

**SUBSTITUTE FOR
HOUSE BILL NO. 4023**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 16215 (MCL 333.16215), as amended by 2005 PA
211.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16215. (1) Subject to subsections (2) to (6) **and**
2 **subsection (9)**, a licensee who holds a license other than a health
3 profession subfield license may delegate to a licensed or
4 unlicensed individual who is otherwise qualified by education,
5 training, or experience the performance of selected acts, tasks, or
6 functions ~~where~~ **if** the acts, tasks, or functions fall within the
7 scope of practice of the licensee's profession and will be
8 performed under the licensee's supervision. A licensee shall not



1 delegate an act, task, or function under this section if the act,
2 task, or function, under standards of acceptable and prevailing
3 practice, requires the level of education, skill, and judgment
4 required of the licensee under this article.

5 (2) Subject to subsection (1) and except as otherwise provided
6 in this subsection and subsections (3) and (4), a licensee who is
7 an allopathic physician or osteopathic physician and surgeon shall
8 delegate an act, task, or function that involves the performance of
9 a procedure that requires the use of surgical instrumentation only
10 to an individual who is licensed under this article. A licensee who
11 is an allopathic physician or osteopathic physician and surgeon may
12 delegate an act, task, or function described in this subsection to
13 an individual who is not licensed under this article if the
14 unlicensed individual is 1 or more of the following and if the
15 procedure is directly supervised by a licensed allopathic physician
16 or osteopathic physician and surgeon who is physically present
17 during the performance of the procedure:

18 (a) A student enrolled in a school of medicine or osteopathic
19 medicine approved by the Michigan board of medicine or the Michigan
20 board of osteopathic medicine and surgery.

21 (b) A student enrolled in a physician's assistant training
22 program approved by the joint physician's assistant task force
23 created under part 170.

24 (3) Subject to subsection (1), a licensee who is an allopathic
25 physician or osteopathic physician and surgeon may delegate an act,
26 task, or function described in subsection (2) to an individual who
27 is not licensed under this article and who is 1 of the following:

28 (a) Performing acupuncture.

29 (b) Surgically removing only bone, skin, blood vessels,



1 cartilage, dura mater, ligaments, tendons, pericardial tissue, or
2 heart valves only from a deceased individual for transplantation,
3 implantation, infusion, injection, or other medical or scientific
4 purpose.

5 (4) Subject to subsection (1), a licensee who is an allopathic
6 physician or osteopathic physician and surgeon may delegate an act,
7 task, or function described in subsection (2) to an individual who
8 is not licensed under this article if the procedure is directly
9 supervised by a licensed allopathic physician or osteopathic
10 physician and surgeon who is physically present during the
11 performance of the procedure, the delegation of such procedure is
12 not prohibited or otherwise restricted by the board or that health
13 facility or agency, and the delegation of that act, task, or
14 function is specifically authorized by that health facility or
15 agency to be delegated and performed by either of the following
16 unlicensed individuals:

17 (a) A surgical technologist who meets the qualifications
18 established by the health facility or agency with which he or she
19 is employed or under contract with.

20 (b) A surgical first assistant who meets the qualifications
21 established by the health facility or agency with which he or she
22 is employed or under contract with.

23 (5) A board may promulgate rules to further prohibit or
24 otherwise restrict delegation of specific acts, tasks, or functions
25 to a licensed or unlicensed individual if the board determines that
26 the delegation constitutes or may constitute a danger to the
27 health, safety, or welfare of the patient or public.

28 (6) To promote safe and competent practice, a board may
29 promulgate rules to specify conditions under which, and categories



1 and types of licensed and unlicensed individuals for whom, closer
2 supervision may be required for acts, tasks, and functions
3 delegated under this section.

4 (7) An individual who performs acts, tasks, or functions
5 delegated ~~pursuant to~~**under** this section does not violate the part
6 that regulates the scope of practice of that health profession.

7 (8) The amendatory act that added this subsection does not
8 require new or additional third party reimbursement or mandated
9 worker's compensation benefits for services rendered by an
10 individual authorized to perform those services under subsection
11 (4).

12 (9) **Subject to subsection (1), a physician, podiatrist, or**
13 **chiropractor may delegate an act, task, or function to military**
14 **medical personnel under this section if the physician, podiatrist,**
15 **or chiropractor and the military medical personnel are**
16 **participating in the military medic and corpsmen program. As used**
17 **in this subsection:**

18 (a) "Chiropractor" means that term as defined in section
19 16401.

20 (b) "Military medical personnel" means that term as defined in
21 section 3 of the military medics and corpsmen program act.

22 (c) "Military medic and corpsmen program" means the program
23 established under section 5 of the military medics and corpsman
24 program act.

25 (d) "Physician" means that term as defined in section 17001 or
26 17501.

27 (e) "Podiatrist" means a podiatric physician as that term is
28 defined in section 18001.

29 Enacting section 1. This amendatory act does not take effect



1 unless House Bill No. 5052 of the 100th Legislature is enacted into
2 law.

