



Senate Fiscal Agency  
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BILL ANALYSIS

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Senate Bills 979 through 988 (as introduced 2-12-04)  
Sponsor: Senator Bruce Patterson (S.B. 979, 980, 987, & 988)  
Senator Buzz Thomas (S.B. 981)  
Senator Michael D. Bishop (S.B. 982)  
Senator Bev Hammerstrom (S.B. 983 & 984)  
Senator Wayne Kuipers (S.B. 985)  
Senator Liz Brater (S.B. 986)

Committee: Health Policy

Date Completed: 3-31-04

## **CONTENT**

**Senate Bills 979 through 988 would amend various statutes to do the following:**

- Provide that, under certain circumstances in which an individual is required to undergo a physical examination by a licensed physician, the examination could be performed by a certified nurse practitioner.**
- Prohibit the Secretary of State from processing an application for a driver's license until a physical exam was performed, under certain circumstances.**
- Require a prospective adoptive parent seeking a preplacement assessment to undergo a physical examination.**
- Require an applicant for a child care organization license to submit a medical statement to the Family Independence Agency (FIA).**
- Allow a certified nurse practitioner to complete the medical certification portion of a death record in the absence of the attending physician or his or her authorized representative.**
- Allow a nurse practitioner to determine whether a boxing match should be terminated.**

The bills are described below in further detail.

### **Senate Bill 979**

Under the Pupil Transportation Act, all regular and substitute drivers of school buses must meet annual physical requirements as authorized by the State Superintendent of Public Instruction. In meeting the physical requirements, a driver must be examined by a licensed physician or physician's assistant. The bill would amend the Act to allow a driver to be examined by a certified nurse practitioner, instead.

### **Senate Bill 980**

The bill would amend the Michigan Vehicle Code to prohibit the Secretary of State from processing an application for a driver's license from an individual whom the Secretary of State had reason to believe might have a physical condition affecting his or her ability to drive safely, until the applicant was examined by a licensed physician or certified nurse practitioner licensed to practice in Michigan, and a statement of the applicant's physical condition was received and reviewed.

### **Senate Bill 981**

Under the Michigan Vehicle Code, except under certain circumstances, a disabled person who applies for a windshield placard entitling him or her to free parking must provide a certification by a physician or physician's assistant attesting to the nature and estimated duration of the disabling condition and verifying that the applicant qualifies for a free parking sticker. Under the bill, the certification and verification also could be provided by a certified nurse practitioner.

### **Senate Bill 982**

Public Act 298 of 1966 provides for a board of civil service commissioners for sheriff's departments in certain counties. The Act requires all applicants for any position in a sheriff's department to undergo a physical examination, before taking an exam. The bill specifies that the physical examination could be performed by a physician or a certified nurse practitioner.

Under the Act, an individual applying for admission to an examination must submit a formal application to the commission. The commission may refuse to examine an applicant or, after examination, to certify as eligible an applicant who falls under certain disqualifying factors. Currently, the disqualifying factors include being a habitual user of intoxicating liquor or drugs, or being guilty of any crime or infamous or notoriously disgraceful conduct. Under the bill, an applicant would be disqualified if he or she were a habitual user of intoxicating liquor or an illegal user of one or more controlled substances, or had been found guilty of a crime.

### **Senate Bill 983**

The bill would amend the Michigan Adoption Code to require a child placing agency to request an individual seeking a preplacement assessment to undergo a physical examination conducted by a physician or a certified nurse practitioner to determine that the individual was free from any known condition that would affect his or her ability to care for an adoptee. If an individual had had a physical examination within the 12 months immediately before requesting a preplacement assessment, he or she could submit a medical statement that was signed and dated by the physician or certified nurse practitioner verifying that the individual had had the examination and was free from any known condition that would affect his or her ability to care for an adoptee.

### **Senate Bill 984**

Public Act 116 of 1973 prohibits a person from establishing or maintaining a child care organization unless licensed or registered by the Family Independence Agency. Before issuing or renewing a license, the FIA must investigate the applicant's activities and proposed standards of care, and make an on-site visit of the proposed or established organization.

(The term "child care organization" includes child caring institutions, child placing agencies, children's camps, child care centers, day care centers, nursery schools, parent cooperative preschools, foster homes, group homes, and day care homes.)

Under the bill, the FIA also would have to receive and review a medical statement for each member of the household indicating that he or she did not have a known condition that would affect the care of others in the child caring organization. The medical statement would have to be signed and dated by a physician or certified nurse practitioner within the 12 months immediately preceding the date of the application and would have to be submitted with the application. (The bill would define "member of the household" as any

individual, other than a foster child, who resided in a child care organization on an ongoing or recurrent basis.)

### **Senate Bill 985**

Public Act 78 of 1935 provides for a board of civil service commissioners in municipalities with full-time, paid members in the fire and police departments; and requires each applicant for a position in the fire or police department to undergo a physical examination to determine that he or she is free from defects, deformity, or diseases that might incapacitate him or her from the performance of the position duties. The bill specifies that the physical examination could be performed by a physician or certified nurse practitioner.

### **Senate Bill 986**

The Public Health Code requires a funeral director who first assumes custody of a dead body to obtain medical certification of the death and report it by filing a death record with the local registrar within 72 hours after the death. If the death occurred outside an institution, the medical certification portion of the death record must be completed and certified within 48 hours after the death by the attending physician, or in the absence of the attending physician, by a physician acting as his or her authorized representative; or in the absence of an authorized representative, by the county medical examiner. If the death occurred in an institution, the medical certification must be completed and signed within 48 hours after the death by the attending physician or his or her authorized representative; or, in the absence of either, by the chief medical officer of the institution. Under the bill, a certified nurse practitioner also could complete the medical certification portion in the absence of the attending physician or his or her authorized representative, for a death either outside or within an institution.

### **Senate Bill 987**

Under Public Act 369 of 1974, a driver training school annually must file an application with the Department of State for the licensing of its employees as instructors. Each employee's application must include a dated medical examination report that is not more than two years old and is completed by a physician licensed to practice in Michigan. Under the bill, the medical examination report also could be completed by a certified nurse practitioner.

### **Senate Bill 988**

The Occupational Code states that it does not apply to a boxing contest in which all contestants pass a physical examination given by a licensed physician before the contest. Under the bill, the physical examination also could be given by a certified nurse practitioner.

The Code requires a person seeking a license as a judge, referee, or boxer to pass a physical examination acceptable to the athletic board of control and present evidence of passage to the Department of Labor and Economic Growth (DLEG). The bill specifies that the physical examination would have to be performed by a licensed physician or certified nurse practitioner.

The Code also requires that a contestant in a professional or amateur boxing contest be certified by a licensed physician to be in proper physical condition before participating in a boxing contest. Under the bill, the contestant also could be certified by a certified nurse practitioner.

Under the Code, at the expense of a promoter or boxing club, a physician must be in attendance at each boxing contest to observe the physical condition of the boxers and advise the referee or judges with regard to the contestants' health, and to examine each

boxer before he or she enters the ring. If, in the opinion of the physician, a boxer's health or safety requires that the contest be terminated, the physician must notify the referee, who must terminate the contest. Under the bill, a physician still would have to be present, but either a physician or a certified nurse practitioner could observe the contestants' physical condition and advise the referee or judges, examine each boxer before he or she enters the ring, and notify the referee if the contest had to be terminated.

If a boxer loses consciousness during or as a result of a contest, he or she may not be eligible to participate in another contest in Michigan unless the boxer is examined by a physician appointed by the DLEG and the physician certifies the boxer's fitness to participate. Under the bill, the boxer also could be examined and certified by a certified nurse practitioner.

MCL 257.1853 (S.B. 979)  
257.309 (S.B. 980)  
257.675 (S.B. 981)  
51.360 (S.B. 982)  
710.320f (S.B. 983)  
722.115 (S.B. 984)  
38.510 (S.B. 985)  
333.2843 (S.B. 986)  
256.605 (S.B. 987)  
339.805a et al. (S.B. 988)

Legislative Analyst: Julie Koval

### **FISCAL IMPACT**

#### **Senate Bills 979, 980, 981, 982, 986, 987, 988**

The bills would have no fiscal impact on State or local government.

#### **Senate Bills 983 & 984**

There appears to be no potential fiscal impact on the State, although there could be an indeterminate administrative cost.

#### **Senate Bill 985**

The bill would have no effect on State revenues or expenditures. The bill could reduce local unit expenses by a negligible amount by allowing a presumably less expensive medical practitioner to perform required physical examinations.

This estimate is preliminary and will be revised as new information becomes available.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.