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Michigan Should Permanently Loosen Restrictions on Medical Scope of Practice, Not Reinstate Them

By Lindsay B. Killen and Jarrett Skorup

Summary

Gov. Gretchen Whitmer once loosened some of the state's licensing rules for medical professionals as a way to combat the COVID-19 pandemic. Those changes ought to be made permanent, not reversed.

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Gov. Gretchen Whitmer's recent decision to unilaterally reinstate medical licensing rules makes little sense, especially since she is also warning the public about the dangers of an increasing number of positive coronavirus cases. A proper response to the COVID-19 pandemic — not to mention a way to improve health in the long term — would be to permanently lift some of the state's regulatory restrictions on doctors, nurses and others in health care.

The governor says her response to the virus is operating like a dial. But she seems to be moving the dial in opposite directions at the same time. She recently extended Michigan's "state of emergency" and issued a new executive order that mandates the entire state to wear masks. But four days later, she said the state could afford to reinstitute restrictions on licensed medical providers, which had been lifted because the situation had been so dire.

Specifically, her executive order of Friday, July 10, says, "Our progress in suppressing COVID-19, however, appears to have stalled." But on Monday, July 13, came a news release announcing a new executive order to reinstitute restrictions on medical workers. The governor said, "As Michigan continues to make progress in slowing the spread of COVID-19, it is no longer necessary to permit medical professionals to practice beyond the limits of their licenses."

This is surprising, especially considering the governor maintains that relaxing these restrictions "helped save countless lives and ensured our hospitals were fully staffed to care for COVID-19 patients." Lifting these restrictions made it easier for workers to skip licensing mandates, nurses to do work without the direct supervision of a doctor, and many workers to avoid other, largely needless, licensing hoops.

While all states impose some form of scope-of-practice restrictions on medical professions, the specifics vary widely. Michigan's rules for nurses are particularly strict and ripe for reform. Our state is among the "dirty dozen" which, for example, impose the most restrictions on what nurse practitioners can do. The long-standing research finds that these rules do more harm than good. More recently, a new working paper from two economists, Alicia Plemmons and Shishir Shakya, examined their effects.



State regulations limit the number of health professionals.

They found that nurse practitioners are more likely to move from a state with stricter scope-of-practice rules and less likely to move there from elsewhere.

Whitmer's own health advisors agree. One of them, Deena Kelly Costa, an assistant professor at the University of Michigan School of Nursing, notes that Michigan has some of the nation's most restrictive scope-of-practice laws for advanced practice nurses. Costa advised Whitmer to loosen these restrictions in March and said these temporary changes should be made permanent.

Whitmer's decision to reinstate these regulations will hurt state residents. The governor herself admitted that removing scope-of-practice barriers to care benefits Michigan patients — and in the very same breath, announced her plans to restore them.

In other executive orders, however, the governor said the state needs to expand access to care. One such order waives regulations restricting access to telehealth services, and another allows medical professionals licensed in other states to practice in Michigan. The inconsistency is illogical, ignores scientific data, and deprives Michiganders of the wealth of options they should have at their disposal for addressing their health concerns.

Loosening these regulatory rules means more medical professionals working in Michigan. The governor was wrong to reinstitute these restrictions, especially in the midst of a pandemic — one she says is worsening.

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