

HOUSE BILL No. 5981

April 30, 2002, Introduced by Reps. Hale, Lemmons, Switalski, Plakas, Gielegem, Bogardus, Clark, Rison, Hansen, Rocca, Phillips, McConico, Daniels, Hardman, Frank, Lockwood, Reeves, Thomas, Bovin, Rivet, Quarles, Schauer, Spade, Stewart, Woodward, Waters, Callahan, O'Neil, Murphy, Zelenko, Jamnick, Jacobs, Toy, Godchaux, Wojno, Williams, Lipsey, Mans, Schermesser, Scranton, DeWeese, Clarke, DeRossett, Sheltroun, Pestka, Raczkowski, Pumford, Richardville and Hummel 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 2001 PA 139, 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, 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	LABORATORY TESTING	DECEMBER 31
7	Marriage and family therapy	June 30
8	Medicine	December 31
9	Occupational therapists	December 31
10	Osteopathic medicine and surgery	December 31
11	Physical therapy	December 31
12	Psychology	December 31
13	Social work	December 31
14	Veterinary medicine	December 31

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

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

22 (b) "Dentist", "doctor of dental surgery", "oral and maxil-
23 lofacial surgeon", "orthodontist", "prosthodontist",
24 "periodontist", "endodontist", "oral pathologist", "pediatric
25 dentist", "dental hygienist", "registered dental hygienist",
26 "dental assistant", "registered dental assistant", "r.d.a.",
27 "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 (s) "CLINICAL LABORATORY SCIENTIST/MEDICAL TECHNOLOGIST",
 21 "LICENSED CLINICAL LABORATORY SCIENTIST", "LICENSED MEDICAL
 22 TECHNOLOGIST", "CLINICAL LABORATORY TECHNICIAN/MEDICAL
 23 TECHNICIAN", "LICENSED CLINICAL LABORATORY TECHNICIAN", "LICENSED
 24 MEDICAL TECHNICIAN", "CLINICAL LABORATORY ASSISTANT", "LABORATORY
 25 ASSISTANT", "MEDICAL LABORATORY ASSISTANT",
 26 "C.L.S./M.T.", "C.L.M.T./M.L.T.", AND "C.L.A./M.L.A.".

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

SEC. 16351. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE TO ENGAGE IN THE PRACTICE OF LABORATORY TESTING AT THE LABORATORY CLINICAL LABORATORY ASSISTANT LEVEL, THE PRACTICE OF LABORATORY TESTING AT THE CLINICAL LABORATORY TECHNICIAN/MEDICAL TECHNICIAN LEVEL, OR THE PRACTICE OF LABORATORY TESTING AT THE CLINICAL LABORATORY SCIENTIST/MEDICAL TECHNOLOGIST LEVEL UNDER PART 187A ARE AS FOLLOWS:

(A) APPLICATION PROCESSING FEE.....	\$	20.00
(B) LICENSE FEE, PER YEAR:		
(i) CLINICAL LABORATORY ASSISTANT.....	\$	10.00
(ii) CLINICAL LABORATORY		
TECHNICIAN/MEDICAL TECHNICIAN.....	\$	20.00
(iii) CLINICAL LABORATORY		
SCIENTIST/MEDICAL TECHNOLOGIST.....	\$	20.00
(C) TEMPORARY LICENSE.....	\$	10.00
(D) LIMITED LICENSE, PER YEAR.....	\$	20.00

PART 187A. LABORATORY TESTING PERSONNEL

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

(A) "ACCREDITED EDUCATIONAL PROGRAM" MEANS A PROGRAM THAT PROVIDES INSTRUCTION AND EXPERIENCE IN LABORATORY TESTING AND

1 THAT HAS BEEN ACCREDITED BY AN ACCREDITING AGENCY RECOGNIZED BY
2 THE UNITED STATES DEPARTMENT OF EDUCATION AND APPROVED BY THE
3 DEPARTMENT.

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

6 (C) "LABORATORY" MEANS THE SITE AT WHICH A LABORATORY TEST
7 IS PERFORMED.

8 (D) "LABORATORY DIRECTOR" MEANS THAT TERM AS DEFINED IN
9 SECTION 20501.

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

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

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

22 (H) "LABORATORY TEST" MEANS A MICROBIOLOGICAL, SEROLOGICAL,
23 CHEMICAL, HEMATOLOGICAL, RADIOMETRIC, CYTOLOGICAL, BIOPHYSICAL,
24 IMMUNOLOGICAL, HISTOLOGICAL, GENETIC, OR OTHER CLINICAL OR
25 ANATOMIC PATHOLOGICAL EXAMINATION OR PROCEDURE THAT IS PERFORMED
26 ON MATERIAL DERIVED FROM OR EXISTING IN A HUMAN BODY THAT
27 PROVIDES INFORMATION FOR THE DIAGNOSIS, PREVENTION, MONITORING,

1 OR TREATMENT OF A DISEASE OR ASSESSMENT OF A MEDICAL CONDITION OR
2 PREDISPOSITION. LABORATORY TEST DOES NOT INCLUDE A WAIVERED
3 TEST, IN VIVO DIAGNOSTIC IMAGING, NONINVASIVE VASCULAR DIAGNOSTIC
4 STUDIES, OR THE COLLECTION, HANDLING, AND PREPARATION OF A BODY
5 FLUID OR MICROBIOLOGY CULTURE SPECIMEN USED FOR A LABORATORY
6 TEST, OR A TEST THE RESULTS OF WHICH ARE USED SOLELY FOR EVIDEN-
7 TIARY PURPOSES IN A CIVIL OR CRIMINAL PROCEEDING.

8 (I) "PERFUSIONIST" MEANS AN INDIVIDUAL WHO OPERATES EXTRA-
9 CORPOREAL CIRCULATION EQUIPMENT FOR A PATIENT WHOSE MEDICAL CON-
10 DITION REQUIRES THE SUPPORT OR TEMPORARY REPLACEMENT OF THE
11 PATIENT'S CARDIOPULMONARY-CIRCULATORY FUNCTION.

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

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

20 (i) PERFORMING A LABORATORY TEST PURSUANT TO ESTABLISHED
21 PROTOCOLS.

22 (ii) COMPARING PATIENT DATA TO REFERENCE RANGES ESTABLISHED
23 OR APPROVED BY THE LABORATORY DIRECTOR OR A CLINICAL LABORATORY
24 SCIENTIST/MEDICAL TECHNOLOGIST.

25 (iii) APPLYING ARITHMETIC OR ALGEBRAIC CALCULATIONS ACCORD-
26 ING TO PROTOCOLS.

(iv) PERFORMING AUTOMATED TESTS IN A MANNER REQUIRING COMPLETE RELIANCE ON LABORATORY INSTRUMENTS FOR CALIBRATIONS, CALCULATIONS, AND ANALYSES.

(l) "PRACTICE OF LABORATORY TESTING AT THE CLINICAL LABORATORY TECHNICIAN/MEDICAL TECHNICIAN LEVEL" MEANS THE PRACTICE OF LABORATORY TESTING AT THE CLINICAL LABORATORY ASSISTANT LEVEL AND 1 OR MORE OF THE FOLLOWING:

(i) PERFORMING A LABORATORY TEST PURSUANT TO CRITERIA ESTABLISHED OR APPROVED BY THE LABORATORY DIRECTOR OR A CLINICAL LABORATORY SCIENTIST/MEDICAL TECHNOLOGIST.

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

(iii) ARITHMETICAL, MATHEMATICAL, OR STATISTICAL MANIPULATION OF NUMBERS ACCORDING TO PROTOCOL.

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

(M) "PRACTICE OF LABORATORY TESTING AT THE CLINICAL LABORATORY SCIENTIST/MEDICAL TECHNOLOGIST LEVEL" MEANS THE PRACTICE OF LABORATORY TESTING AT THE CLINICAL LABORATORY ASSISTANT LEVEL, THE PRACTICE OF LABORATORY TESTING AT THE CLINICAL LABORATORY TECHNICIAN/MEDICAL TECHNICIAN LEVEL, AND 1 OR MORE OF THE FOLLOWING:

(i) DECISION MAKING THAT EMPLOYS ADVANCED KNOWLEDGE OF PATHOPHYSIOLOGY, CYTOPATHOLOGY LABORATORY METHODS, OR LABORATORY

1 INSTRUMENTATION, AND THAT DOES NOT EMPLOY PREDETERMINED
2 CRITERIA.

3 (ii) ESTABLISHING CRITERIA FOR DECISION MAKING IN LABORATORY
4 TESTING.

5 (iii) VALIDATING LABORATORY TEST DATA.

6 (iv) ESTABLISHING PROCEDURES FOR REPORTING RESULTS.

7 (v) SELECTING APPROPRIATE CALCULATION METHODS IN THE ABSENCE
8 OF ESTABLISHED GUIDELINES.

9 (vi) WITHOUT PRESET STRATEGIES, IDENTIFYING CAUSES OF
10 IMPROPER TEST PERFORMANCE AND DETERMINING ALTERNATIVE MEANS OF
11 OBTAINING CORRECT TEST PERFORMANCE OR SOLUTIONS TO PROBLEMS CRE-
12 ATED BY INCORRECT TEST PERFORMANCE.

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

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

20 (i) RENDER A DECISION.

21 (ii) VALIDATE DATA.

22 (iii) MAKE CALCULATIONS OTHER THAN THE PERFORMANCE OF SIMPLE
23 ARITHMETIC.

24 (iv) CALIBRATE INSTRUMENTS OR EQUIPMENT.

25 (v) MODIFY A SPECIMEN.

26 (2) IN ADDITION TO THE DEFINITIONS IN THIS PART, ARTICLE 1
27 CONTAINS GENERAL DEFINITIONS AND PRINCIPLES OF CONSTRUCTION

1 APPLICABLE TO ALL ARTICLES IN THIS CODE AND PART 161 CONTAINS
2 DEFINITIONS APPLICABLE TO THIS PART.

3 SEC. 18753. (1) BEGINNING 1 YEAR AFTER THE EFFECTIVE DATE
4 OF THIS PART, A PERSON SHALL NOT ENGAGE IN LABORATORY TESTING AS
5 DESCRIBED IN SECTION 18751(1)(K), (I), OR (M) UNLESS THAT PERSON
6 IS LICENSED OR OTHERWISE AUTHORIZED BY THIS ARTICLE.

7 (2) A LICENSED CLINICAL LABORATORY SCIENTIST/MEDICAL TECH-
8 NOLOGIST SHALL ONLY USE THE TITLES "LICENSED CLINICAL LABORATORY
9 SCIENTIST", "LICENSED MEDICAL TECHNOLOGIST", OR "C.L.S./M.T.".

10 (3) A LICENSED CLINICAL LABORATORY TECHNICIAN/MEDICAL TECH-
11 NICIAN SHALL ONLY USE THE TITLES "LICENSED CLINICAL LABORATORY
12 TECHNICIAN", "LICENSED MEDICAL TECHNICIAN", OR
13 "C.L.M.T./M.L.T.".

14 (4) A LICENSED CLINICAL LABORATORY ASSISTANT SHALL ONLY USE
15 THE TITLES "LICENSED LABORATORY ASSISTANT", "LABORATORY
16 ASSISTANT", "MEDICAL LABORATORY ASSISTANT", OR "C.L.A./M.L.A.".

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

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

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

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

(A) AN INDIVIDUAL WHO IS ENROLLED IN AN ACCREDITED EDUCATIONAL PROGRAM, IF THE LABORATORY TESTING PERFORMED BY THAT INDIVIDUAL IS PART OF A COURSE OF STUDY WITHIN THE ACCREDITED EDUCATIONAL PROGRAM, AND THE RESULTS OF THAT LABORATORY TESTING ARE NOT USED FOR DIAGNOSIS, PREVENTION, MONITORING, OR TREATMENT OF A DISEASE OR ASSESSMENT OF A MEDICAL CONDITION OR PREDISPOSITION.

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

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

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

(i) THE FACILITY IN WHICH THE POINT-OF-CARE TESTING IS PERFORMED IS UNDER THE DIRECTION OF A CLINICAL LABORATORY

1 SCIENTIST/MEDICAL TECHNOLOGIST WHO IS RESPONSIBLE FOR ALL OF THE
2 FOLLOWING:

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

6 (B) SUPERVISING AND MONITORING THE QUALITY ASSURANCE AND
7 QUALITY CONTROL ACTIVITIES OF THE LABORATORY.

8 (C) ASSISTING IN THE SELECTION OF TECHNOLOGY FOR THE
9 LABORATORY.

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

12 (E) REVIEWING THE RESULTS OF PROFICIENCY TESTING OF INDIVID-
13 UALS PERFORMING POINT-OF-CARE TESTING AND RECOMMENDING CORRECTIVE
14 ACTION, IF NECESSARY.

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

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

26 (i) HAS GRADUATED FROM A PERFUSION TRAINING PROGRAM APPROVED
27 BY THE DEPARTMENT AND ACCREDITED BY THE COMMITTEE ON ALLIED

1 HEALTH EDUCATION AND ACCREDITATION OF THE AMERICAN MEDICAL
2 ASSOCIATION OR THEIR SUCCESSORS AND HAS SUCCESSFULLY COMPLETED
3 THE EXAMINATION DEVELOPED BY THE AMERICAN BOARD OF CARDIOVASCULAR
4 PERFUSION OR ITS SUCCESSOR AND APPROVED BY THE DEPARTMENT.

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

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

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

25 (G) A RESPIRATORY CARE PRACTITIONER WHO PERFORMS LABORATORY
26 TESTING WHILE ENGAGED IN THE PRACTICE OF RESPIRATORY CARE AS
27 DEFINED BY THE CREDENTIALING EXAM CONTENT OUTLINES OF THE

1 NATIONAL BOARD FOR RESPIRATORY CARE IN EFFECT ON THE EFFECTIVE
2 DATE OF THIS PART, WHICH CREDENTIALING EXAM CONTENT OUTLINES ARE
3 INCORPORATED BY REFERENCE, IF THE RESPIRATORY CARE PRACTITIONER
4 DOES NOT PERFORM AN ACT, TASK, OR FUNCTION FOR WHICH HE OR SHE
5 HAS NOT BEEN TRAINED, AND MEETS 1 OF THE FOLLOWING:

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

9 (A) CERTIFIED RESPIRATORY THERAPY TECHNICIAN.

10 (B) REGISTERED RESPIRATORY THERAPIST.

11 (C) CERTIFIED PULMONARY FUNCTION TECHNOLOGIST.

12 (D) REGISTERED PULMONARY FUNCTION TECHNOLOGIST.

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

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

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

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

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

(D) TWO PUBLIC MEMBERS.

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

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

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

(A) TO ENGAGE IN THE PRACTICE OF LABORATORY TESTING AT THE CLINICAL LABORATORY ASSISTANT LEVEL TO AN INDIVIDUAL WHO THE BOARD DETERMINES HAS SUFFICIENT KNOWLEDGE ESSENTIAL TO THE SAFE AND COMPETENT PRACTICE OF HIS OR HER PROFESSION AND WHO HAS SUCCESSFULLY COMPLETED HIGH SCHOOL OR ITS EQUIVALENT AND EITHER OF THE FOLLOWING:

(i) AN ACCREDITED EDUCATIONAL PROGRAM AT THE CLINICAL LABORATORY ASSISTANT LEVEL OR AT AN EQUIVALENT LEVEL THAT IS APPROVED BY THE BOARD.

(ii) ONE YEAR OF FULL-TIME LABORATORY EXPERIENCE WITHIN THE 3-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF APPLICATION IN A LABORATORY ACTIVITY APPROVED BY THE BOARD AND UNDER THE SUPERVISION OF A CLINICAL LABORATORY SCIENTIST/MEDICAL TECHNOLOGIST, A CLINICAL LABORATORY TECHNICIAN/MEDICAL TECHNICIAN, OR AN INDIVIDUAL DESCRIBED IN SECTION 18753 WHO IS APPROVED BY THE BOARD TO PRACTICE LABORATORY TESTING AT THE CLINICAL LABORATORY SCIENTIST/MEDICAL TECHNOLOGIST OR CLINICAL LABORATORY TECHNICIAN/MEDICAL TECHNICIAN LEVEL.

(B) TO ENGAGE IN THE PRACTICE OF LABORATORY TESTING AT THE CLINICAL LABORATORY TECHNICIAN/MEDICAL TECHNICIAN LEVEL TO AN INDIVIDUAL WHO THE BOARD DETERMINES HAS SUFFICIENT KNOWLEDGE ESSENTIAL TO THE SAFE AND COMPETENT PRACTICE OF HIS OR HER PROFESSION AND WHO HAS SUCCESSFULLY COMPLETED OR ATTAINED 1 OR MORE OF THE FOLLOWING:

(i) AN ACCREDITED EDUCATIONAL PROGRAM AT THE CLINICAL LABORATORY TECHNICIAN/MEDICAL TECHNICIAN OR HISTOLOGIC TECHNICIAN LEVEL.

(ii) AN ASSOCIATE'S DEGREE FROM AN ACCREDITED COLLEGE OR UNIVERSITY APPROVED BY THE BOARD, INCLUDING COURSE WORK APPROVED BY THE BOARD, AND 2 YEARS OF FULL-TIME LABORATORY EXPERIENCE ATTAINED WITHIN THE 3 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION IN A LABORATORY ACTIVITY APPROVED BY THE BOARD AND UNDER THE SUPERVISION OF A CLINICAL LABORATORY SCIENTIST/MEDICAL TECHNOLOGIST, AN INDIVIDUAL DESCRIBED IN SECTION 18763 WHO IS APPROVED BY THE BOARD TO PRACTICE LABORATORY TESTING AT THE

1 CLINICAL LABORATORY SCIENTIST/MEDICAL TECHNOLOGIST LEVEL, OR AN
2 INDIVIDUAL DESCRIBED IN SECTION 18769.

3 (C) TO ENGAGE IN THE PRACTICE OF LABORATORY TESTING AT THE
4 CLINICAL LABORATORY SCIENTIST/MEDICAL TECHNOLOGIST LEVEL TO AN
5 INDIVIDUAL WHO THE BOARD DETERMINES HAS SUFFICIENT KNOWLEDGE
6 ESSENTIAL TO THE SAFE AND COMPETENT PRACTICE OF HIS OR HER PRO-
7 FESSION AND WHO HAS SUCCESSFULLY COMPLETED OR ATTAINED 1 OR MORE
8 OF THE FOLLOWING:

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

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

22 (2) THE BOARD MAY ACCEPT A PERSON'S CERTIFICATION BY A
23 NATIONAL ORGANIZATION APPROVED BY THE BOARD AS EVIDENCE THAT THE
24 PERSON HAS SUFFICIENT KNOWLEDGE ESSENTIAL TO THE SAFE AND COMPE-
25 TENT PRACTICE OF HIS OR HER PROFESSION. THE BOARD SHALL NOT
26 ACCEPT CERTIFICATION OF A PERSON AS DESCRIBED IN THIS SUBSECTION
27 UNLESS THE CERTIFYING NATIONAL ORGANIZATION REQUIRES SUCCESSFUL

1 PASSAGE OF A COMPETENCY BASED EXAMINATION VALIDATED BY THAT
2 ORGANIZATION.

3 SEC. 18763. (1) IF A PERSON APPLIES FOR LICENSURE AT A
4 LEVEL DESCRIBED IN SECTION 18751(1)(K), (I), OR (M) WITHIN 1 YEAR
5 AFTER THE EFFECTIVE DATE OF THIS PART AND THAT PERSON IS TRAINED
6 IN LABORATORY TESTING AT THAT LEVEL AND CERTIFIED BY A NATIONAL
7 CERTIFYING AGENCY APPROVED BY THE BOARD OR HAS ENGAGED IN THE
8 PRACTICE OF LABORATORY TESTING AT THAT LEVEL IN A LABORATORY FOR
9 A PERIOD OF AT LEAST 1 YEAR, THE BOARD SHALL ISSUE TO THAT PERSON
10 A LICENSE FOR THAT LEVEL.

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

14 SEC. 18765. (1) IN ADDITION TO THE REQUIREMENTS OF
15 PART 161, THE BOARD SHALL REQUIRE A CLINICAL LABORATORY
16 SCIENTIST/MEDICAL TECHNOLOGIST OR CLINICAL LABORATORY TECHNICIAN
17 SEEKING RENEWAL OF A LICENSE TO FURNISH EVIDENCE OF EITHER OF THE
18 FOLLOWING:

19 (A) THE LICENSEE'S SUCCESSFUL COMPLETION, DURING THE 3 YEARS
20 IMMEDIATELY PRECEDING APPLICATION FOR RENEWAL, OF AT LEAST
21 30 HOURS OF CONTINUING EDUCATION COURSES, CLINICS, LECTURES,
22 TRAINING PROGRAMS, SEMINARS, OR OTHER PROGRAMS RELATED TO LABORA-
23 TORY TESTING THAT ARE APPROVED BY THE BOARD.

24 (B) PROOF OF RECERTIFICATION BY A NATIONAL CERTIFICATION
25 AGENCY APPROVED BY THE BOARD.

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

4 (A) THAT PERSON'S SUCCESSFUL COMPLETION, DURING THE 3 YEARS
5 IMMEDIATELY PRECEDING APPLICATION FOR RENEWAL, OF AT LEAST
6 10 HOURS OF CONTINUING EDUCATION COURSES, CLINICS, LECTURES,
7 TRAINING PROGRAMS, SEMINARS, OR OTHER PROGRAMS APPROVED BY THE
8 BOARD.

9 (B) PROOF OF RECERTIFICATION BY A NATIONAL CERTIFYING AGENCY
10 APPROVED BY THE BOARD.

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

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

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