



HOUSE BILL No. 5486

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December 14, 1995, Introduced by Reps. Bennane, Griffin, Randall and Hertel and referred to the Committee on Health Policy.

A bill to amend sections 16105, 16106, 16108, 16109, 16128, 16163, 16174, 16186, 16261, 16327, 16608, 16624, 17210, and 17221 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code,"

sections 16108, 16174, and 16186 as amended and section 16327 as added by Act No. 80 of the Public Acts of 1993, section 16109 as amended by Act No. 58 of the Public Acts of 1991, sections 16608 and 16624 as amended by Act No. 216 of the Public Acts of 1990, and section 17221 as amended by Act No. 79 of the Public Acts of 1993, being sections 333.16105, 333.16106, 333.16108, 333.16109, 333.16128, 333.16163, 333.16174, 333.16186, 333.16261, 333.16327, 333.16608, 333.16624, 333.17210, and 333.17221 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 16105, 16106, 16108, 16109, 16128,
2 16163, 16174, 16186, 16261, 16327, 16608, 16624, 17210, and 17221
3 of Act No. 368 of the Public Acts of 1978, sections 16108, 16174,
4 and 16186 as amended and section 16327 as added by Act No. 80 of
5 the Public Acts of 1993, section 16109 as amended by Act No. 58
6 of the Public Acts of 1991, sections 16608 and 16624 as amended
7 by Act No. 216 of the Public Acts of 1990, and section 17221 as
8 amended by Act No. 79 of the Public Acts of 1993, being sections
9 333.16105, 333.16106, 333.16108, 333.16109, 333.16128, 333.16163,
10 333.16174, 333.16186, 333.16261, 333.16327, 333.16608, 333.16624,
11 333.17210, and 333.17221 of the Michigan Compiled Laws, are
12 amended to read as follows:

13 Sec. 16105. (1) "Health occupation" means a health related
14 vocation, calling, occupation, or employment performed by
15 ~~individuals~~ AN INDIVIDUAL whether or not THE INDIVIDUAL IS
16 licensed or registered under this article.

17 (2) "Health profession" means a vocation, calling, occupa-
18 tion, or employment performed by ~~individuals~~ AN INDIVIDUAL
19 acting pursuant to a license or registration issued under this
20 article.

21 (3) "Health profession specialty field" means an area of
22 practice established under this article ~~which~~ THAT is within
23 the scope of activities, functions, and duties of a licensed
24 health profession and ~~which~~ THAT requires advanced education
25 and training beyond that required for initial licensure.

26 (4) "HEALTH PROFESSION SPECIALTY FIELD LICENSE" MEANS AN
27 AUTHORIZATION TO USE A TITLE ISSUED TO A LICENSEE WHO HAS MET

1 QUALIFICATIONS ESTABLISHED BY A BOARD FOR REGISTRATION IN A
2 HEALTH PROFESSION SPECIALTY FIELD. AN INDIVIDUAL WHO HOLDS A
3 SPECIALTY CERTIFICATION ON THE EFFECTIVE DATE OF THE AMENDATORY
4 ACT THAT ADDED THIS SUBSECTION IS CONSIDERED TO HOLD A HEALTH
5 PROFESSION SPECIALTY FIELD LICENSE AND MAY OBTAIN RENEWAL OF THE
6 HEALTH PROFESSION SPECIALTY FIELD LICENSE ON THE EXPIRATION DATE
7 OF THE SPECIALTY CERTIFICATION.

8 (5) ~~(4)~~ "Health profession subfield" means an area of
9 practice established under this article ~~which~~ THAT is within
10 the scope of the activities, functions, and duties of a licensed
11 health profession ~~—~~ and requires less comprehensive knowledge
12 and skill than is required to practice the full scope of the
13 health profession.

14 Sec. 16106. (1) "Incompetence" means a departure from, or
15 failure to conform to, minimal standards of acceptable and pre-
16 vailing practice for ~~the~~ A health profession, whether or not
17 actual injury to an individual occurs.

18 (2) "License" means an authorization issued under this arti-
19 cle to practice where practice would otherwise be unlawful. ~~It~~
20 LICENSE includes an authorization to use a designated title,
21 which use would otherwise be prohibited under this article and
22 may be used to refer to a health profession subfield license,
23 limited license, or a temporary license. LICENSE DOES NOT
24 INCLUDE A HEALTH PROFESSION SPECIALTY FIELD LICENSE.

25 (3) "Licensee" as used in a part that regulates a specific
26 health profession means a person to whom a license is issued

1 under that part, and as used in this part means each licensee
2 regulated by this article.

3 (4) "Limitation" means an action by which a board imposes
4 restrictions or conditions, or both, on a license.

5 (5) "Limited license" means a license to which restrictions
6 or conditions, or both, as to scope of practice, place of prac-
7 tice, supervision of practice, duration of licensed status, or
8 type or condition of patient or client served are imposed by a
9 board.

10 Sec. 16108. (1) "Reclassification" means an action by a
11 disciplinary subcommittee by which restrictions or conditions, or
12 both, applicable to a license are added or removed.

13 (2) "Registration" means an authorization only for the use
14 of a designated title which use would otherwise be prohibited
15 under this article. ~~It REGISTRATION includes specialty certi-~~
16 ~~fication of a licensee~~ A HEALTH PROFESSION SPECIALTY FIELD
17 LICENSE.

18 (3) "Registrant" as used in any part that regulates the use
19 of a title means an individual to whom a registration or
20 ~~specialty certification~~ A HEALTH PROFESSION SPECIALTY FIELD
21 LICENSE is issued under that part, and as used in this part means
22 each registrant regulated by this article.

23 (4) "Reinstatement" means the granting of a license or cer-
24 tificate of registration, with or without limitations or condi-
25 tions, to a person whose license or certificate of registration
26 has been suspended or revoked.

1 (5) "Relicensure" means the granting of a license to ~~a~~
2 ~~person~~ AN INDIVIDUAL whose license has lapsed for failure to
3 renew the license within 60 days after the expiration date.

4 (6) "Reregistration" means the granting of a certificate of
5 registration to ~~a person~~ AN INDIVIDUAL whose certificate of
6 registration has lapsed for failure to renew the certificate
7 within 60 days after the expiration date.

8 Sec. 16109. (1) ~~"Specialty certification" means an autho-~~
9 ~~rization to use a title by a licensee who has met qualifications~~
10 ~~established by a board for registration in a health profession~~
11 ~~specialty field.~~ (2) "Supervision", except as otherwise pro-
12 vided in this article, means the overseeing of or participation
13 in the work of another individual by a health professional
14 licensed under this article in circumstances where at least all
15 of the following conditions exist:

16 (a) The continuous availability of direct communication in
17 person or by radio, telephone, or telecommunication between the
18 supervised individual and a licensed health professional.

19 (b) The availability of a licensed health professional on a
20 regularly scheduled basis to review the practice of the super-
21 vised individual, to provide consultation to the supervised indi-
22 vidual, to review records, and to further educate the supervised
23 individual in the performance of the individual's functions.

24 (c) The provision by the licensed supervising health profes-
25 sional of predetermined procedures and drug protocol.

26 (2) ~~(3)~~ "Task force" means a task force created by this
27 article.

1 (3) ~~(4)~~ "Temporary license" means a license of limited
2 duration granted to an applicant who has completed all require-
3 ments for licensure except an examination or other required eval-
4 uation procedure.

5 Sec. 16128. (1) A health profession subfield task force
6 shall be composed of a majority of members licensed in the sub-
7 fields of the health profession ~~which~~ THAT are created by this
8 article and shall include at least 1 licensed member from each of
9 the subfields of the health profession ~~which~~ THAT is created by
10 this article. A health profession subfield task force shall
11 include at least 1 public member and 1 member of that profession
12 who holds a license other than a subfield license in that health
13 profession.

14 (2) A health profession specialty field task force shall be
15 composed of a majority of members ~~certified~~ REGISTERED in the
16 specialty fields of the health profession ~~which~~ THAT are cre-
17 ated by this article. A health profession specialty field task
18 force shall include at least 1 public member and 1 member of that
19 health profession who is a member of the board.

20 Sec. 16163. A task force shall recommend to the board as
21 to:

22 (a) Determination of standards of education, training, and
23 experience required for practice in a health profession subfield
24 or for ~~certification~~ REGISTRATION in a health profession spe-
25 cialty field, and where appropriate, guidelines for approval of
26 educational programs for the subfield or specialty field.

1 (b) Qualifications required of applicants for licensure in
2 health profession subfields or for ~~certification~~ REGISTRATION
3 in health profession specialty fields.

4 (c) Evaluation of qualifications for initial and continuing
5 licensure of practitioners in health profession subfields or
6 REGISTRATION IN HEALTH PROFESSION specialty fields. The evalu-
7 ation may cover assessment of educational credentials, work
8 experience and related training, and administration of tests and
9 examinations.

10 (d) Guidelines for utilization of, and standards of practice
11 for, licensees in health profession subfields or REGISTRANTS IN
12 HEALTH PROFESSION specialty fields.

13 Sec. 16174. (1) An individual who is licensed or registered
14 under this article shall meet all of the following requirements:

15 (a) Be 18 or more years of age.

16 (b) Be of good moral character.

17 (c) Have a specific education or experience in the health
18 profession or in a HEALTH PROFESSION subfield or A HEALTH
19 PROFESSION specialty field of ~~a~~ THE health profession, or
20 training equivalent, or both, as prescribed by this article or
21 rules of a board, necessary to promote safe and competent prac-
22 tice and informed consumer choice.

23 (d) Have a working knowledge of the English language as
24 determined in accordance with minimum standards established for
25 that purpose by the department.

26 (e) Pay the appropriate fees as prescribed in this article.

1 (2) In addition to the requirements of subsection (1), an
2 applicant for licensure, registration, or ~~specialty~~
3 ~~certification~~ A HEALTH PROFESSION SPECIALTY FIELD LICENSE under
4 this article shall meet both of the following requirements:

5 (a) Establish that disciplinary proceedings before a similar
6 licensure, registration, or specialty LICENSURE OR certification
7 board of this or any other state or country are not pending
8 against the applicant.

9 (b) Establish that if sanctions have been imposed against
10 the applicant by a similar licensure, registration, or specialty
11 LICENSURE OR certification board of this or any other state or
12 country based upon grounds that are substantially similar to
13 those set forth in this article or article 7 or the rules promul-
14 gated under this article or article 7, as determined by the board
15 or task force to which the applicant applies, the sanctions are
16 not in force at the time of application.

17 (3) Before licensing ~~—~~ OR registering ~~—~~ or ~~certifying~~
18 ISSUING A HEALTH PROFESSION SPECIALTY FIELD LICENSE TO an appli-
19 cant, the board or task force to which the applicant applies may
20 do 1 of the following:

21 (a) Make an independent inquiry into the applicant's compli-
22 ance with the requirements described in subsection (2). If a
23 licensure or registration board or task force determines under
24 subsection (2)(b) that sanctions have been imposed and are in
25 force at the time of application, the board or task force shall
26 not grant a license or registration or ~~specialty certification~~
27 HEALTH PROFESSION SPECIALTY FIELD LICENSE to the applicant.

1 (b) Require the applicant to secure from a national
 2 association or federation of state professional licensing boards
 3 certification of compliance with the requirements described in
 4 subsection (2).

5 (4) If, after issuing a license, registration, or
 6 ~~certification~~ HEALTH PROFESSION SPECIALTY FIELD LICENSE, a
 7 board or task force or the department determines that sanctions
 8 have been imposed against the licensee or registrant by a similar
 9 licensure or registration or SPECIALTY LICENSURE OR certification
 10 board as described in subsection (2)(b) and that the sanctions
 11 are still in force, the disciplinary subcommittee may impose
 12 appropriate sanctions upon the licensee or registrant. The
 13 licensee or registrant may request a show cause hearing before a
 14 hearing examiner to demonstrate why the sanctions should not be
 15 imposed.

16 (5) An applicant for licensure, registration, or ~~specialty~~
 17 ~~certification~~ A HEALTH PROFESSION SPECIALTY FIELD LICENSE who is
 18 or has been licensed, registered, or certified in ~~any~~ A profes-
 19 sion or specialty by another state or country shall disclose that
 20 fact on the application form.

21 Sec. 16186. (1) An individual who is licensed to practice a
 22 health profession in another state or who is registered in
 23 another state or who holds A HEALTH PROFESSION SPECIALTY FIELD
 24 LICENSE OR A specialty certification from another state and who
 25 applies for licensure ~~—~~ OR registration ~~—~~ or ~~specialty~~
 26 ~~certification~~ A HEALTH PROFESSION SPECIALTY FIELD LICENSE in
 27 this state may be granted an appropriate license or registration

1 OR HEALTH PROFESSION SPECIALTY FIELD LICENSE upon satisfying the
2 board or task force to which the applicant applies as to all of
3 the following:

4 (a) The applicant substantially meets the requirements of
5 this article and rules promulgated by a board or task force for
6 licensure, registration, or ~~specialty certification~~ A HEALTH
7 PROFESSION SPECIALTY FIELD LICENSE.

8 (b) The applicant is licensed, registered, or SPECIALTY cer-
9 tified OR LICENSED in another state that maintains standards sub-
10 stantially equivalent to those of this state.

11 (2) Before licensing, registering, or ~~certifying~~ GRANTING
12 A HEALTH PROFESSION SPECIALTY FIELD LICENSE TO the applicant, the
13 board or task force to which the applicant applies may require
14 the applicant to appear personally before it for an interview to
15 evaluate the applicant's relevant qualifications.

16 Sec. 16261. (1) ~~A person~~ AN INDIVIDUAL who is not
17 licensed or registered under this article shall not use an insig-
18 nia, title, or letter, or a word, letter, or phrase singly or in
19 combination, with or without qualifying words, letters, or
20 phrases, under a circumstance to induce the belief that the
21 ~~person~~ INDIVIDUAL is licensed or registered in this state, is
22 lawfully entitled in this state to engage in the practice of a
23 profession regulated by this article, or is otherwise in compli-
24 ance with this article.

25 (2) An individual shall not announce or hold himself or her-
26 self out to the public as limiting his or her practice to, as
27 being specially qualified in, or as giving particular attention

1 to a health profession specialty field for which a board issues a
 2 HEALTH PROFESSION specialty ~~certification~~ FIELD LICENSE, with-
 3 out first having obtained ~~a~~ THE HEALTH PROFESSION specialty
 4 ~~certification~~ FIELD LICENSE.

5 Sec. 16327. Fees for a person licensed or seeking licensure
 6 to practice nursing as a registered PROFESSIONAL nurse, a
 7 licensed practical nurse, or a trained attendant under part 172
 8 are as follows:

- 9 (a) Application processing fee.....\$ 20.00
- 10 (b) License fee, per year..... 20.00
- 11 (c) Temporary license..... 10.00
- 12 (d) Limited license, per year..... 10.00
- 13 (e) ~~Specialty certification~~ HEALTH PROFESSION SPECIALTY FIELD
 14 LICENSE for registered PROFESSIONAL nurse:
- 15 (i) Application processing fee..... 20.00
- 16 (ii) ~~Specialty certification~~ HEALTH PROFESSION SPE-
 17 CIALTY FIELD LICENSE, per year..... 10.00

18 Sec. 16608. (1) The board may ~~issue~~ GRANT a health pro-
 19 fession specialty ~~certification~~ FIELD LICENSE to a licensed
 20 dentist who has advanced training beyond that required for ini-
 21 tial licensure and who has demonstrated competency through exami-
 22 nation or other evaluative processes in 1 or more of the follow-
 23 ing HEALTH PROFESSION specialty fields: prosthodontics, endodon-
 24 tics, oral and maxillofacial surgery, orthodontics, pediatric
 25 dentistry, periodontics, or oral pathology. A LICENSED DENTIST
 26 WHO HOLDS A HEALTH PROFESSION SPECIALTY CERTIFICATION IN 1 OR
 27 MORE OF THE HEALTH PROFESSION SPECIALTY FIELDS LISTED IN THIS

1 SUBSECTION ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
 2 SUBSECTIONS (3) AND (4) IS CONSIDERED TO HOLD A HEALTH PROFESSION
 3 SPECIALTY FIELD LICENSE IN EACH OF THOSE SPECIALTY FIELDS AND MAY
 4 OBTAIN RENEWAL OF EACH HEALTH PROFESSION SPECIALTY FIELD LICENSE
 5 ON THE EXPIRATION DATE OF THE SPECIALTY CERTIFICATION.

6 (2) A health profession specialty ~~certification~~ FIELD
 7 LICENSE issued pursuant to subsection (1) shall be renewed con-
 8 currently with the license to practice dentistry.

9 (3) THIS SECTION DOES NOT PROHIBIT A LICENSED DENTIST WHO
 10 HAS NOT BEEN ISSUED A HEALTH PROFESSION SPECIALTY FIELD LICENSE
 11 UNDER SUBSECTION (1) FROM PERFORMING SERVICES IN 1 OR MORE OF THE
 12 SPECIALTY FIELDS LISTED IN SUBSECTION (1).

13 (4) FOR PURPOSES OF THE ADMINISTRATION OF PART 5 OF THE GEN-
 14 ERAL RULES OF THE BOARD OF DENTISTRY, BEING R 338.11501 TO R
 15 338.11527 OF THE MICHIGAN ADMINISTRATIVE CODE, A REFERENCE TO
 16 SPECIALTY CERTIFICATION IS A REFERENCE TO A HEALTH PROFESSION
 17 SPECIALTY FIELD LICENSE.

18 Sec. 16624. A task force to advise the board is created for
 19 health profession specialty fields ~~certified~~ REGISTERED under
 20 this part. The task force shall consist of the following 9 mem-
 21 bers, who shall meet the requirements of part 161; 1 dentist who
 22 is not a specialist, 1 prosthodontist, 1 endodontist, 1 oral and
 23 maxillofacial surgeon, 1 orthodontist, 1 pediatric dentist, 1
 24 periodontist, 1 oral pathologist, and 1 public member. The oral
 25 pathologist shall be ~~certified~~ REGISTERED as a dentist special-
 26 izing in oral pathology by the board not later than ~~1 year after~~
 27 ~~the effective date of the amendatory act that added an oral~~

1 ~~pathologist to the task force~~ OCTOBER 8, 1991. If the oral
2 pathologist is not so ~~certified~~ REGISTERED, his or her term
3 ~~shall terminate~~ TERMINATES at the end of that year.

4 Sec. 17210. (1) The board of nursing may ~~issue~~ GRANT a
5 HEALTH PROFESSION specialty ~~certification~~ FIELD LICENSE to a
6 registered professional nurse who has advanced training beyond
7 that required for initial licensure and who has demonstrated com-
8 petency through examination or other evaluative processes and who
9 practices in 1 of the following health profession specialty
10 fields: nurse midwifery, nurse anesthetist, or nurse
11 practitioner.

12 (2) FOR PURPOSES OF THE ADMINISTRATION OF PART 4 OF THE GEN-
13 ERAL RULES OF THE BOARD OF NURSING, BEING R 338.10401 TO
14 R 338.10406 OF THE MICHIGAN ADMINISTRATIVE CODE, A REFERENCE TO
15 SPECIALTY CERTIFICATION IS A REFERENCE TO A HEALTH PROFESSION
16 SPECIALTY FIELD LICENSE.

17 Sec. 17221. The Michigan board of nursing is created in the
18 department and shall consist of the following 23 voting members
19 who shall meet the requirements of part 161: 9 registered pro-
20 fessional nurses, 1 nurse midwife, 1 nurse anesthetist, 1 nurse
21 practitioner, 3 licensed practical nurses, and 8 public members.
22 Three of the registered professional nurse members shall be
23 engaged in nursing education, 1 of whom shall be in less than a
24 baccalaureate program, 1 in a baccalaureate or higher program and
25 1 in a licensed practical nurse program and each of whom shall
26 have a master's degree from an accredited college with a major in
27 nursing. Three of the registered professional nurse members

1 shall be engaged in nursing practice or nursing administration,
2 each of whom shall have a baccalaureate degree in nursing from an
3 accredited college. Three of the registered professional nurse
4 members shall be engaged in nursing practice or nursing adminis-
5 tration, each of whom shall be a nonbaccalaureate registered
6 PROFESSIONAL nurse. The 3 licensed practical nurse members shall
7 have graduated from a state approved program for the preparation
8 of individuals to practice as licensed practical nurses. The
9 nurse midwife, the nurse anesthetist, and the nurse practitioner
10 shall each have a ~~specialty certification issued~~ HEALTH PROFES-
11 SION SPECIALTY FIELD LICENSE GRANTED by the department in his or
12 her respective HEALTH PROFESSION specialty field.