

HOUSE BILL No. 4776

May 15, 2001, Introduced by Reps. Vear, Plakas, Bernero, Pappageorge, Birkholz and Tabor and referred to the Committee on Senior Health, Security and Retirement.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16131, 16263, and 21720 (MCL 333.16131,
333.16263, and 333.21720), sections 16131 and 16263 as amended by
2000 PA 11, and by adding section 16328 and part 173; and to
repeal acts and parts of acts.

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, expire 4 years after appointment as follows:

4 Nursing	June 30
5 NURSING HOME ADMINISTRATOR	JUNE 30
6 Optometry	June 30

1	Pharmacy	June 30
2	Podiatric medicine and surgery	June 30
3	Dentistry	June 30
4	Chiropractic	December 31
5	Counseling	June 30
6	Marriage and family therapy	June 30
7	Medicine	December 31
8	Occupational therapists	December 31
9	Osteopathic medicine and surgery	December 31
10	Physical therapy	December 31
11	Psychology	December 31
12	Social work	December 31
13	Veterinary medicine	December 31

14 Sec. 16263. (1) Except as provided in subsection (2), the
15 following words, titles, or letters or a combination thereof,
16 with or without qualifying words or phrases, are restricted in
17 use only to those persons authorized under this article to use
18 the terms and in a way prescribed in this article:

19 (a) "Chiropractic", "doctor of chiropractic",
20 "chiropractor", "d.c.", and "chiropractic physician".

21 (b) "Dentist", "doctor of dental surgery", "oral and maxil-
22 lofacial surgeon", "orthodontist", "prosthodontist",
23 "periodontist", "endodontist", "oral pathologist", "pediatric
24 dentist", "dental hygienist", "registered dental hygienist",
25 "dental assistant", "registered dental assistant", "R.D.A.",
26 "d.d.s.", "d.m.d.", and "r.d.h.".

- 1 (c) "Doctor of medicine" and "m.d.".
- 2 (d) "Physician's assistant" and "p.a.".
- 3 (e) "Registered professional nurse", "registered nurse",
4 "r.n.", "licensed practical nurse", "l.p.n.", "nurse midwife",
5 "nurse anesthetist", "nurse practitioner", "trained attendant",
6 and "t.a.".
- 7 (f) "Doctor of optometry", "optometrist", and "o.d.".
- 8 (g) "Osteopath", "osteopathy", "osteopathic practitioner",
9 "doctor of osteopathy", "diplomate in osteopathy", and "d.o.".
- 10 (h) "Pharmacy", "pharmacist", "apothecary", "drugstore",
11 "druggist", "medicine store", "prescriptions", and "r.ph.".
- 12 (i) "Physical therapy", "physical therapist",
13 "physiotherapist", "registered physical therapist", "licensed
14 physical therapist", "physical therapy technician", "p.t.",
15 "r.p.t.", "l.p.t.", and "p.t.t.".
- 16 (j) "Chiropodist", "chiropody", "chiropodical", "podiatry",
17 "podiatrist", "podiatric", "doctor of podiatric medicine", "foot
18 specialist", "podiatric physician and surgeon", and "d.p.m.".
- 19 (k) "Consulting psychologist", "psychologist",
20 "psychological assistant", "psychological examiner", "licensed
21 psychologist", and "limited licensed psychologist".
- 22 (l) "Licensed professional counselor", "licensed counselor",
23 "professional counselor", and "l.p.c.".
- 24 (m) "Sanitarian", "registered sanitarian", and "r.s.".
- 25 (n) "Social worker", "certified social worker", "social work
26 technician", "s.w.", "c.s.w.", and "s.w.t.".

1 (o) "Veterinary", "veterinarian", "veterinary doctor",
 2 "veterinary surgeon", "doctor of veterinary medicine", "v.m.d.",
 3 "d.v.m.", "animal technician", or "animal technologist".

4 (p) "Occupational therapist", "occupational therapist
 5 registered", "certified occupational therapist", "o.t.",
 6 "o.t.r.", "c.o.t.", "certified occupational therapy assistant",
 7 "occupational therapy assistant", or "c.o.t.a.".

8 (q) "Marriage advisor" or "marriage consultant"; "family
 9 counselor", "family advisor", "family therapist", or "family
 10 consultant"; "family guidance counselor", "family guidance
 11 advisor", or "family guidance consultant"; "marriage guidance
 12 counselor", "marriage guidance advisor", or "marriage guidance
 13 consultant"; "family relations counselor"; "marriage relations
 14 counselor", "marriage relations advisor", or "marriage relations
 15 consultant"; "marital counselor" or "marital therapist"; "limited
 16 licensed marriage and family therapist" or "limited licensed mar-
 17 riage counselor"; "licensed marriage and family therapist" or
 18 "licensed marriage counselor"; and "l.m.f.t.".

19 (R) "NURSING HOME ADMINISTRATOR".

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

1 SEC. 16328. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE
 2 AS A NURSING HOME ADMINISTRATOR UNDER PART 173 ARE AS FOLLOWS:

3

4 (A) APPLICATION PROCESSING FEE.....\$ 15.00

5 (B) EXAMINATION FEES:

6 (i) COMPLETE EXAMINATION..... 120.00

7 (ii) NATIONAL EXAMINATION..... 95.00

8 (iii) STATE SUPPLEMENTAL EXAMINATION..... 50.00

9 (C) EXAMINATION REVIEW..... 25.00

10 (D) LICENSE FEE, PER YEAR..... 60.00

11 (E) TEMPORARY LICENSE..... 25.00

12 PART 173

13 SEC. 17301. (1) AS USED IN THIS PART:

14 (A) "NURSING HOME" MEANS THAT TERM AS DEFINED IN SECTION
 15 20109.

16 (B) "NURSING HOME ADMINISTRATOR" MEANS THE INDIVIDUAL
 17 LICENSED UNDER THIS ARTICLE TO ENGAGE IN THE PRACTICE OF NURSING
 18 HOME ADMINISTRATION.

19 (C) "PRACTICE OF NURSING HOME ADMINISTRATION" MEANS PLAN-
 20 NING, ORGANIZING, DIRECTING, AND CONTROLLING THE TOTAL OPERATION
 21 OF THE NURSING HOME ON BEHALF OF THE GOVERNING BOARD OR OWNER OF
 22 A NURSING HOME.

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

1 SEC. 17303. A PERSON SHALL NOT REPRESENT THAT HE OR SHE IS
2 A NURSING HOME ADMINISTRATOR OR USE A TITLE INCLUDING "NURSING
3 HOME ADMINISTRATOR" OR AN ABBREVIATION OF THAT TERM OR SIMILAR
4 WORDS THAT WOULD INDICATE THAT HE OR SHE IS LICENSED UNDER THIS
5 ARTICLE UNLESS THE PERSON IS LICENSED UNDER THIS ARTICLE AS A
6 NURSING HOME ADMINISTRATOR.

7 SEC. 17305. SUBJECT TO SECTION 17319(2), THE MICHIGAN BOARD
8 OF NURSING HOME ADMINISTRATORS IS CREATED IN THE DEPARTMENT AND
9 CONSISTS OF THE FOLLOWING 9 VOTING MEMBERS WHO MEET THE REQUIRE-
10 MENTS OF PART 161:

11 (A) SIX NURSING HOME ADMINISTRATORS.

12 (B) THREE PUBLIC MEMBERS.

13 SEC. 17307. (1) IN ADDITION TO THE REQUIREMENTS OF SECTION
14 21720, A NURSING HOME SHALL NOT OPERATE EXCEPT UNDER THE DIREC-
15 TION OF A NURSING HOME ADMINISTRATOR.

16 (2) A PERSON SHALL NOT ENGAGE IN THE PRACTICE OF NURSING
17 HOME ADMINISTRATION UNLESS THE PERSON IS THE HOLDER OF A VALID
18 NURSING HOME ADMINISTRATOR'S LICENSE ISSUED UNDER THIS PART.

19 SEC. 17309. (1) THE DEPARTMENT SHALL ISSUE A LICENSE AS A
20 NURSING HOME ADMINISTRATOR TO A PERSON WHO FULFILLS THE REQUIRE-
21 MENTS OF THIS SECTION OR SECTION 17315.

22 (2) AN APPLICANT FOR LICENSURE AS A NURSING HOME ADMINISTRA-
23 TOR SHALL HAVE SATISFACTORILY COMPLETED A COURSE OF INSTRUCTION
24 AND TRAINING APPROVED BY THE DEPARTMENT, WHICH COURSE SHALL BE
25 DESIGNED AS TO CONTENT AND BE ADMINISTERED AS TO PRESENT SUFFI-
26 CIENT KNOWLEDGE OF THE FOLLOWING:

1 (A) THE NEEDS PROPERLY TO BE SERVED BY A NURSING HOME.

2 (B) THE LAWS GOVERNING THE OPERATION OF A NURSING HOME AND
3 THE PROTECTION OF THE INTERESTS OF A PATIENT IN A NURSING HOME.

4 (C) THE ELEMENTS OF GOOD NURSING HOME ADMINISTRATION.

5 (3) AN APPLICANT FOR LICENSURE AS A NURSING HOME ADMINISTRA-
6 TOR SHALL PRESENT EVIDENCE SATISFACTORY TO THE DEPARTMENT OF SUFFICIENT
7 EDUCATION AND TRAINING IN THE FIELDS OF STUDY DESCRIBED
8 IN SUBSECTION (2) OR SHALL HAVE BEEN EMPLOYED AS A CHIEF EXECUTIVE
9 OR ADMINISTRATIVE OFFICER AT A HOSPITAL LICENSED UNDER ARTICLE 17
10 FOR NOT LESS THAN 5 OF THE 7 YEARS IMMEDIATELY PRECEDING
11 THE DATE OF APPLICATION FOR A LICENSE UNDER THIS PART.

12 (4) SUBJECT TO SECTION 16178, AN APPLICANT FOR LICENSURE AS
13 A NURSING HOME ADMINISTRATOR SHALL ALSO PRESENT EVIDENCE ACCEPTABLE
14 TO THE DEPARTMENT OF HAVING PASSED AN EXAMINATION ACCEPTABLE
15 TO THE BOARD AND THE DEPARTMENT. THE EXAMINATION SHALL BE
16 DESIGNED TO TEST FOR COMPETENCE IN THE FIELDS OF STUDY DESCRIBED
17 IN SUBSECTION (2).

18 (5) AN APPLICANT FOR LICENSURE AS A NURSING HOME ADMINISTRATOR
19 SHALL BE OF GOOD MORAL CHARACTER AND MEET ANY ADDITIONAL
20 QUALIFICATIONS AS MAY BE REQUIRED BY RULE OF THE DEPARTMENT AND
21 BOARD.

22 SEC. 17311. (1) IF THE DEPARTMENT AND BOARD FIND THAT THERE
23 ARE NOT A SUFFICIENT NUMBER OF COURSES OF INSTRUCTION AND TRAINING
24 SUFFICIENT TO MEET THE REQUIREMENTS OF THIS PART CONDUCTED
25 WITHIN THIS STATE, THE DEPARTMENT MAY CONDUCT 1 OR MORE OF THOSE
26 COURSES OR TRAINING SESSIONS, OR BOTH. THE DEPARTMENT SHALL

1 ENSURE THAT A COURSE OR TRAINING SESSION CONDUCTED UNDER THIS
2 SUBSECTION IS REASONABLY ACCESSIBLE TO A RESIDENT OF THIS STATE.

3 (2) THE DEPARTMENT AND BOARD MAY APPROVE A COURSE OF
4 INSTRUCTION OR A TRAINING SESSION CONDUCTED WITHIN OR WITHOUT
5 THIS STATE IF THE DEPARTMENT DETERMINES THAT IT IS SUFFICIENT TO
6 MEET THE EDUCATION AND TRAINING REQUIREMENTS OF THIS PART.

7 SEC. 17313. (1) SUBJECT TO SECTIONS 16201 AND 16204, THE
8 DEPARTMENT SHALL NOT ISSUE A RENEWAL LICENSE UNLESS THE LICENSEE
9 PRESENTS SATISFACTORY EVIDENCE TO THE DEPARTMENT THAT THE
10 LICENSEE HAS PARTICIPATED IN CONTINUING EDUCATION COURSES OF NOT
11 LESS THAN 18 CLOCK HOURS' DURATION APPROVED BY THE BOARD AND
12 DEPARTMENT, FOR EACH YEAR SUBSEQUENT TO THE EXPIRATION OF THE
13 INDIVIDUAL'S LAST LICENSE.

14 (2) THE CONTINUING EDUCATION COURSES REQUIRED UNDER
15 SUBSECTION (1) SHALL CONTAIN SUBJECTS RELATED TO THE PRACTICE OF
16 NURSING HOME ADMINISTRATION ACCEPTABLE TO THE BOARD AND THE
17 DEPARTMENT.

18 SEC. 17315. (1) SUBJECT TO SECTION 16182, THIS PART OR A
19 RULE PROMULGATED UNDER THIS PART SHALL NOT REQUIRE AN APPLICANT
20 FOR A LIMITED LICENSE AS A NURSING HOME ADMINISTRATOR OF A
21 CHRISTIAN SCIENCE NURSING HOME TO MEET A MEDICAL EDUCATIONAL
22 QUALIFICATION OR TO PASS AN EXAMINATION ON MEDICAL SUBJECTS.

23 (2) A LICENSE ISSUED UNDER THIS SECTION SHALL DESCRIBE ITS
24 LIMITATION.

25 SEC. 17317. SUBJECT TO SECTION 16186, THE DEPARTMENT MAY
26 ISSUE A NURSING HOME ADMINISTRATOR'S LICENSE, WITHOUT
27 EXAMINATION, TO AN INDIVIDUAL WHO HOLDS A CURRENT LICENSE AS A

1 NURSING HOME ADMINISTRATOR FROM ANOTHER STATE IF THE APPLICANT
2 PASSES AN EXAMINATION APPROVED BY THE DEPARTMENT AND THE BOARD
3 WHICH TESTS THE INDIVIDUAL'S KNOWLEDGE OF LAW RELATING TO PRAC-
4 TICE IN MICHIGAN.

5 SEC. 17319. (1) AN INDIVIDUAL WHO HOLDS A LICENSE ISSUED
6 UNDER FORMER ARTICLE 19 OF THE OCCUPATIONAL CODE, 1980 PA 299, ON
7 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS PART IS
8 LICENSED UNDER THIS PART UNTIL THAT LICENSE EXPIRES AND MAY RENEW
9 HIS OR HER LICENSE PURSUANT TO PART 161.

10 (2) THE MEMBERS OF THE NURSING HOME ADMINISTRATORS' BOARD
11 CREATED UNDER FORMER SECTION 1902 OF THE OCCUPATIONAL CODE, 1980
12 PA 299, SHALL SERVE AS THE INITIAL MEMBERS OF THE NURSING HOME
13 ADMINISTRATORS' BOARD CREATED IN SECTION 17305 UNTIL THEIR SUC-
14 CESSORS ARE APPOINTED UNDER THIS ARTICLE OR UNTIL THE EXPIRATION
15 OF THEIR RESPECTIVE TERMS, WHICHEVER OCCURS FIRST. HOWEVER, IF
16 THE TERM OF A MEMBER OF THE NURSING HOME ADMINISTRATORS' BOARD
17 HAS NOT EXPIRED ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
18 ADDED THIS PART, THAT TERM EXPIRES ON JUNE 30 OF THE YEAR IN
19 WHICH THE TERM WILL EXPIRE.

20 (3) RULES PROMULGATED BY THE NURSING HOME ADMINISTRATORS'
21 BOARD, THE DEPARTMENT, OR THE DIRECTOR UNDER FORMER ARTICLE 19 OF
22 THE OCCUPATIONAL CODE, 1980 PA 299, AND IN EFFECT ON THE EFFEC-
23 TIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS PART CONTINUE IN
24 EFFECT TO THE EXTENT THAT THEY DO NOT CONFLICT WITH THIS ARTICLE
25 AND SHALL CONTINUE TO BE ENFORCED. THE RULES MAY BE AMENDED OR
26 RESCINDED BY THE DIRECTOR.

1 Sec. 21720. (1) ~~A~~ THE DEPARTMENT SHALL NOT LICENSE A
2 nursing home ~~shall not be licensed~~ under this part unless that
3 nursing home is under the direction of a nursing home administra-
4 tor ~~, licensed pursuant to Act No. 166 of the Public Acts of~~
5 ~~1969, as amended, being sections 338.1181 to 338.1192 of the~~
6 ~~Michigan Compiled Laws~~ UNDER ARTICLE 15.

7 (2) Each nursing home having 50 beds or more shall have a
8 full-time licensed nursing home administrator. If a nursing home
9 changes NURSING HOME administrators, the NURSING home immediately
10 shall notify the department OF THE CHANGE.

11 Enacting section 1. (1) Article 19 of the occupational
12 code, 1980 PA 299, MCL 339.1901 to 339.1910, is repealed.

13 (2) Section 47 of the state license fee act, 1979 PA 152,
14 MCL 338.2247, is repealed.