

HOUSE BILL No. 4799

June 17, 1999, Introduced by Reps. Hale, Stallworth, Price, Thomas, Scott, Schermesser, Brewer, Bob Brown, Rison, Cherry, Kelly, Gielegem, Schauer, Bogardus, Garcia, Vaughn, Godchaux, Law, Toy, Kowall, Minore, LaForge, Hanley, Baird, Brater, Clarke, Lockwood, Frank, LaSata, Daniels, Pestka, Quarles, Dennis, Rivet, Sheltroun, Hardman, Clark, Wojno, Hansen, Woodward, Callahan, O'Neil, Spade, Switalski, Tesanovich, Neumann, Jamnick, Bovin, DeHart, Prusi, Jacobs, Martinez, Kilpatrick and Lemmons and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16131 and 16263 (MCL 333.16131 and
333.16263), as amended by 1995 PA 126, and by adding section
16351 and part 187A.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16131. The terms of office of individual members of
2 the boards and task forces, except those appointed to fill vacan-
3 cies, ~~shall~~ expire 4 years after appointment as follows:

4 Nursing	June 30
5 Optometry	June 30
6 Pharmacy	June 30
7 Podiatric medicine and surgery	June 30
8 Dentistry	June 30

1	Chiropractic	December 31
2	Counseling	June 30
3	LABORATORY TESTING	DECEMBER 31
4	Marriage and family therapy	June 30
5	Medicine	December 31
6	Occupational therapists	December 31
7	Osteopathic medicine and surgery	December 31
8	Physical therapy	December 31
9	Psychology	December 31
10	Sanitarians	December 31
11	Veterinary medicine	December 31
12	Sec. 16263. (1) Except as provided in subsection (2), the	
13	following words, titles, or letters or a combination thereof,	
14	with or without qualifying words or phrases, are restricted in	
15	use only to those persons authorized under this article to use	
16	the terms and in a way prescribed in this article:	
17	(a) "Chiropractic", "doctor of chiropractic",	
18	"chiropractor", "d.c.", and "chiropractic physician".	
19	(b) "Dentist", "doctor of dental surgery", "oral and maxil-	
20	lofacial surgeon", "orthodontist", "prosthodontist",	
21	"periodontist", "endodontist", "oral pathologist", "pediatric	
22	dentist", "dental hygienist", "registered dental hygienist",	
23	"dental assistant", "registered dental assistant", "R.D.A.",	
24	"d.d.s.", "d.m.d.", and "r.d.h.".	
25	(c) "Doctor of medicine" and "m.d.".	
26	(d) "Physician's assistant" and "p.a.".	

1 (e) "Registered professional nurse", "registered nurse",
2 "r.n.", "licensed practical nurse", "l.p.n.", "nurse midwife",
3 "nurse anesthetist", "nurse practitioner", "trained attendant",
4 and "t.a.".

5 (f) "Doctor of optometry", "optometrist", and "o.d.".

6 (g) "Osteopath", "osteopathy", "osteopathic practitioner",
7 "doctor of osteopathy", "diplomate in osteopathy", and "d.o.".

8 (h) "Pharmacy", "pharmacist", "apothecary", "drugstore",
9 "druggist", "medicine store", "prescriptions", and "r.ph.".

10 (i) "Physical therapy", "physical therapist",
11 "physiotherapist", "registered physical therapist", "licensed
12 physical therapist", "physical therapy technician", "p.t.",
13 "r.p.t.", "l.p.t.", and "p.t.t.".

14 (j) "Chiropodist", "chiropody", "chiropodical", "podiatry",
15 "podiatrist", "podiatric", "doctor of podiatric medicine", "foot
16 specialist", "podiatric physician and surgeon", and "d.p.m.".

17 (k) "Consulting psychologist", "psychologist",
18 "psychological assistant", and "psychological examiner",
19 "licensed psychologist", and "limited licensed psychologist".

20 (l) "Licensed professional counselor", "licensed counselor",
21 "professional counselor", and "l.p.c.".

22 (m) "Sanitarian", "registered sanitarian", and "r.s.".

23 (n) "Veterinary", "veterinarian", "veterinary doctor",
24 "veterinary surgeon", "doctor of veterinary medicine", "v.m.d.",
25 "d.v.m.", "animal technician", or "animal technologist".

26 (o) "Occupational therapist", "occupational therapist
27 registered", "certified occupational therapist", "o.t.",

1 "o.t.r.", "c.o.t.", "certified occupational therapy assistant",
 2 "occupational therapy assistant", or "c.o.t.a.".

3 (p) "Marriage advisor" or "marriage consultant"; "family
 4 counselor", "family advisor", "family therapist", or "family
 5 consultant"; "family guidance counselor", "family guidance
 6 advisor", or "family guidance consultant"; "marriage guidance
 7 counselor", "marriage guidance advisor", or "marriage guidance
 8 consultant"; "family relations counselor"; "marriage relations
 9 counselor", "marriage relations advisor", or "marriage relations
 10 consultant"; "marital counselor" or "marital therapist"; "limited
 11 licensed marriage and family therapist" or "limited licensed mar-
 12 riage counselor"; "licensed marriage and family therapist" or
 13 "licensed marriage counselor"; and "l.m.f.t.".

14 (Q) "CLINICAL LABORATORY SCIENTIST/MEDICAL TECHNOLOGIST",
 15 "LICENSED CLINICAL LABORATORY SCIENTIST", "LICENSED MEDICAL
 16 TECHNOLOGIST", "CLINICAL LABORATORY TECHNICIAN/MEDICAL
 17 TECHNICIAN", "LICENSED CLINICAL LABORATORY TECHNICIAN", "LICENSED
 18 MEDICAL TECHNICIAN", "CLINICAL LABORATORY ASSISTANT", "LABORATORY
 19 ASSISTANT", "C.L.S./M.T.", "C.L.M.T./M.L.T.", AND
 20 "C.L.A./M.L.A.".

21 (2) Notwithstanding section 16261, a person who was spe-
 22 cially trained at an institution of higher education in this
 23 state to assist a physician in the field of orthopedics and upon
 24 completion of training, received a 2-year associate of science
 25 degree as an orthopedic physician's assistant before January 1,
 26 1977, may use the title "orthopedic physician's assistant"
 27 whether or not the person is licensed under this article.

1 SEC. 16351. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE
 2 TO ENGAGE IN THE PRACTICE OF LABORATORY TESTING AT THE LABORATORY
 3 CLINICAL LABORATORY ASSISTANT LEVEL, THE PRACTICE OF LABORATORY
 4 TESTING AT THE CLINICAL LABORATORY TECHNICIAN/MEDICAL TECHNICIAN
 5 LEVEL, OR THE PRACTICE OF LABORATORY TESTING AT THE CLINICAL LAB-
 6 ORATORY SCIENTIST/MEDICAL TECHNOLOGIST LEVEL UNDER PART 187A ARE
 7 AS FOLLOWS:

8	(A) APPLICATION PROCESSING FEE.....	\$	20.00
9	(B) LICENSE FEE, PER YEAR:		
10	(i) CLINICAL LABORATORY ASSISTANT.....	\$	10.00
11	(ii) CLINICAL LABORATORY		
12	TECHNICIAN/MEDICAL TECHNICIAN.....	\$	20.00
13	(iii) CLINICAL LABORATORY		
14	SCIENTIST/MEDICAL TECHNOLOGIST.....	\$	20.00
15	(C) TEMPORARY LICENSE.....	\$	10.00
16	(D) LIMITED LICENSE, PER YEAR.....	\$	20.00

17 PART 187A. LABORATORY TESTING PERSONNEL

18 SEC. 18751. (1) AS USED IN THIS PART:

19 (A) "ACCREDITED EDUCATIONAL PROGRAM" MEANS A PROGRAM THAT
 20 PROVIDES INSTRUCTION AND EXPERIENCE IN LABORATORY TESTING AND
 21 THAT HAS BEEN ACCREDITED BY AN ACCREDITING AGENCY RECOGNIZED BY
 22 THE UNITED STATES DEPARTMENT OF EDUCATION AND APPROVED BY THE
 23 DEPARTMENT.

24 (B) "CLIENT" MEANS THE INDIVIDUAL UPON WHOSE BODY, BODY
 25 FLUID, OR BODY PART A LABORATORY TEST IS PERFORMED.

26 (C) "LABORATORY" MEANS THE SITE AT WHICH A LABORATORY TEST
 27 IS PERFORMED.

1 (D) "LABORATORY DIRECTOR" MEANS THAT TERM AS DEFINED IN
2 SECTION 20501.

3 (E) "CLINICAL LABORATORY ASSISTANT" MEANS AN INDIVIDUAL WHO
4 IS LICENSED UNDER THIS ARTICLE TO ENGAGE IN THE PRACTICE OF LABO-
5 RATORY TESTING AT THE CLINICAL LABORATORY ASSISTANT LEVEL,
6 SUBJECT TO SECTION 18767.

7 (F) "CLINICAL LABORATORY TECHNICIAN/MEDICAL TECHNICIAN"
8 MEANS AN INDIVIDUAL WHO IS LICENSED UNDER THIS ARTICLE TO ENGAGE
9 IN THE PRACTICE OF LABORATORY TESTING AT THE CLINICAL LABORATORY
10 TECHNICIAN/MEDICAL TECHNICIAN LEVEL, SUBJECT TO SECTION 18767.

11 (G) "CLINICAL LABORATORY SCIENTIST/MEDICAL TECHNOLOGIST"
12 MEANS AN INDIVIDUAL WHO IS LICENSED UNDER THIS ARTICLE TO ENGAGE
13 IN THE PRACTICE OF LABORATORY TESTING AT THE CLINICAL LABORATORY
14 SCIENTIST/MEDICAL TECHNOLOGIST LEVEL, SUBJECT TO SECTION 18767.

15 (H) "LABORATORY TEST" MEANS A MICROBIOLOGICAL, SEROLOGICAL,
16 CHEMICAL, HEMATOLOGICAL, RADIOMETRIC, CYTOLOGICAL, BIOPHYSICAL,
17 IMMUNOLOGICAL, HISTOLOGICAL, GENETIC, OR OTHER CLINICAL OR
18 ANATOMIC PATHOLOGICAL EXAMINATION OR PROCEDURE THAT IS PERFORMED
19 ON MATERIAL DERIVED FROM OR EXISTING IN A HUMAN BODY THAT PRO-
20 VIDES INFORMATION FOR THE DIAGNOSIS, PREVENTION, MONITORING, OR
21 TREATMENT OF A DISEASE OR ASSESSMENT OF A MEDICAL CONDITION OR
22 PREDISPOSITION. LABORATORY TEST DOES NOT INCLUDE A WAIVERED
23 TEST, IN VIVO DIAGNOSTIC IMAGING, NONINVASIVE VASCULAR DIAGNOSTIC
24 STUDIES, OR THE COLLECTION, HANDLING, AND PREPARATION OF A BODY
25 FLUID OR MICROBIOLOGY CULTURE SPECIMEN USED FOR A LABORATORY
26 TEST, OR A TEST THE RESULTS OF WHICH ARE USED SOLELY FOR
27 EVIDENTIARY PURPOSES IN A CIVIL OR CRIMINAL PROCEEDING.

1 (I) "PERFUSIONIST" MEANS AN INDIVIDUAL WHO OPERATES
2 EXTRACORPOREAL CIRCULATION EQUIPMENT FOR A PATIENT WHOSE MEDICAL
3 CONDITION REQUIRES THE SUPPORT OR TEMPORARY REPLACEMENT OF THE
4 PATIENT'S CARDIOPULMONARY-CIRCULATORY FUNCTION.

5 (J) "POINT-OF-CARE TESTING" MEANS A LABORATORY TEST PER-
6 FORMED IN A HOSPITAL OR A FREESTANDING OUTPATIENT SURGICAL FACIL-
7 ITY LICENSED UNDER ARTICLE 17 THAT IS PERFORMED ON AND NEAR THE
8 PATIENT TO REDUCE TESTING TIME OR TIME TO TREATMENT, BUT DOES NOT
9 INCLUDE A LABORATORY TEST PERFORMED IN A LABORATORY DESCRIBED IN
10 SECTION 20507(A), (B), OR (C).

11 (K) "PRACTICE OF LABORATORY TESTING AT THE CLINICAL LABORA-
12 TORY ASSISTANT LEVEL" MEANS 1 OR MORE OF THE FOLLOWING:

13 (i) PERFORMING A LABORATORY TEST PURSUANT TO ESTABLISHED
14 PROTOCOLS.

15 (ii) COMPARING PATIENT DATA TO REFERENCE RANGES ESTABLISHED
16 OR APPROVED BY THE LABORATORY DIRECTOR OR A LABORATORY
17 SCIENTIST.

18 (iii) APPLYING ARITHMETIC OR ALGEBRAIC CALCULATIONS ACCORD-
19 ING TO PROTOCOLS.

20 (iv) PERFORMING AUTOMATED TESTS IN A MANNER REQUIRING COM-
21 PLETE RELIANCE ON LABORATORY INSTRUMENTS FOR CALIBRATIONS, CALCU-
22 LATIONS, AND ANALYSES.

23 (l) "PRACTICE OF LABORATORY TESTING AT THE CLINICAL LABORA-
24 TORY TECHNICIAN/MEDICAL TECHNICIAN LEVEL" MEANS THE PRACTICE OF
25 LABORATORY TESTING AT THE CLINICAL LABORATORY ASSISTANT LEVEL AND
26 1 OR MORE OF THE FOLLOWING:

1 (i) PERFORMING A LABORATORY TEST PURSUANT TO CRITERIA
2 ESTABLISHED OR APPROVED BY THE LABORATORY DIRECTOR OR A
3 LABORATORY SCIENTIST.

4 (ii) EVALUATING DATA PURSUANT TO CRITERIA ESTABLISHED OR
5 APPROVED BY THE LABORATORY DIRECTOR OR A CLINICAL LABORATORY
6 SCIENTIST/MEDICAL TECHNOLOGIST.

7 (iii) ARITHMETICAL, MATHEMATICAL, OR STATISTICAL MANIPULA-
8 TION OF NUMBERS ACCORDING TO PROTOCOL.

9 (iv) IDENTIFYING A DIRECT CAUSE OF IMPROPER TEST PERFORMANCE
10 AND CORRECTING THAT CAUSE ACCORDING TO STRATEGIES ESTABLISHED BY
11 THE LABORATORY DIRECTOR OR A CLINICAL LABORATORY
12 SCIENTIST/MEDICAL TECHNOLOGIST.

13 (M) "PRACTICE OF LABORATORY TESTING AT THE CLINICAL LABORA-
14 TORY SCIENTIST/MEDICAL TECHNOLOGIST LEVEL" MEANS THE PRACTICE OF
15 LABORATORY TESTING AT THE CLINICAL LABORATORY ASSISTANT LEVEL,
16 THE PRACTICE OF LABORATORY TESTING AT THE CLINICAL LABORATORY
17 TECHNICIAN/MEDICAL TECHNICIAN LEVEL, AND 1 OR MORE OF THE
18 FOLLOWING:

19 (i) DECISION MAKING THAT EMPLOYS ADVANCED KNOWLEDGE OF
20 PATHOPHYSIOLOGY, CYTOPATHOLOGY LABORATORY METHODS, OR LABORATORY
21 INSTRUMENTATION, AND THAT DOES NOT EMPLOY PREDETERMINED
22 CRITERIA.

23 (ii) ESTABLISHING CRITERIA FOR DECISION MAKING IN LABORATORY
24 TESTING.

25 (iii) VALIDATING LABORATORY TEST DATA.

26 (iv) ESTABLISHING PROCEDURES FOR REPORTING RESULTS.

1 (v) SELECTING APPROPRIATE CALCULATION METHODS IN THE ABSENCE
2 OF ESTABLISHED GUIDELINES.

3 (vi) WITHOUT PRESET STRATEGIES, IDENTIFYING CAUSES OF
4 IMPROPER TEST PERFORMANCE AND DETERMINING ALTERNATIVE MEANS OF
5 OBTAINING CORRECT TEST PERFORMANCE OR SOLUTIONS TO PROBLEMS CRE-
6 ATED BY INCORRECT TEST PERFORMANCE.

7 (N) "PROTOCOL" MEANS INFORMATION PREPARED OR APPROVED BY THE
8 LABORATORY DIRECTOR OR A CLINICAL LABORATORY SCIENTIST/MEDICAL
9 TECHNOLOGIST THAT PROVIDES A STEP-BY-STEP DESCRIPTION OF THE
10 MANNER IN WHICH A LABORATORY TEST IS TO BE PERFORMED.

11 (O) "WAIVERED TEST" MEANS A LABORATORY TEST THAT DOES NOT
12 REQUIRE THE PERSON PERFORMING THE LABORATORY TEST TO DO 1 OR MORE
13 OF THE FOLLOWING:

14 (i) RENDER A DECISION.

15 (ii) VALIDATE DATA.

16 (iii) MAKE CALCULATIONS OTHER THAN THE PERFORMANCE OF SIMPLE
17 ARITHMETIC.

18 (iv) CALIBRATE INSTRUMENTS OR EQUIPMENT.

19 (v) MODIFY A SPECIMEN.

20 (2) IN ADDITION TO THE DEFINITIONS IN THIS PART, ARTICLE 1
21 CONTAINS GENERAL DEFINITIONS AND PRINCIPLES OF CONSTRUCTION
22 APPLICABLE TO ALL ARTICLES IN THIS CODE AND PART 161 CONTAINS
23 DEFINITIONS APPLICABLE TO THIS PART.

24 SEC. 18753. (1) BEGINNING 1 YEAR AFTER THE EFFECTIVE DATE
25 OF THIS PART, A PERSON SHALL NOT ENGAGE IN LABORATORY TESTING AS
26 DESCRIBED IN SECTION 18551(1)(K), (L), OR (M) UNLESS THAT PERSON
27 IS LICENSED OR OTHERWISE AUTHORIZED BY THIS ARTICLE.

1 (2) A LICENSED CLINICAL LABORATORY SCIENTIST/MEDICAL
2 TECHNOLOGIST SHALL ONLY USE THE TITLES "LICENSED CLINICAL LABORA-
3 TORY SCIENTIST", "LICENSED MEDICAL TECHNOLOGIST", OR
4 "C.L.S./M.T."

5 (3) A LICENSED CLINICAL LABORATORY TECHNICIAN/MEDICAL TECH-
6 NICIAN SHALL ONLY USE THE TITLES "LICENSED CLINICAL LABORATORY
7 TECHNICIAN", "LICENSED MEDICAL TECHNICIAN", OR
8 "C.L.M.T./M.L.T."

9 (4) A LICENSED CLINICAL LABORATORY ASSISTANT SHALL ONLY USE
10 THE TITLES "LICENSED LABORATORY ASSISTANT", "LABORATORY
11 ASSISTANT", OR "C.L.A./M.L.A."

12 SEC. 18755. (1) THE BOARD MAY GRANT A LIMITED LICENSE TO AN
13 INDIVIDUAL TO PRACTICE LABORATORY TESTING AT THE CLINICAL LABORA-
14 TORY SCIENTIST/MEDICAL TECHNOLOGIST, CLINICAL LABORATORY TECHNI-
15 CIAN, OR CLINICAL LABORATORY ASSISTANT LEVEL. AN INDIVIDUAL WHO
16 HOLDS A LIMITED LICENSE UNDER THIS SECTION SHALL PROVIDE A LABO-
17 RATORY TEST SERVICE ONLY UNDER THE SUPERVISION OF AN INDIVIDUAL
18 LICENSED OR OTHERWISE AUTHORIZED UNDER THIS PART TO PERFORM THE
19 LABORATORY TEST.

20 (2) A LIMITED LICENSE ISSUED UNDER THIS SECTION IS EFFECTIVE
21 FOR NOT MORE THAN 4 YEARS FROM THE DATE OF ISSUANCE.

22 (3) IN ADDITION TO THE GROUNDS FOR DISCIPLINE AND SANCTIONS
23 PRESCRIBED UNDER SECTIONS 16221 AND 16226, THE BOARD SHALL REVIEW
24 THE SUPERVISION OF AN INDIVIDUAL LICENSED UNDER THIS SECTION AT
25 LEAST ONCE ANNUALLY AND MAY REVOKE OR SUSPEND A LIMITED LICENSE
26 IF THE BOARD DETERMINES THAT THE INDIVIDUAL TO WHOM THAT LIMITED
27 LICENSE IS ISSUED LACKS ADEQUATE SUPERVISION.

1 SEC. 18757. THIS PART DOES NOT APPLY TO THE FOLLOWING:

2 (A) AN INDIVIDUAL WHO IS ENROLLED IN AN ACCREDITED EDUCA-
3 TIONAL PROGRAM, IF THE LABORATORY TESTING PERFORMED BY THAT INDI-
4 VIDUAL IS PART OF A COURSE OF STUDY WITHIN THE ACCREDITED EDUCA-
5 TIONAL PROGRAM, AND THE RESULTS OF THAT LABORATORY TESTING ARE
6 NOT USED FOR DIAGNOSIS, PREVENTION, MONITORING, OR TREATMENT OF A
7 DISEASE OR ASSESSMENT OF A MEDICAL CONDITION OR PREDISPOSITION.

8 (B) AN INDIVIDUAL ENGAGED IN TEACHING OR RESEARCH, IF THE
9 RESULTS OF EACH LABORATORY TEST PERFORMED BY THAT INDIVIDUAL ARE
10 NOT USED IN DIAGNOSIS, PREVENTION, MONITORING, OR TREATMENT OF A
11 DISEASE OR ASSESSMENT OF A MEDICAL CONDITION OR PREDISPOSITION.

12 (C) A CERTIFIED, LICENSED, OR STATUTORILY RECOGNIZED MEMBER
13 OF ANY OTHER PROFESSION WHO PRACTICES HIS OR HER PROFESSION AS
14 AUTHORIZED BY LAW, IF THAT INDIVIDUAL DOES NOT HOLD HIMSELF OR
15 HERSELF OUT TO THE PUBLIC AS A CLINICAL LABORATORY
16 SCIENTIST/MEDICAL TECHNOLOGIST, CLINICAL LABORATORY TECHNICIAN,
17 OR CLINICAL LABORATORY ASSISTANT LICENSED UNDER THIS ARTICLE.

18 (D) AN INDIVIDUAL PERFORMING POINT-OF-CARE TESTING IF BOTH
19 OF THE FOLLOWING REQUIREMENTS ARE MET:

20 (i) THE FACILITY IN WHICH THE POINT-OF-CARE TESTING IS PER-
21 FORMED IS UNDER THE DIRECTION OF A CLINICAL LABORATORY
22 SCIENTIST/MEDICAL TECHNOLOGIST WHO IS RESPONSIBLE FOR ALL OF THE
23 FOLLOWING:

24 (A) DESIGNING AND PROVIDING OR SUPERVISING THE TRAINING PRO-
25 GRAMS FOR INDIVIDUALS WHO PERFORM POINT-OF-CARE TESTING IN THE
26 HOSPITAL OR FREESTANDING OUTPATIENT SURGICAL FACILITY.

1 (B) SUPERVISING AND MONITORING THE QUALITY ASSURANCE AND
2 QUALITY CONTROL ACTIVITIES OF THE LABORATORY.

3 (C) ASSISTING IN THE SELECTION OF TECHNOLOGY FOR THE
4 LABORATORY.

5 (D) MONITORING THE CONTINUED COMPETENCY OF INDIVIDUALS PER-
6 FORMING POINT-OF-CARE TESTING.

7 (E) REVIEWING THE RESULTS OF PROFICIENCY TESTING OF INDIVID-
8 UALS PERFORMING POINT-OF-CARE TESTING AND RECOMMENDING CORRECTIVE
9 ACTION, IF NECESSARY.

10 (ii) THE FACILITY IN WHICH THE POINT-OF-CARE TESTING IS PER-
11 FORMED HAS PROCEDURES THAT ENSURE AND DOCUMENT THE CONTINUED COM-
12 PETENCY OF INDIVIDUALS WHO PERFORM POINT-OF-CARE TESTING AND THAT
13 ARE APPROVED BY THE BOARD.

14 (E) A PERFUSIONIST PERFORMING LABORATORY TESTING FOR EXTRA-
15 CORPOREAL FUNCTIONS INCLUDING, BUT NOT LIMITED TO, THOSE FUNC-
16 TIONS NECESSARY FOR THE SUPPORT, TREATMENT, MEASUREMENT, OR SUP-
17 PLEMENTATION OF THE CARDIOPULMONARY OR CIRCULATORY SYSTEM OF A
18 PATIENT, IF THE PERFUSIONIST DOES NOT PERFORM AN ACT, TASK, OR
19 FUNCTION FOR WHICH HE OR SHE IS NOT TRAINED AND MEETS 1 OF THE
20 FOLLOWING:

21 (i) HAS GRADUATED FROM A PERFUSION TRAINING PROGRAM APPROVED
22 BY THE DEPARTMENT AND ACCREDITED BY THE COMMITTEE ON ALLIED
23 HEALTH EDUCATION AND ACCREDITATION OF THE AMERICAN MEDICAL ASSO-
24 CIATION OR THEIR SUCCESSORS AND HAS SUCCESSFULLY COMPLETED THE
25 EXAMINATION DEVELOPED BY THE AMERICAN BOARD OF CARDIOVASCULAR
26 PERFUSION OR ITS SUCCESSOR AND APPROVED BY THE DEPARTMENT.

1 (ii) HAS PERFORMED A MINIMUM OF 40 PERFUSION CASES PER YEAR
2 DURING THE 2 YEARS IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF
3 THIS PART.

4 (iii) HAS GRADUATED FROM A PERFUSION TRAINING PROGRAM
5 APPROVED BY THE DEPARTMENT AND ACCREDITED BY THE COMMITTEE ON
6 ALLIED HEALTH EDUCATION AND ACCREDITATION OF THE AMERICAN MEDICAL
7 ASSOCIATION OR THEIR SUCCESSORS AND, BEFORE SUCCESSFULLY COMPLET-
8 ING THE EXAMINATION DEVELOPED BY THE AMERICAN BOARD OF CARDIOVAS-
9 CULAR PERFUSION OR ITS SUCCESSOR AND APPROVED BY THE DEPARTMENT,
10 IS SUPERVISED BY A PERFUSIONIST WHO MEETS THE REQUIREMENTS OF
11 EITHER SUBPARAGRAPH (i) OR (ii).

12 (F) AN INDIVIDUAL WHO PERFORMS LABORATORY TESTING AS
13 DESCRIBED IN SUBDIVISION (E) WHILE ENGAGED IN THE PRACTICE OF
14 PERFUSION AS A STUDENT IN A PERFUSION TRAINING PROGRAM APPROVED
15 BY THE DEPARTMENT AND ACCREDITED BY THE COMMITTEE ON ALLIED
16 HEALTH EDUCATION AND ACCREDITATION OF THE AMERICAN MEDICAL ASSO-
17 CIATION OR THEIR SUCCESSORS, IF DURING THE PERFORMANCE OF LABORA-
18 TORY TESTING THE INDIVIDUAL IS UNDER THE DIRECT PHYSICAL SUPERVI-
19 SION OF A PERFUSIONIST WHO MEETS THE REQUIREMENTS OF
20 SUBDIVISION (E)(i) OR (ii).

21 (G) A RESPIRATORY CARE PRACTITIONER WHO PERFORMS LABORATORY
22 TESTING WHILE ENGAGED IN THE PRACTICE OF RESPIRATORY CARE AS
23 DEFINED BY THE CREDENTIALING EXAM CONTENT OUTLINES OF THE
24 NATIONAL BOARD FOR RESPIRATORY CARE IN EFFECT ON THE EFFECTIVE
25 DATE OF THIS PART, WHICH CREDENTIALING EXAM CONTENT OUTLINES ARE
26 INCORPORATED BY REFERENCE, IF THE RESPIRATORY CARE PRACTITIONER

1 DOES NOT PERFORM AN ACT, TASK, OR FUNCTION FOR WHICH HE OR SHE
2 HAS NOT BEEN TRAINED, AND MEETS 1 OF THE FOLLOWING:

3 (i) HAS BEEN GRANTED 1 OF THE FOLLOWING DEPARTMENT-APPROVED
4 CREDENTIALS BY THE NATIONAL BOARD FOR RESPIRATORY CARE OR ITS
5 SUCCESSOR:

6 (A) CERTIFIED RESPIRATORY THERAPY TECHNICIAN.

7 (B) REGISTERED RESPIRATORY THERAPIST.

8 (C) CERTIFIED PULMONARY FUNCTION TECHNOLOGIST.

9 (D) REGISTERED PULMONARY FUNCTION TECHNOLOGIST.

10 (ii) HAS NOT BEEN GRANTED 1 OF THE CREDENTIALS DESCRIBED IN
11 SUBPARAGRAPH (i), BUT PERFORMS LABORATORY TESTING RELATED TO THE
12 PRACTICE OF RESPIRATORY CARE UNDER THE SUPERVISION OF A RESPIRA-
13 TORY CARE PRACTITIONER WHO HAS BEEN GRANTED 1 OF THE CREDENTIALS
14 DESCRIBED IN SUBPARAGRAPH (i), IF THE SUPERVISING RESPIRATORY
15 CARE PRACTITIONER HAS DOCUMENTED TRAINING AND DEMONSTRATED PROFI-
16 CIENCY IN ALL ASPECTS OF THE LABORATORY TESTING PROCEDURES
17 PERFORMED.

18 SEC. 18759. (1) THE MICHIGAN BOARD OF LABORATORY TESTING IS
19 CREATED WITHIN THE DEPARTMENT. THE BOARD SHALL COMPLY WITH
20 PART 161 AND SHALL CONSIST OF 7 MEMBERS, INCLUDING THE
21 FOLLOWING:

22 (A) AT LEAST 1 PERSON ENGAGED PRIMARILY IN THE PRACTICE OF
23 LABORATORY TESTING AT THE CLINICAL LABORATORY ASSISTANT LEVEL.

24 (B) AT LEAST 1 PERSON ENGAGED IN THE PRACTICE OF LABORATORY
25 TESTING AT THE CLINICAL LABORATORY TECHNICIAN/MEDICAL TECHNICIAN
26 LEVEL.

1 (C) AT LEAST 1 PERSON ENGAGED IN THE PRACTICE OF LABORATORY
2 TESTING AT THE CLINICAL LABORATORY SCIENTIST/MEDICAL TECHNOLOGIST
3 LEVEL.

4 (D) TWO PUBLIC MEMBERS.

5 (2) THE BOARD MEMBERS APPOINTED UNDER SUBSECTION (1)(A) TO
6 (C) SHALL HAVE AMONG THEM ANATOMICAL AND CLINICAL PATHOLOGICAL
7 TESTING EXPERIENCE AND SHALL MEET THE REQUIREMENTS OF SECTION
8 16135(2).

9 (3) THE BOARD SHALL SUBMIT RULES TO IMPLEMENT THIS PART FOR
10 PUBLIC HEARING PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF
11 1969 WITHIN 180 DAYS AFTER THE EFFECTIVE DATE OF THIS PART.

12 SEC. 18761. (1) EXCEPT AS OTHERWISE PROVIDED IN
13 SECTION 18753, THE BOARD MAY ISSUE A LICENSE UNDER THIS PART AS
14 FOLLOWS:

15 (A) TO ENGAGE IN THE PRACTICE OF LABORATORY TESTING AT THE
16 CLINICAL LABORATORY ASSISTANT LEVEL TO AN INDIVIDUAL WHO THE
17 BOARD DETERMINES HAS SUFFICIENT KNOWLEDGE ESSENTIAL TO THE SAFE
18 AND COMPETENT PRACTICE OF HIS OR HER PROFESSION AND WHO HAS SUC-
19 CESSFULLY COMPLETED HIGH SCHOOL OR ITS EQUIVALENT AND EITHER OF
20 THE FOLLOWING:

21 (i) AN ACCREDITED EDUCATIONAL PROGRAM AT THE CLINICAL LABO-
22 RATORY ASSISTANT LEVEL OR AT AN EQUIVALENT LEVEL THAT IS APPROVED
23 BY THE BOARD.

24 (ii) ONE YEAR OF FULL-TIME LABORATORY EXPERIENCE WITHIN THE
25 3-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF APPLICATION IN A
26 LABORATORY ACTIVITY APPROVED BY THE BOARD AND UNDER THE
27 SUPERVISION OF A CLINICAL LABORATORY SCIENTIST/MEDICAL

1 TECHNOLOGIST, A CLINICAL LABORATORY TECHNICIAN/MEDICAL
2 TECHNICIAN, OR AN INDIVIDUAL DESCRIBED IN SECTION 18753 WHO IS
3 APPROVED BY THE BOARD TO PRACTICE LABORATORY TESTING AT THE CLIN-
4 ICAL LABORATORY SCIENTIST/MEDICAL TECHNOLOGIST OR CLINICAL LABO-
5 RATORY TECHNICIAN/MEDICAL TECHNICIAN LEVEL.

6 (B) TO ENGAGE IN THE PRACTICE OF LABORATORY TESTING AT THE
7 CLINICAL LABORATORY TECHNICIAN/MEDICAL TECHNICIAN LEVEL TO AN
8 INDIVIDUAL WHO THE BOARD DETERMINES HAS SUFFICIENT KNOWLEDGE
9 ESSENTIAL TO THE SAFE AND COMPETENT PRACTICE OF HIS OR HER PRO-
10 FESSION AND WHO HAS SUCCESSFULLY COMPLETED OR ATTAINED 1 OR MORE
11 OF THE FOLLOWING:

12 (i) AN ACCREDITED EDUCATIONAL PROGRAM AT THE CLINICAL LABO-
13 RATORY TECHNICIAN/MEDICAL TECHNICIAN OR HISTOLOGIC TECHNICIAN
14 LEVEL.

15 (ii) AN ASSOCIATE'S DEGREE FROM AN ACCREDITED COLLEGE OR
16 UNIVERSITY APPROVED BY THE BOARD, INCLUDING COURSE WORK APPROVED
17 BY THE BOARD, AND 2 YEARS OF FULL-TIME LABORATORY EXPERIENCE
18 ATTAINED WITHIN THE 3 YEARS IMMEDIATELY PRECEDING THE DATE OF
19 APPLICATION IN A LABORATORY ACTIVITY APPROVED BY THE BOARD AND
20 UNDER THE SUPERVISION OF A CLINICAL LABORATORY SCIENTIST/MEDICAL
21 TECHNOLOGIST, AN INDIVIDUAL DESCRIBED IN SECTION 18763 WHO IS
22 APPROVED BY THE BOARD TO PRACTICE LABORATORY TESTING AT THE CLIN-
23 ICAL LABORATORY SCIENTIST/MEDICAL TECHNOLOGIST LEVEL, OR AN INDI-
24 VIDUAL DESCRIBED IN SECTION 18769.

25 (C) TO ENGAGE IN THE PRACTICE OF LABORATORY TESTING AT THE
26 CLINICAL LABORATORY SCIENTIST/MEDICAL TECHNOLOGIST LEVEL TO AN
27 INDIVIDUAL WHO THE BOARD DETERMINES HAS SUFFICIENT KNOWLEDGE

1 ESSENTIAL TO THE SAFE AND COMPETENT PRACTICE OF HIS OR HER
2 PROFESSION AND WHO HAS SUCCESSFULLY COMPLETED OR ATTAINED 1 OR
3 MORE OF THE FOLLOWING:

4 (i) AN ACCREDITED EDUCATIONAL PROGRAM APPROVED BY THE BOARD
5 AT THE CYTOTECHNOLOGIST, CLINICAL LABORATORY SCIENTIST/MEDICAL
6 TECHNOLOGIST, OR HISTOTECHNOLOGIST LEVEL.

7 (ii) A BACCALAUREATE DEGREE FROM AN ACCREDITED COLLEGE OR
8 UNIVERSITY APPROVED BY THE BOARD, INCLUDING COURSE WORK APPROVED
9 BY THE BOARD, AND 2 YEARS OF FULL-TIME LABORATORY EXPERIENCE
10 ATTAINED WITHIN THE 4-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE
11 OF APPLICATION IN AREAS OF LABORATORY TESTING APPROVED BY THE
12 BOARD AND UNDER THE SUPERVISION OF A CLINICAL LABORATORY
13 SCIENTIST/MEDICAL TECHNOLOGIST, AN INDIVIDUAL DESCRIBED IN SEC-
14 TION 18763 WHO IS APPROVED BY THE BOARD TO PRACTICE LABORATORY
15 TESTING AT THE CLINICAL LABORATORY SCIENTIST/MEDICAL TECHNOLOGIST
16 LEVEL, OR AN INDIVIDUAL DESCRIBED IN SECTION 18769.

17 (2) THE BOARD MAY ACCEPT A PERSON'S CERTIFICATION BY A
18 NATIONAL ORGANIZATION APPROVED BY THE BOARD AS EVIDENCE THAT THE
19 PERSON HAS SUFFICIENT KNOWLEDGE ESSENTIAL TO THE SAFE AND COMPE-
20 TENT PRACTICE OF HIS OR HER PROFESSION. THE BOARD SHALL NOT
21 ACCEPT CERTIFICATION OF A PERSON AS DESCRIBED IN THIS SUBSECTION
22 UNLESS THE CERTIFYING NATIONAL ORGANIZATION REQUIRES SUCCESSFUL
23 PASSAGE OF A COMPETENCY BASED EXAMINATION VALIDATED BY THAT
24 ORGANIZATION.

25 SEC. 18763. (1) IF A PERSON APPLIES FOR LICENSURE AT A
26 LEVEL DESCRIBED IN SECTION 18751(1)(K), (L), OR (M) WITHIN 1 YEAR
27 AFTER THE EFFECTIVE DATE OF THIS PART AND THAT PERSON IS TRAINED

1 IN LABORATORY TESTING AT THAT LEVEL AND CERTIFIED BY A NATIONAL
2 CERTIFYING AGENCY APPROVED BY THE BOARD OR HAS ENGAGED IN THE
3 PRACTICE OF LABORATORY TESTING AT THAT LEVEL IN A LABORATORY FOR
4 A PERIOD OF AT LEAST 1 YEAR, THE BOARD SHALL ISSUE TO THAT PERSON
5 A LICENSE FOR THAT LEVEL.

6 (2) THE BOARD SHALL REQUIRE EACH INDIVIDUAL WHO APPLIES FOR
7 RENEWAL OF A LICENSE GRANTED UNDER THIS SECTION TO MEET APPLICA-
8 BLE CONTINUING EDUCATION REQUIREMENTS OF SECTION 18765.

9 SEC. 18765. (1) IN ADDITION TO THE REQUIREMENTS OF
10 PART 161, THE BOARD SHALL REQUIRE A CLINICAL LABORATORY
11 SCIENTIST/MEDICAL TECHNOLOGIST OR CLINICAL LABORATORY TECHNICIAN
12 SEEKING RENEWAL OF A LICENSE TO FURNISH EVIDENCE OF EITHER OF THE
13 FOLLOWING:

14 (A) THE LICENSEE'S SUCCESSFUL COMPLETION, DURING THE 3 YEARS
15 IMMEDIATELY PRECEDING APPLICATION FOR RENEWAL, OF AT LEAST
16 30 HOURS OF CONTINUING EDUCATION COURSES, CLINICS, LECTURES,
17 TRAINING PROGRAMS, SEMINARS, OR OTHER PROGRAMS RELATED TO LABORA-
18 TORY TESTING THAT ARE APPROVED BY THE BOARD.

19 (B) PROOF OF RECERTIFICATION BY A NATIONAL CERTIFICATION
20 AGENCY APPROVED BY THE BOARD.

21 (2) THE BOARD SHALL REQUIRE A CLINICAL LABORATORY ASSISTANT
22 SEEKING RENEWAL OF A LICENSE TO FURNISH EVIDENCE OF EITHER OF THE
23 FOLLOWING:

24 (A) THAT PERSON'S SUCCESSFUL COMPLETION, DURING THE 3 YEARS
25 IMMEDIATELY PRECEDING APPLICATION FOR RENEWAL, OF AT LEAST
26 10 HOURS OF CONTINUING EDUCATION COURSES, CLINICS, LECTURES,

1 TRAINING PROGRAMS, SEMINARS, OR OTHER PROGRAMS APPROVED BY THE
2 BOARD.

3 (B) PROOF OF RECERTIFICATION BY A NATIONAL CERTIFYING AGENCY
4 APPROVED BY THE BOARD.

5 SEC. 18767. A LICENSE ISSUED UNDER THIS PART IS EFFECTIVE
6 FOR 3 YEARS. A LICENSEE SHALL NOT PERFORM AN ACT, TASK, OR FUNC-
7 TION WITHIN THE PRACTICE OF LABORATORY TESTING FOR WHICH HE OR
8 SHE IS NOT TRAINED.

9 SEC. 18769. THE SUPERVISION DESCRIBED IN SECTION 18755 MAY
10 BE PROVIDED BY AN ALLOPATHIC OR OSTEOPATHIC PHYSICIAN LICENSED
11 UNDER THIS ARTICLE AND PART 170 OR 175.

12 SEC. 18771. A COMMUNICATION BETWEEN A LICENSEE AND A CLIENT
13 AND A CLIENT'S LABORATORY TEST RESULTS ARE CONFIDENTIAL AND SHALL
14 NOT BE DISCLOSED TO A THIRD PARTY BY THE LICENSEE WITHOUT THE
15 CONSENT OF THE CLIENT OR EXCEPT AS OTHERWISE PROVIDED BY LAW.
16 FOR PURPOSES OF THIS SECTION, "THIRD PARTY" DOES NOT INCLUDE A
17 HEALTH CARE PROFESSIONAL LICENSED UNDER THIS ARTICLE WHO
18 REQUESTED THE LABORATORY TEST ON BEHALF OF THE CLIENT.