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Curtailed Bill Expanding Nursing Scope Passes Senate

After numerous changes to a bill that would expand the scope of practice for advanced practice registered nurses - including one that the bill sponsor said would effectively gut the bill - the Senate on Wednesday narrowly passed the legislation on a 20-18 vote.

[SB 2](#), which creates a new license for APRNs and allows them to handle some duties now performed by physicians, was the subject of a major battle between nurses and the bill sponsor, [Sen. Mark Jansen](#) (R-Gaines Township), and the state's physicians, who ardently oppose the bill.

One of the most significant amendments, which was introduced a total of three times (once by [Sen. Roger Kahn](#) on General Orders and twice on Third Reading by Senate [Minority Leader Gretchen Whitmer](#)), stated that in an action for malpractice or licensure removal, if an APRN practices as such without the supervision of a physician, the APRN will be held to "the higher standard of acceptable professional practice or care in the community."



That amendment was defeated when Mr. Kahn first presented it and narrowly defeated when Ms. Whitmer reintroduced it on Third Reading. Had [Sen. Virgil Smith](#) (D-Detroit) voted on it the second time, it would have been adopted. But when the amendment came up for a third time, he wasn't silent about his position.

"In other words, if they want to be doctors, they should be treated like doctors," Mr. Smith said in explaining the amendment.



With the support of Senate Democrats, except for Senate [Minority Floor Leader Tupac Hunter](#) (D-Detroit) and [Sen. Rebekah Warren](#) (D-Ann Arbor), as well as 10 Republicans, the amendment won adoption. The following Republicans supported the amendment: [Sen. Bruce Caswell](#) of Hillsdale, [Sen. Patrick Colbeck](#) of Canton Township, [Sen. Goeff Hansen](#) of Hart, Mr. Kahn, [Sen. James Marleau](#) of Lake Orion, [Sen. John Moolenaar](#) of Midland, [Sen. John Proos](#) of St. Joseph, [Sen. Dave Robertson](#) of Grand Blanc, [Sen. Tory Rocca](#) of Sterling Heights and [Sen. Tonya Schuitmaker](#) of Lawton.

But what remains unclear is the effect of that amendment on the bill. Mr. Jansen had said during an earlier iteration of the amendment that it would effectively "gut the bill." In speaking to reporters after session, he said he and the House will have to review the amendment to determine its overall impact.

"Amendments aren't everything that they appear to be ... so that's why I want to go back and make sure," said Mr. Jansen, who appeared upset after the amendment won adoption. "But as

[Sen. Mark Jansen](#) and Senate [Minority Leader Gretchen Whitmer](#)

we were looking at it, we knew that it was intending to disable the legislation."

He said his concern was the use of the word "supervision" in the amendment, because that is not defined by current law and it was not defined in any of the other adopted amendments.

"We had suggested 'collaborate' in there when we had it the first time, and they didn't go for that," Mr. Jansen said of the matter. "It passed 20-18. As life goes on, we'll figure out how to address it."

The bill's opponents signaled they did not see the amendment as gutting the bill.

There was another amendment, this one by Mr. Caswell, which was adopted early in the process of the bill on Wednesday that essentially mandated an apprenticeship of the sort for APRNs wishing to seek the new license and expand the scope of their practice. If an APRN does not meet any of the four-year certification or licensure requirements permitted in the amendment, then he or she must be involved in a "mentorship" for four years. If the APRN has met neither of those prerequisites, then he or she must be serve under the guidance of a colleague that has met the certification or mentorship requirements.

Mr. Jansen supported that amendment.

"(The requirement) went from two years of prescription oversight with a physician to four years, but not only with prescription and prescribing but also for doing (a physician's) work," he said after session. "So it kind of covers everything. And that's kind of what the (Michigan State) Medical Society wanted in the first place, but they wanted it forever."

Ironically, he said, the insurance industry already says an APRN must have an agreement between oneself and a physician on that matter.

Two other amendments were adopted. One by [Sen. Rick Jones](#) (R-Grand Ledge) ensures that an APRN does not organize, or become a shareholder or member of a professional corporation or professional limited liability company after the bill becomes effective. Mr. Jansen supported this amendment as well, saying it assures opponents to SB 2 that an APRN cannot "hang up a shingle."

"They'll have to disclose involvement with (such entities) while applying or renewing their APRN license. If they to own shares or organize one, they will be ineligible for their APRN license in the future," Mr. Jansen said of the amendment. "We're trying to do everything possible to deal with the shingle issue and help calm a few folks that have shingle issues today."

The second amendment, presented for a second time by Ms. Whitmer (D-East Lansing), was fairly straightforward in that it added two physician members to the APRN task force created in the bill, and who by extension would serve as acting members of the board.

Other amendments that were proposed but defeated included requiring APRNs to have the same number of hours continuing education as physicians, as well as requiring an APRN not to engage in his or her practice unless he or she is a member of a patient care team and acts under his or her authority as delegated by a physician.

"The point of this bill is to allow (APRNs) to practice within a very narrow scope of what they have been trained, certified and now licensed for," Mr. Jansen maintained for most of the proposed amendments.

After the four changes, the bill passed 20-18 with most Democrats in opposition and nine Republicans also

opposed. Mr. Hunter, Ms. Warren, and [Sen. Coleman Young II](#) (D-Detroit) voted to support the bill on final passage, and [Sen. Jack Brandenburg](#) (R-Harrison Township), [Sen. Tom Casperson](#) (R-Escanaba), Mr. Colbeck, Mr. Kahn, Mr. Moolenaar, Mr. Proos, Mr. Robertson, Mr. Rocca and [Sen. Howard Walker](#) (R-Traverse City) broke with their party to join Democrats in opposition.

The passage was met with mixed reactions from the medical community. The Michigan Council of Nurse Practitioners applauded the legislation that Mr. Jansen said he had been working on for nearly three years.

"The passage of Senate Bill 2 takes us one step closer to improving consumer choice," said Nancy George, the president of the group. "Once signed into law, this legislation will be a victory for patients and their families as well as nurse practitioners across the state by removing unnecessary barriers which is consistent with Governor Snyder's health care agenda for Michigan."

She continued: "This legislation will improve the quality and direct accessibility to qualified health care providers and help avert a shortage of medical professionals that currently exists and is expected to grow. Nurse Practitioners are pivotal members of the care team for and will serve as a solution to a growing health care need."

But Mr. Kahn said he had confidence the growing number of medical schools and medical classes across the state would be able to fill what supporters of the legislation argue will be shortage of medical professionals across the state.

"There will be the presence of physicians to the fill part of the gap, maybe more than part of the gap. It's hard to know for sure," Mr. Kahn said. "But I do know this part of why physicians and other practitioners are retiring ... has a lot to do with the atmosphere they're practicing in - the rules, the regulations, the lack of feeling they are able to speak to their patient and come up with what's best between each other the two."

And the Michigan Osteopathic Association expressed "disappointment" in the bill's passage.

"On behalf of the more than 8,000 members of the Michigan Osteopathic Association, I express our disappointment in the passage of Senate Bill 2," Michael Weiss, president of the group, said in a statement. "The passage of Senate Bill 2 segregates the care coordination between multiple health care providers, reduces the educational requirements for those who practice medicine, and jeopardizes patient care. Senate Bill 2 is not in the best interest of our family, friends and neighbors."

And Michigan State Medical Society President Kenneth Elmassian agreed.

"Every discussion in Lansing about health care and health policy should start and end with what is best for Michigan patients," he said, urging the House to reject the bill. "The Michigan Senate today picked special interests over the health and safety of Michigan families when they voted to approve Senate Bill 2, which reduces educational requirements for those who practice medicine, risking patients' lives and sending the signal to health care providers that medical education simply doesn't matter."

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