and has the right to refuse to participate in the  
19 experimental procedure without jeopardizing his or her continuing  
20 care.

21 (i) A patient or resident is entitled to receive and examine  
22 an explanation of his or her bill regardless of the source of  
23 payment and to receive, upon request, information relating to  
24 financial assistance available through the health facility or  
25 agency.

26 (j) A patient or resident is entitled to know who is  
27 responsible for and who is providing his or her direct care, is

1 entitled to receive information concerning his or her continuing  
2 health needs and alternatives for meeting those needs, and to be  
3 involved in his or her discharge planning, if appropriate.

4 (k) A patient or resident is entitled to associate and have  
5 private communications and consultations with his or her physician  
6 or a physician's assistant to whom the physician has delegated the  
7 performance of medical care services, **WITH HIS OR HER ADVANCED**  
8 **PRACTICE REGISTERED NURSE LICENSED UNDER PART 172 WHILE ENGAGED IN**  
9 **THE PRACTICE OF ADVANCED PRACTICE REGISTERED NURSING, WITH HIS OR**  
10 **HER** attorney, or **WITH** any other ~~person~~-**INDIVIDUAL** of his or her  
11 choice and to send and receive personal mail unopened on the same  
12 day it is received at the health facility or agency, unless  
13 medically contraindicated as documented in the medical record by  
14 the attending physician, ~~or~~a physician's assistant to whom the  
15 physician has delegated the performance of medical care services,  
16 **OR AN ADVANCED PRACTICE REGISTERED NURSE LICENSED UNDER PART 172**  
17 **WHILE ENGAGED IN THE PRACTICE OF ADVANCED PRACTICE REGISTERED**  
18 **NURSING.** A patient's or resident's civil and religious liberties,  
19 including the right to independent personal decisions and the right  
20 to knowledge of available choices, shall not be infringed and the  
21 health facility or agency shall encourage and assist in the fullest  
22 possible exercise of these rights. A patient or resident may meet  
23 with, and participate in, the activities of social, religious, and  
24 community groups at his or her discretion, unless medically  
25 contraindicated as documented in the medical record by the  
26 attending physician, ~~or~~a physician's assistant to whom the  
27 physician has delegated the performance of medical care services,



1 OR AN ADVANCED PRACTICE REGISTERED NURSE LICENSED UNDER PART 172  
2 WHILE ENGAGED IN THE PRACTICE OF ADVANCED PRACTICE REGISTERED  
3 NURSING.

4 (l) A patient or resident is entitled to be free from mental  
5 and physical abuse and from physical and chemical restraints,  
6 except those restraints authorized in writing by the attending  
7 physician, **BY AN ADVANCED PRACTICE REGISTERED NURSE LICENSED UNDER**  
8 **PART 172 WHILE ENGAGED IN THE PRACTICE OF ADVANCED PRACTICE**  
9 **REGISTERED NURSING**, or **BY** a physician's assistant to whom the  
10 physician has delegated the performance of medical care services,  
11 for a specified and limited time or as are necessitated by an  
12 emergency to protect the patient or resident from injury to self or  
13 others, in which case the restraint may only be applied by a  
14 qualified professional who shall set forth in writing the  
15 circumstances requiring the use of restraints and who shall  
16 promptly report the action to the attending physician, ~~or~~  
17 physician's assistant, **OR ADVANCED PRACTICE REGISTERED NURSE WHO**  
18 **AUTHORIZED THE RESTRAINT**. In case of a chemical restraint, ~~a~~**THE**  
19 **physician, OR THE ADVANCED PRACTICE REGISTERED NURSE WHO AUTHORIZED**  
20 **THE RESTRAINT**, shall be consulted within 24 hours after the  
21 commencement of the chemical restraint.

22 (m) A patient or resident is entitled to be free from  
23 performing services for the health facility or agency that are not  
24 included for therapeutic purposes in the plan of care.

25 (n) A patient or resident is entitled to information about the  
26 health facility or agency rules and regulations affecting patient  
27 or resident care and conduct.

1 (o) A patient or resident is entitled to adequate and  
2 appropriate pain and symptom management as a basic and essential  
3 element of his or her medical treatment.

4 (3) The following additional requirements for the policy  
5 described in subsection (2) apply to licensees under parts 213 and  
6 217:

7 (a) The policy shall be provided to each nursing home patient  
8 or home for the aged resident upon admission, and the staff of the  
9 facility shall be trained and involved in the implementation of the  
10 policy.

11 (b) Each nursing home patient may associate and communicate  
12 privately with persons of his or her choice. Reasonable, regular  
13 visiting hours, which shall be not less than 8 hours per day, and  
14 which shall take into consideration the special circumstances of  
15 each visitor, shall be established for patients to receive  
16 visitors. A patient may be visited by the patient's attorney or by  
17 representatives of the departments named in section 20156, during  
18 other than established visiting hours. Reasonable privacy shall be  
19 afforded for visitation of a patient who shares a room with another  
20 patient. Each patient shall have reasonable access to a telephone.  
21 A married nursing home patient or home for the aged resident is  
22 entitled to meet privately with his or her spouse in a room that  
23 ~~assures~~ **ENSURES** privacy. If both spouses are residents in the same  
24 facility, they are entitled to share a room unless medically  
25 contraindicated and documented in the medical record by the  
26 attending physician, ~~or~~ a physician's assistant to whom the  
27 physician has delegated the performance of medical care services,

1 OR AN ADVANCED PRACTICE REGISTERED NURSE LICENSED UNDER PART 172  
2 WHILE ENGAGED IN THE PRACTICE OF ADVANCED PRACTICE REGISTERED  
3 NURSING.

4 (c) A nursing home patient or home for the aged resident is  
5 entitled to retain and use personal clothing and possessions as  
6 space permits, unless to do so would infringe upon the rights of  
7 other patients or residents, or unless medically contraindicated as  
8 documented in the medical record by the attending physician, ~~or~~a  
9 physician's assistant to whom the physician has delegated the  
10 performance of medical care services, **OR AN ADVANCED PRACTICE**  
11 **REGISTERED NURSE LICENSED UNDER PART 172 WHILE ENGAGED IN THE**  
12 **PRACTICE OF ADVANCED PRACTICE REGISTERED NURSING.** Each nursing home  
13 patient or home for the aged resident shall be provided with  
14 reasonable space. At the request of a patient, a nursing home shall  
15 provide for the safekeeping of personal effects, ~~funds,~~**MONEY,** and  
16 other property of a patient in accordance with section 21767,  
17 except that a nursing home is not required to provide for the  
18 safekeeping of a property that would impose an unreasonable burden  
19 on the nursing home.

20 (d) A nursing home patient or home for the aged resident is  
21 entitled to the opportunity to participate in the planning of his  
22 or her medical treatment. The attending physician, ~~or~~a physician's  
23 assistant to whom the physician has delegated the performance of  
24 medical care services, **OR AN ADVANCED PRACTICE REGISTERED NURSE**  
25 **LICENSED UNDER PART 172 WHILE ENGAGED IN THE PRACTICE OF ADVANCED**  
26 **PRACTICE REGISTERED NURSING,** shall fully inform the nursing home  
27 patient of the patient's medical condition unless medically

1 contraindicated as documented in the medical record by a physician,  
2 ~~or~~ a physician's assistant to whom the physician has delegated the  
3 performance of medical care services, **OR AN ADVANCED PRACTICE**  
4 **REGISTERED NURSE LICENSED UNDER PART 172 WHILE ENGAGED IN THE**  
5 **PRACTICE OF ADVANCED PRACTICE REGISTERED NURSING.** Each nursing home  
6 patient shall be afforded the opportunity to discharge himself or  
7 herself from the nursing home.

8 (e) A home for the aged resident may be transferred or  
9 discharged only for medical reasons, for his or her welfare or that  
10 of other residents, or for nonpayment of his or her stay, except as  
11 provided by title XVIII or title XIX. A nursing home patient may be  
12 transferred or discharged only as provided in sections 21773 to  
13 21777. A nursing home patient or home for the aged resident is  
14 entitled to be given reasonable advance notice to ensure orderly  
15 transfer or discharge. Those actions shall be documented in the  
16 medical record.

17 (f) A nursing home patient or home for the aged resident is  
18 entitled to be fully informed before or at the time of admission  
19 and during stay of services available in the facility, and of the  
20 related charges including any charges for services not covered  
21 under title XVIII, or not covered by the facility's basic per diem  
22 rate. The statement of services provided by the facility shall be  
23 in writing and shall include those required to be offered on an as-  
24 needed basis.

25 (g) A nursing home patient or home for the aged resident is  
26 entitled to manage his or her own financial affairs, or to have at  
27 least a quarterly accounting of personal financial transactions

1 undertaken in his or her behalf by the facility during a period of  
2 time the patient or resident has delegated those responsibilities  
3 to the facility. In addition, a patient or resident is entitled to  
4 receive each month from the facility an itemized statement setting  
5 forth the services paid for by or on behalf of the patient and the  
6 services rendered by the facility. The admission of a patient to a  
7 nursing home does not confer on the nursing home or its owner,  
8 administrator, employees, or representatives the authority to  
9 manage, use, or dispose of a patient's property.

10 (h) A nursing home patient or a person authorized by the  
11 patient in writing may inspect and copy the patient's personal and  
12 medical records. The records shall be made available for inspection  
13 and copying by the nursing home within a reasonable time, not  
14 exceeding 1 week, after the receipt of a written request.

15 (i) If a nursing home patient desires treatment by a licensed  
16 member of the healing arts, the treatment shall be made available  
17 unless it is medically contraindicated, and the medical  
18 contraindication is justified in the patient's medical record by  
19 the attending physician, ~~or~~ a physician's assistant to whom the  
20 physician has delegated the performance of medical care services,  
21 **OR AN ADVANCED PRACTICE REGISTERED NURSE LICENSED UNDER PART 172**  
22 **WHILE ENGAGED IN THE PRACTICE OF ADVANCED PRACTICE REGISTERED**  
23 **NURSING.**

24 (j) A nursing home patient has the right to have his or her  
25 parents, if a minor, or his or her spouse, next of kin, or  
26 patient's representative, if an adult, stay at the facility 24  
27 hours a day if the patient is considered terminally ill by the

1 physician responsible for the patient's care, ~~or~~ a physician's  
2 assistant to whom the physician has delegated the performance of  
3 medical care services, **OR AN ADVANCED PRACTICE REGISTERED NURSE**  
4 **LICENSED UNDER PART 172 WHILE ENGAGED IN THE PRACTICE OF ADVANCED**  
5 **PRACTICE REGISTERED NURSING.**

6 (k) Each nursing home patient shall be provided with meals  
7 that meet the recommended dietary allowances for that patient's age  
8 and sex and that may be modified according to special dietary needs  
9 or ability to chew.

10 (l) Each nursing home patient has the right to receive  
11 representatives of approved organizations as provided in section  
12 21763.

13 (4) A nursing home, its owner, administrator, employee, or  
14 representative shall not discharge, harass, or retaliate or  
15 discriminate against a patient because the patient has exercised a  
16 right protected under this section.

17 (5) In the case of a nursing home patient, the rights  
18 enumerated in subsection (2)(c), (g), and (k) and subsection  
19 (3)(d), (g), and (h) may be exercised by the patient's  
20 representative.

21 (6) A nursing home patient or home for the aged resident is  
22 entitled to be fully informed, as evidenced by the patient's or  
23 resident's written acknowledgment, before or at the time of  
24 admission and during stay, of the policy required by this section.  
25 The policy shall provide that if a patient or resident is  
26 adjudicated incompetent and not restored to legal capacity, the  
27 rights and responsibilities set forth in this section shall be

1 exercised by a person designated by the patient or resident. The  
2 health facility or agency shall provide proper forms for the  
3 patient or resident to provide for the designation of this person  
4 at the time of admission.

5 (7) This section does not prohibit a health facility or agency  
6 from establishing and recognizing additional patients' rights.

7 (8) As used in this section:

8 (a) "Patient's representative" means that term as defined in  
9 section 21703.

10 (b) "Title XVIII" means title XVIII of the social security  
11 act, 42 USC 1395 to ~~1395kkk-1.1395lll~~.

12 (c) "Title XIX" means title XIX of the social security act, 42  
13 USC 1396 to 1396w-5.

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