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PREMARITAL STD CERTIFICATE

House Bill 4962 as introduced
First Analysis (9-28-93)

Sponsor: Rep. Michael J. Bennane
Committee: Public Health

THE APPARENT PROBLEM:

The Public Health Code requires that physicians and local public health officials (or people designated by local public health officials) counsel marriage applicants about sexually transmitted diseases (including HIV infection) and offer tests for these diseases. Marriage applicants are required to present a signed health certificate (or a written objection to the counseling) attesting to the fact that they have received such counseling and offer of testing to the county clerk before the county clerk can issue the applicant a marriage license. Apparently, the practice of many physicians (and local public health officials) is to have nurses provide the actual counseling, with the physician signing the health certificate. Legislation has been introduced that would allow nurses to provide such counseling and to sign the required certificates.

THE CONTENT OF THE BILL:

Currently, under the Public Health Code, physicians and local health officers are required to counsel marriage applicants on, and offer testing for, venereal diseases and HIV (human immunodeficiency virus) infection. The bill would amend the health code to allow certified nurse midwives (CNMs) and certified nurse practitioners (CNPs) to perform these functions in addition to physicians and local health officers. In addition, the bill would authorize those required to offer venereal and HIV tests to marriage applicants to also refer applicants for testing.

The bill also would define "physician" to mean a licensed M.D. or D.O. Finally, the health code currently allows local public health officers to designate someone to offer counseling and testing to marriage applicants; the bill also would allow physicians to designate someone to perform these functions.

MCL 333.5119

BACKGROUND INFORMATION:

A 1988 amendment to this part of the Public Health Code (Public Act 491 of 1988, enrolled Senate Bill 1041) added HIV infection to the required premarital counseling and testing requirements, while a 1990 amendment (Public Act 46 of 1990, enrolled Senate Bill 535) allowed a religious exemption to the counseling requirement.

FISCAL IMPLICATIONS:

Fiscal information is not available.

ARGUMENTS:

For:

Currently, even though nurses reportedly do much of the required counseling of marriage applicants regarding sexually transmitted diseases (including HIV infection), they are not authorized by law to sign the health certificate attesting to the fact that an applicant has been counseled and offered testing. It seems only sensible to allow certified nurse midwives and certified nurse practitioners, who are highly trained, to be allowed to sign the form attesting to the counseling that they already are providing. In addition, the bill would define "physician" to mean both M.D.s and D.O.s, which would put into statute a 1941 attorney general's opinion (OAG 1941-42, No. 21067) that ruled that licensed osteopathic physicians were indeed allowed to issue a premarital certificate of counseling required of marriage applicants by the health code. Finally, although the code allows local public health officers to designate someone to carry out the required prenuptial counseling functions and although physicians reportedly routinely designate these functions to nurses, the bill would for the first time explicitly statutorily allow physicians to designate people to perform these functions.

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POSITIONS:

The Michigan Nurses Association supports the bill.
(9-22-93)

The Michigan State Medical Society supports the
bill. (9-22-93)

A representative of the Michigan Nurse Anesthetists
Association testified in support of bill. (9-15-93)
(Certified Nurse Anesthetists are one of the three
nursing specialties recognized in the Public Health
Code).