

**SUBSTITUTE FOR
HOUSE BILL NO. 5078**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 17001 and 17501 (MCL 333.17001 and
333.17501), section 17001 as amended by 1990 PA 248 and section
17501 as amended by 1990 PA 247, and by adding sections 17018 and
17518.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 17001. (1) As used in this part:
- 2 (a) "Academic institution" means either of the following:
- 3 (i) A medical school approved by the board.
- 4 (ii) A hospital licensed under article 17 that meets all of
- 5 the following requirements:
- 6 (A) Was the sole sponsor or a co-sponsor, if each other
- 7 co-sponsor is either a medical school approved by the board or a
- 8 hospital owned by the federal government and directly operated by

1 the United States department of veterans' affairs, of not less
2 than 4 postgraduate education residency programs approved by the
3 board under section 17031(1) for not less than the 3 years
4 immediately preceding the date of an application for a limited
5 license under section 16182(2)(c) or an application for a full
6 license under section 17031(2), provided that at least 1 of the
7 residency programs is in the specialty area of medical practice,
8 or in a specialty area that includes the subspecialty of medical
9 practice, in which the applicant for a limited license proposes
10 to practice or in which the applicant for a full license has
11 practiced for the hospital.

12 (B) Has spent not less than \$2,000,000.00 for medical
13 education during each of the 3 years immediately preceding the
14 date of an application for a limited license under
15 section 16182(2)(c) or an application for a full license under
16 section 17031(2). As used in this subparagraph, "medical
17 education" means the education of physicians and candidates for
18 degrees or licenses to become physicians, including, but not
19 limited to, physician staff, residents, interns, and medical
20 students.

21 **(b) "Electrodiagnostic studies" means the testing of**
22 **neuromuscular functions utilizing nerve conduction tests and**
23 **needle electromyography. It does not include the use of surface**
24 **electromyography.**

25 **(c) —(b)— "Medical care services" means those services within**
26 **the scope of practice of physicians licensed by the board, except**
27 **those services that the board determines shall not be delegated**

1 by a physician without endangering the health and safety of
2 patients as provided for in section 17048(3).

3 (d) ~~(e)~~ "Physician" means an individual licensed under this
4 article to engage in the practice of medicine.

5 (e) ~~(d)~~ "Practice of medicine" means the diagnosis,
6 treatment, prevention, cure, or relieving of a human disease,
7 ailment, defect, complaint, or other physical or mental
8 condition, by attendance, advice, device, diagnostic test, or
9 other means, or offering, undertaking, attempting to do, or
10 holding oneself out as able to do, any of these acts.

11 (f) ~~(e)~~ "Practice as a physician's assistant" means the
12 practice of medicine or osteopathic medicine and surgery
13 performed under the supervision of a physician or physicians
14 licensed under this part or part 175.

15 (g) ~~(f)~~ "Supervision" means that term as defined in section
16 16109, except that it also includes the existence of a
17 predetermined plan for emergency situations, including, but not
18 limited to, the designation of a physician to supervise a
19 physician's assistant in the absence of the primary supervising
20 physician.

21 (h) ~~(g)~~ "Task force" means the joint task force created in
22 sections 17025 and 17525.

23 (2) In addition to the definitions in this part, article 1
24 contains definitions and principles of construction applicable to
25 all articles in this code and part 161 contains definitions
26 applicable to this part.

27 **Sec. 17018. (1) Except as otherwise provided under this**

1 section, only an individual who is licensed as a physician and
2 who has successfully completed additional training in the
3 performance and interpretation of electrodiagnostic studies that
4 is satisfactory to the board shall perform needle
5 electromyography or interpret nerve conduction tests. A
6 physician shall not delegate the interpretation of nerve
7 conduction tests to another individual unless that individual is
8 licensed under this article to engage in the practice of medicine
9 or osteopathic medicine and surgery and has successfully
10 completed the additional training as described in this
11 subsection. A physician shall not delegate the performance of
12 needle electromyography to another individual unless that
13 individual is licensed under this article to engage in the
14 practice of medicine or osteopathic medicine and surgery and has
15 successfully completed the additional training as described in
16 this subsection or that individual is otherwise authorized under
17 subsection (3).

18 (2) In accordance with section 16215, a physician may
19 delegate the performance of nerve conduction tests to a licensed
20 or unlicensed individual who is otherwise qualified by education,
21 training, or experience if those tests are conducted under the
22 direct supervision of a physician.

23 (3) A physical therapist who is licensed under this article
24 and certified by the American board of physical therapy
25 specialties as an electrophysiologic clinical specialist on the
26 effective date of this section may perform electrodiagnostic
27 studies that are to be interpreted by a physician if he or she

1 has been performing electrodiagnostic studies in this state on a
2 consistent basis within the 5 years immediately preceding the
3 effective date of this section.

4 (4) A podiatrist who is licensed under this article and has
5 successfully completed additional training in the performance and
6 interpretation of electrodiagnostic studies that is satisfactory
7 to his or her respective board may conduct electrodiagnostic
8 studies.

9 Sec. 17501. (1) As used in this part:

10 (a) "Electrodiagnostic studies" means the testing of
11 neuromuscular functions utilizing nerve conduction tests and
12 needle electromyography. It does not include the use of surface
13 electromyography.

14 (b) ~~(a)~~ "Medical care services" means those services within
15 the scope of practice of physicians licensed and approved by the
16 board, except those services that the board determines shall not
17 be delegated by a physician without endangering the health and
18 safety of patients as provided for in section 17548(3).

19 (c) ~~(b)~~ "Physician" means an individual licensed under this
20 article to engage in the practice of osteopathic medicine and
21 surgery.

22 (d) ~~(c)~~ "Practice of osteopathic medicine and surgery"
23 means a separate, complete, and independent school of medicine
24 and surgery utilizing full methods of diagnosis and treatment in
25 physical and mental health and disease, including the
26 prescription and administration of drugs and biologicals,
27 operative surgery, obstetrics, radiological and other

1 electromagnetic emissions, and placing special emphasis on the
2 interrelationship of the musculoskeletal system to other body
3 systems.

4 **(e)** ~~-(d)-~~ "Practice as a physician's assistant" means the
5 practice of osteopathic medicine performed under the supervision
6 of a physician licensed under this part or part 170.

7 **(f)** ~~-(e)-~~ "Supervision" has the meaning ascribed to it in
8 section 16109 except that it includes the existence of a
9 predetermined plan for emergency situations, including, but not
10 limited to, the designation of a physician to supervise a
11 physician's assistant in the absence of the primary supervising
12 physician.

13 **(g)** ~~-(f)-~~ "Task force" means the joint task force created in
14 sections 17025 and 17525.

15 (2) In addition to the definitions in this part, article 1
16 contains general definitions and principles of construction
17 applicable to all articles in the code and part 161 contains
18 definitions applicable to this part.

19 **Sec. 17518. (1) Except as otherwise provided in this**
20 **section, only an individual who is licensed as a physician and**
21 **who has successfully completed additional training in the**
22 **performance and interpretation of electrodiagnostic studies that**
23 **is satisfactory to the board shall perform needle**
24 **electromyography or interpret nerve conduction tests. A**
25 **physician shall not delegate the interpretation of nerve**
26 **conduction studies to another individual unless that individual**
27 **is licensed under this article to engage in the practice of**

1 medicine or osteopathic medicine and surgery and has successfully
2 completed the additional training as described in this
3 subsection. A physician shall not delegate the performance of
4 needle electromyography to another individual unless that
5 individual is licensed under this article to engage in the
6 practice of medicine or osteopathic medicine and surgery and has
7 successfully completed the additional training as described in
8 this subsection or that individual is otherwise authorized under
9 subsection (3).

10 (2) In accordance with section 16215, a physician may
11 delegate the performance of nerve conduction tests to a licensed
12 or unlicensed individual who is otherwise qualified by education,
13 training, or experience if those tests are conducted under the
14 direct supervision of a physician.

15 (3) A physical therapist who is licensed under this article
16 and certified by the American board of physical therapy
17 specialties as an electrophysiologic clinical specialist on the
18 effective date of this section may perform electrodiagnostic
19 studies that are to be interpreted by a physician if he or she
20 has been performing electrodiagnostic studies in this state on a
21 consistent basis within the 5 years immediately preceding the
22 effective date of this section.

23 (4) A podiatrist who is licensed under this article and has
24 successfully completed additional training in the performance and
25 interpretation of electrodiagnostic studies that is satisfactory
26 to his or her respective board may conduct electrodiagnostic
27 studies.