

HOUSE BILL No. 4554

April 9, 2003, Introduced by Reps. Gielegheem, Smith, Sak, Dennis, McConico, Plakas, Accavitti, Wojno, Minore, Jamnick, Law, LaSata, Hardman, Reeves, Spade, Rivet, Lipsey, Woodward, O'Neil, Sheltroun, Richardville, Van Regenmorter, Pumford, Hart, Waters, Murphy, Williams, Whitmer, Hummel, DeRossett, Gaffney, Phillips, Gleason, Bieda, Gillard, Condino, Clack, Farrah, Vander Veen, Ward, Stakoe, Paletko, Pappageorge, Meisner and Daniels 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
3 vacancies, expire 4 years after appointment as follows:

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

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

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

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

20 (b) "Dentist", "doctor of dental surgery", "oral and
21 maxillofacial surgeon", "orthodontist", "prosthodontist",
22 "periodontist", "endodontist", "oral pathologist", "pediatric
23 dentist", "dental hygienist", "registered dental hygienist",
24 "dental assistant", "registered dental assistant", "r.d.a.",
25 "d.d.s.", "d.m.d.", and "r.d.h.".

26 (c) "Doctor of medicine" and "m.d.".

27 (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", "psychological
18 assistant", "psychological examiner", "licensed psychologist",
19 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) "Social worker", "certified social worker", "social work
24 technician", "s.w.", "c.s.w.", and "s.w.t.".

25 (o) "Veterinary", "veterinarian", "veterinary doctor",
26 "veterinary surgeon", "doctor of veterinary medicine", "v.m.d.",
27 "d.v.m.", "animal technician", or "animal technologist".

1 (p) "Occupational therapist", "occupational therapist
2 registered", "certified occupational therapist", "o.t.",
3 "o.t.r.", "c.o.t.", "certified occupational therapy assistant",
4 "occupational therapy assistant", or "c.o.t.a.".

5 (q) "Marriage advisor" or "marriage consultant"; "family
6 counselor", "family advisor", "family therapist", or "family
7 consultant"; "family guidance counselor", "family guidance
8 advisor", or "family guidance consultant"; "marriage guidance
9 counselor", "marriage guidance advisor", or "marriage guidance
10 consultant"; "family relations counselor"; "marriage relations
11 counselor", "marriage relations advisor", or "marriage relations
12 consultant"; "marital counselor" or "marital therapist"; "limited
13 licensed marriage and family therapist" or "limited licensed
14 marriage counselor"; "licensed marriage and family therapist" or
15 "licensed marriage counselor"; and "l.m.f.t.".

16 (r) "Nursing home administrator".

17 (s) "Clinical laboratory scientist/medical technologist",
18 "licensed clinical laboratory scientist", "licensed medical
19 technologist", "clinical laboratory technician/medical
20 technician", "licensed clinical laboratory technician", "licensed
21 medical technician", "clinical laboratory assistant", "laboratory
22 assistant", "medical laboratory assistant",
23 "C.L.S./M.T.", "C.L.M.T./M.L.T.", and "C.L.A./M.L.A.".

24 (2) Notwithstanding section 16261, a person who was specially
25 trained at an institution of higher education in this state to
26 assist a physician in the field of orthopedics and upon
27 completion of training, received a 2-year associate of science

1 degree as an orthopedic physician's assistant before January 1,
 2 1977, may use the title "orthopedic physician's assistant"
 3 whether or not the person is licensed under this article.

4 **Sec. 16351. Fees for a person licensed or seeking licensure**
 5 **to engage in the practice of laboratory testing at the laboratory**
 6 **clinical laboratory assistant level, the practice of laboratory**
 7 **testing at the clinical laboratory technician/medical technician**
 8 **level, or the practice of laboratory testing at the clinical**
 9 **laboratory scientist/medical technologist level under part 187A**
 10 **are as follows:**

11	(a) Application processing fee.....	\$	20.00
12	(b) License fee, per year:		
13	(i) Clinical laboratory assistant.....	\$	10.00
14	(ii) Clinical laboratory		
15	technician/medical technician.....	\$	20.00
16	(iii) Clinical laboratory		
17	scientist/medical technologist.....	\$	20.00
18	(c) Temporary license.....	\$	10.00
19	(d) Limited license, per year.....	\$	20.00

20 **PART 187A. LABORATORY TESTING PERSONNEL**

21 **Sec. 18751. (1) As used in this part:**

22 (a) "Accredited educational program" means a program that
 23 provides instruction and experience in laboratory testing and
 24 that has been accredited by an accrediting agency recognized by
 25 the United States department of education and approved by the
 26 department.

27 (b) "Client" means the individual upon whose body, body

1 fluid, or body part a laboratory test is performed.

2 (c) "Laboratory" means the site at which a laboratory test is
3 performed.

4 (d) "Laboratory director" means that term as defined in
5 section 20501.

6 (e) "Clinical laboratory assistant" means an individual who
7 is licensed under this article to engage in the practice of
8 laboratory testing at the clinical laboratory assistant level,
9 subject to section 18767.

10 (f) "Clinical laboratory technician/medical technician" means
11 an individual who is licensed under this article to engage in the
12 practice of laboratory testing at the clinical laboratory
13 technician/medical technician level, subject to section 18767.

14 (g) "Clinical laboratory scientist/medical technologist"
15 means an individual who is licensed under this article to engage
16 in the practice of laboratory testing at the clinical laboratory
17 scientist/medical technologist level, subject to section 18767.

18 (h) "Laboratory test" means a microbiological, serological,
19 chemical, hematological, radiometric, cytological, biophysical,
20 immunological, histological, genetic, or other clinical or
21 anatomic pathological examination or procedure that is performed
22 on material derived from or existing in a human body that
23 provides information for the diagnosis, prevention, monitoring,
24 or treatment of a disease or assessment of a medical condition or
25 predisposition. Laboratory test does not include a waived
26 test, in vivo diagnostic imaging, noninvasive vascular diagnostic
27 studies, or the collection, handling, and preparation of a body

1 fluid or microbiology culture specimen used for a laboratory
2 test, or a test the results of which are used solely for
3 evidentiary purposes in a civil or criminal proceeding.

4 (i) "Perfusionist" means an individual who operates
5 extracorporeal circulation equipment for a patient whose medical
6 condition requires the support or temporary replacement of the
7 patient's cardiopulmonary-circulatory function.

8 (j) "Point-of-care testing" means a laboratory test performed
9 in a hospital or a freestanding outpatient surgical facility
10 licensed under article 17 that is performed on and near the
11 patient to reduce testing time or time to treatment, but does not
12 include a laboratory test performed in a laboratory described in
13 section 20507(a), (b), or (c).

14 (k) "Practice of laboratory testing at the clinical
15 laboratory assistant level" means 1 or more of the following:

16 (i) Performing a laboratory test pursuant to established
17 protocols.

18 (ii) Comparing patient data to reference ranges established
19 or approved by the laboratory director or a clinical laboratory
20 scientist/medical technologist.

21 (iii) Applying arithmetic or algebraic calculations according
22 to protocols.

23 (iv) Performing automated tests in a manner requiring
24 complete reliance on laboratory instruments for calibrations,
25 calculations, and analyses.

26 (l) "Practice of laboratory testing at the clinical
27 laboratory technician/medical technician level" means the

1 practice of laboratory testing at the clinical laboratory
2 assistant level and 1 or more of the following:

3 (i) Performing a laboratory test pursuant to criteria
4 established or approved by the laboratory director or a clinical
5 laboratory scientist/medical technologist.

6 (ii) Evaluating data pursuant to criteria established or
7 approved by the laboratory director or a clinical laboratory
8 scientist/medical technologist.

9 (iii) Arithmetical, mathematical, or statistical manipulation
10 of numbers according to protocol.

11 (iv) Identifying a direct cause of improper test performance
12 and correcting that cause according to strategies established by
13 the laboratory director or a clinical laboratory
14 scientist/medical technologist.

15 (m) "Practice of laboratory testing at the clinical
16 laboratory scientist/medical technologist level" means the
17 practice of laboratory testing at the clinical laboratory
18 assistant level, the practice of laboratory testing at the
19 clinical laboratory technician/medical technician level, and 1 or
20 more of the following:

21 (i) Decision making that employs advanced knowledge of
22 pathophysiology, cytopathology laboratory methods, or laboratory
23 instrumentation, and that does not employ predetermined
24 criteria.

25 (ii) Establishing criteria for decision making in laboratory
26 testing.

27 (iii) Validating laboratory test data.

(iv) Establishing procedures for reporting results.

(v) Selecting appropriate calculation methods in the absence of established guidelines.

(vi) Without preset strategies, identifying causes of improper test performance and determining alternative means of obtaining correct test performance or solutions to problems created by incorrect test performance.

(n) "Protocol" means information prepared or approved by the laboratory director or a clinical laboratory scientist/medical technologist that provides a step-by-step description of the manner in which a laboratory test is to be performed.

(o) "Waivered test" means a laboratory test that does not require the person performing the laboratory test to do 1 or more of the following:

(i) Render a decision.

(ii) Validate data.

(iii) Make calculations other than the performance of simple arithmetic.

(iv) Calibrate instruments or equipment.

(v) Modify a specimen.

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

Sec. 18753. (1) Beginning 1 year after the effective date of this part, a person shall not engage in laboratory testing as described in section 18751(1)(k), (l), or (m) unless that person

1 is licensed or otherwise authorized by this article.

2 (2) A licensed clinical laboratory scientist/medical
3 technologist shall only use the titles "licensed clinical
4 laboratory scientist", "licensed medical technologist", or
5 "C.L.S./M.T.".

6 (3) A licensed clinical laboratory technician/medical
7 technician shall only use the titles "licensed clinical
8 laboratory technician", "licensed medical technician", or
9 "C.L.M.T./M.L.T.".

10 (4) A licensed clinical laboratory assistant shall only use
11 the titles "licensed laboratory assistant", "laboratory
12 assistant", "medical laboratory assistant", or "C.L.A./M.L.A.".

13 Sec. 18755. (1) The board may grant a limited license to an
14 individual to practice laboratory testing at the clinical
15 laboratory scientist/medical technologist, clinical laboratory
16 technician, or clinical laboratory assistant level. An
17 individual who holds a limited license under this section shall
18 provide a laboratory test service only under the supervision of
19 an individual licensed or otherwise authorized under this part to
20 perform the laboratory test.

21 (2) A limited license issued under this section is effective
22 for not more than 4 years from the date of issuance.

23 (3) In addition to the grounds for discipline and sanctions
24 prescribed under sections 16221 and 16226, the board shall review
25 the supervision of an individual licensed under this section at
26 least once annually and may revoke or suspend a limited license
27 if the board determines that the individual to whom that limited

1 license is issued lacks adequate supervision.

2 Sec. 18757. This part does not apply to the following:

3 (a) An individual who is enrolled in an accredited
4 educational program, if the laboratory testing performed by that
5 individual is part of a course of study within the accredited
6 educational program, and the results of that laboratory testing
7 are not used for diagnosis, prevention, monitoring, or treatment
8 of a disease or assessment of a medical condition or
9 predisposition.

10 (b) An individual engaged in teaching or research, if the
11 results of each laboratory test performed by that individual are
12 not used in diagnosis, prevention, monitoring, or treatment of a
13 disease or assessment of a medical condition or predisposition.

14 (c) A certified, licensed, or statutorily recognized member
15 of any other profession who practices his or her profession as
16 authorized by law, if that individual does not hold himself or
17 herself out to the public as a clinical laboratory
18 scientist/medical technologist, clinical laboratory technician,
19 or clinical laboratory assistant licensed under this article.

20 (d) An individual performing point-of-care testing if both of
21 the following requirements are met:

22 (i) The facility in which the point-of-care testing is
23 performed is under the direction of a clinical laboratory
24 scientist/medical technologist who is responsible for all of the
25 following:

26 (A) Designing and providing or supervising the training
27 programs for individuals who perform point-of-care testing in the

1 hospital or freestanding outpatient surgical facility.

2 (B) Supervising and monitoring the quality assurance and
3 quality control activities of the laboratory.

4 (C) Assisting in the selection of technology for the
5 laboratory.

6 (D) Monitoring the continued competency of individuals
7 performing point-of-care testing.

8 (E) Reviewing the results of proficiency testing of
9 individuals performing point-of-care testing and recommending
10 corrective action, if necessary.

11 (ii) The facility in which the point-of-care testing is
12 performed has procedures that ensure and document the continued
13 competency of individuals who perform point-of-care testing and
14 that are approved by the board.

15 (e) A perfusionist performing laboratory testing for
16 extracorporeal functions including, but not limited to, those
17 functions necessary for the support, treatment, measurement, or
18 supplementation of the cardiopulmonary or circulatory system of a
19 patient, if the perfusionist does not perform an act, task, or
20 function for which he or she is not trained and meets 1 of the
21 following:

22 (i) Has graduated from a perfusion training program approved
23 by the department and accredited by the committee on allied
24 health education and accreditation of the American medical
25 association or their successors and has successfully completed
26 the examination developed by the American board of cardiovascular
27 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
8 completing the examination developed by the American board of
9 cardiovascular perfusion or its successor and approved by the
10 department, is supervised by a perfusionist who meets the
11 requirements of 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
17 association or their successors, if during the performance of
18 laboratory testing the individual is under the direct physical
19 supervision 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
27 does not perform an act, task, or function for which he or she

1 has not been trained, and meets 1 of the following:

2 (i) Has been granted 1 of the following department-approved
3 credentials by the national board for respiratory care or its
4 successor:

5 (A) Certified respiratory therapy technician.

6 (B) Registered respiratory therapist.

7 (C) Certified pulmonary function technologist.

8 (D) Registered pulmonary function technologist.

9 (ii) Has not been granted 1 of the credentials described in
10 subparagraph (i), but performs laboratory testing related to the
11 practice of respiratory care under the supervision of a
12 respiratory care practitioner who has been granted 1 of the
13 credentials described in subparagraph (i), if the supervising
14 respiratory care practitioner has documented training and
15 demonstrated proficiency in all aspects of the laboratory testing
16 procedures performed.

17 Sec. 18759. (1) The Michigan board of laboratory testing is
18 created within the department. The board shall comply with
19 part 161 and shall consist of 7 members, including the
20 following:

21 (a) At least 1 person engaged primarily in the practice of
22 laboratory testing at the clinical laboratory assistant level.

23 (b) At least 1 person engaged in the practice of laboratory
24 testing at the clinical laboratory technician/medical technician
25 level.

26 (c) At least 1 person engaged in the practice of laboratory
27 testing at the clinical laboratory scientist/medical technologist

1 level.

2 (d) Two public members.

3 (2) The board members appointed under subsection (1)(a) to
4 (c) shall have among them anatomical and clinical pathological
5 testing experience and shall meet the requirements of section
6 16135(2).

7 (3) The board shall submit rules to implement this part for
8 public hearing pursuant to the administrative procedures act of
9 1969 within 180 days after the effective date of this part.

10 Sec. 18761. (1) Except as otherwise provided in
11 section 18753, the board may issue a license under this part as
12 follows:

13 (a) To engage in the practice of laboratory testing at the
14 clinical laboratory assistant level to an individual who the
15 board determines has sufficient knowledge essential to the safe
16 and competent practice of his or her profession and who has
17 successfully completed high school or its equivalent and either
18 of the following:

19 (i) An accredited educational program at the clinical
20 laboratory assistant level or at an equivalent level that is
21 approved by the board.

22 (ii) One year of full-time laboratory experience within the
23 3-year period immediately preceding the date of application in a
24 laboratory activity approved by the board and under the
25 supervision of a clinical laboratory scientist/medical
26 technologist, a clinical laboratory technician/medical
27 technician, or an individual described in section 18753 who is

1 approved by the board to practice laboratory testing at the
2 clinical laboratory scientist/medical technologist or clinical
3 laboratory technician/medical technician level.

4 (b) To engage in the practice of laboratory testing at the
5 clinical laboratory technician/medical technician level to an
6 individual who the board determines has sufficient knowledge
7 essential to the safe and competent practice of his or her
8 profession and who has successfully completed or attained 1 or
9 more of the following:

10 (i) An accredited educational program at the clinical
11 laboratory technician/medical technician or histologic technician
12 level.

13 (ii) An associate's degree from an accredited college or
14 university approved by the board, including course work approved
15 by the board, and 2 years of full-time laboratory experience
16 attained within the 3 years immediately preceding the date of
17 application in a laboratory activity approved by the board and
18 under the supervision of a clinical laboratory scientist/medical
19 technologist, an individual described in section 18763 who is
20 approved by the board to practice laboratory testing at the
21 clinical laboratory scientist/medical technologist level, or an
22 individual described in section 18769.

23 (c) To engage in the practice of laboratory testing at the
24 clinical laboratory scientist/medical technologist level to an
25 individual who the board determines has sufficient knowledge
26 essential to the safe and competent practice of his or her
27 profession and who has successfully completed or attained 1 or

1 more of the following:

2 (i) An accredited educational program approved by the board
3 at the cytotechnologist, clinical laboratory scientist/medical
4 technologist, or histotechnologist level.

5 (ii) A baccalaureate degree from an accredited college or
6 university approved by the board, including course work approved
7 by the board, and 2 years of full-time laboratory experience
8 attained within the 4-year period immediately preceding the date
9 of application in areas of laboratory testing approved by the
10 board and under the supervision of a clinical laboratory
11 scientist/medical technologist, an individual described in
12 section 18763 who is approved by the board to practice laboratory
13 testing at the clinical laboratory scientist/medical technologist
14 level, or an individual described in section 18769.

15 (2) The board may accept a person's certification by a
16 national organization approved by the board as evidence that the
17 person has sufficient knowledge essential to the safe and
18 competent practice of his or her profession. The board shall not
19 accept certification of a person as described in this subsection
20 unless the certifying national organization requires successful
21 passage of a competency based examination validated by that
22 organization.

23 Sec. 18763. (1) If a person applies for licensure at a
24 level described in section 18751(1)(k), (l), or (m) within 1 year
25 after the effective date of this part and that person is trained
26 in laboratory testing at that level and certified by a national
27 certifying agency approved by the board or has engaged in the

1 practice of laboratory testing at that level in a laboratory for
2 a period of at least 1 year, the board shall issue to that person
3 a license for that level.

4 (2) The board shall require each individual who applies for
5 renewal of a license granted under this section to meet
6 applicable continuing education requirements of section 18765.

7 Sec. 18765. (1) In addition to the requirements of
8 part 161, the board shall require a clinical laboratory
9 scientist/medical technologist or clinical laboratory technician
10 seeking renewal of a license to furnish evidence of either of the
11 following:

12 (a) The licensee's successful completion, during the 3 years
13 immediately preceding application for renewal, of at least
14 30 hours of continuing education courses, clinics, lectures,
15 training programs, seminars, or other programs related to
16 laboratory testing that are approved by the board.

17 (b) Proof of recertification by a national certification
18 agency approved by the board.

19 (2) The board shall require a clinical laboratory assistant
20 seeking renewal of a license to furnish evidence of either of the
21 following:

22 (a) That person's successful completion, during the 3 years
23 immediately preceding application for renewal, of at least
24 10 hours of continuing education courses, clinics, lectures,
25 training programs, seminars, or other programs approved by the
26 board.

27 (b) Proof of recertification by a national certifying agency

1 approved by the board.

2 Sec. 18767. A license issued under this part is effective
3 for 3 years. A licensee shall not perform an act, task, or
4 function within the practice of laboratory testing for which he
5 or she is not trained.

6 Sec. 18769. The supervision described in section 18755 may
7 be provided by an allopathic or osteopathic physician licensed
8 under this article and part 170 or 175.

9 Sec. 18771. A communication between a licensee and a client
10 and a client's laboratory test results are confidential and shall
11 not be disclosed to a third party by the licensee without the
12 consent of the client or except as otherwise provided by law.
13 For purposes of this section, "third party" does not include a
14 health care professional licensed under this article who
15 requested the laboratory test on behalf of the client.