

SENATE BILL No. 924

January 21, 2004, Introduced by Senators KUIPERS, GEORGE and BERNERO and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16263 and 17001 (MCL 333.16263 and
333.17001), section 16263 as amended by 2001 PA 139 and section
17001 as amended by 1990 PA 248, and by adding sections 16326,
17091, 17093, and 17095.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

6 (a) "Chiropractic", "doctor of chiropractic", "chiropractor",
7 "d.c.", and "chiropractic physician".

8 (b) "Dentist", "doctor of dental surgery", "oral and

1 maxillofacial surgeon", "orthodontist", "prosthodontist",
 2 "periodontist", "endodontist", "oral pathologist", "pediatric
 3 dentist", "dental hygienist", "registered dental hygienist",
 4 "dental assistant", "registered dental assistant", "r.d.a.",
 5 "d.d.s.", "d.m.d.", and "r.d.h.".

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

7 (d) "Physician's assistant" and "p.a.".

8 (e) "Registered professional nurse", "registered nurse",
 9 "r.n.", "licensed practical nurse", "l.p.n.", "nurse midwife",
 10 "nurse anesthetist", "nurse practitioner", "trained attendant",
 11 and "t.a.".

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

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

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

17 (i) "Physical therapy", "physical therapist",
 18 "physiotherapist", "registered physical therapist", "licensed
 19 physical therapist", "physical therapy technician", "p.t.",
 20 "r.p.t.", "l.p.t.", and "p.t.t.".

21 (j) "Chiropodist", "chiropody", "chiropodical", "podiatry",
 22 "podiatrist", "podiatric", "doctor of podiatric medicine", "foot
 23 specialist", "podiatric physician and surgeon", and "d.p.m.".

24 (k) "Consulting psychologist", "psychologist", "psychological
 25 assistant", "psychological examiner", "licensed psychologist",
 26 and "limited licensed psychologist".

27 (l) "Licensed professional counselor", "licensed counselor",

1 "professional counselor", and "l.p.c.".

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

3 (n) "Social worker", "certified social worker", "social work
4 technician", "s.w.", "c.s.w.", and "s.w.t.".

5 (o) "Veterinary", "veterinarian", "veterinary doctor",
6 "veterinary surgeon", "doctor of veterinary medicine", "v.m.d.",
7 "d.v.m.", "animal technician", ~~or~~ **and** "animal technologist".

8 (p) "Occupational therapist", "occupational therapist
9 registered", "certified occupational therapist", "o.t.",
10 "o.t.r.", "c.o.t.", "certified occupational therapy assistant",
11 "occupational therapy assistant", ~~or~~ **and** "c.o.t.a.".

12 (q) "Marriage advisor" or "marriage consultant"; "family
13 counselor", "family advisor", "family therapist", or "family
14 consultant"; "family guidance counselor", "family guidance
15 advisor", or "family guidance consultant"; "marriage guidance
16 counselor", "marriage guidance advisor", or "marriage guidance
17 consultant"; "family relations counselor"; "marriage relations
18 counselor", "marriage relations advisor", or "marriage relations
19 consultant"; "marital counselor" or "marital therapist"; "limited
20 licensed marriage and family therapist" or "limited licensed
21 marriage counselor"; "licensed marriage and family therapist" or
22 "licensed marriage counselor"; and "l.m.f.t.".

23 (r) "Nursing home administrator".

24 **(s) "Anesthesiologist assistant" and "a.a."**.

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

1 completion of training, received a 2-year associate of science
 2 degree as an orthopedic physician's assistant before January 1,
 3 1977, may use the title "orthopedic physician's assistant"
 4 whether or not the person is licensed under this article.

5 **Sec. 16326. Fees for an individual licensed or seeking**
 6 **licensure to engage in practice as an anesthesiologist assistant**
 7 **under part 170 are as follows:**

8 (a) Application processing fee.....\$ 20.00

9 (b) License fee, per year..... 50.00

10 (c) Educational limited license..... 25.00

11 Sec. 17001. (1) As used in this part:

12 (a) "Academic institution" means either of the following:

13 (i) A medical school approved by the board.

14 (ii) A hospital licensed under article 17 that meets all of
 15 the following requirements:

16 (A) Was the sole sponsor or a co-sponsor, if each other
 17 co-sponsor is either a medical school approved by the board or a
 18 hospital owned by the federal government and directly operated by
 19 the United States department of veterans' affairs, of not less
 20 than 4 postgraduate education residency programs approved by the
 21 board under section 17031(1) for not less than the 3 years
 22 immediately preceding the date of an application for a limited
 23 license under section 16182(2)(c) or an application for a full
 24 license under section 17031(2), provided that at least 1 of the
 25 residency programs is in the specialty area of medical practice,
 26 or in a specialty area that includes the subspecialty of medical
 27 practice, in which the applicant for a limited license proposes

1 to practice or in which the applicant for a full license has
2 practiced for the hospital.

3 (B) Has spent not less than \$2,000,000.00 for medical
4 education during each of the 3 years immediately preceding the
5 date of an application for a limited license under
6 section 16182(2)(c) or an application for a full license under
7 section 17031(2). As used in this subparagraph, "medical
8 education" means the education of physicians and candidates for
9 degrees or licenses to become physicians, including, but not
10 limited to, physician staff, residents, interns, and medical
11 students.

12 (b) "Anesthesiologist" means a physician who has completed a
13 residency in anesthesiology approved by the American board of
14 anesthesiology or the American osteopathic board of
15 anesthesiology.

16 (c) "Anesthesiologist assistant" means an individual who is
17 licensed under this article to engage in practice as an
18 anesthesiologist assistant.

19 (d) ~~—(b)—~~ "Medical care services" means those services within
20 the scope of practice of physicians licensed by the board, except
21 those services that the board determines shall not be delegated
22 by a physician without endangering the health and safety of
23 patients as provided for in section 17048(3).

24 (e) ~~—(e)—~~ "Physician" means an individual licensed under this
25 article to engage in the practice of medicine.

26 (f) ~~—(d)—~~ "Practice of medicine" means the diagnosis,
27 treatment, prevention, cure, or relieving of a human disease,

1 ailment, defect, complaint, or other physical or mental
2 condition, by attendance, advice, device, diagnostic test, or
3 other means, or offering, undertaking, attempting to do, or
4 holding oneself out as able to do, any of these acts.

5 (g) "Practice as an anesthesiologist assistant" means
6 providing assistance to an anesthesiologist engaged in the
7 practice of anesthesiology by performing any of the following
8 under the supervision of that anesthesiologist:

9 (i) Obtaining a comprehensive patient history and presenting
10 the history to the supervising anesthesiologist so that he or she
11 may conduct a pre-anesthetic examination and evaluation.

12 (ii) Pretesting and calibrating anesthesia delivery systems.

13 (iii) Monitoring, obtaining, and interpreting information
14 from anesthesia delivery systems and anesthesia monitoring
15 equipment.

16 (iv) Assisting the supervising anesthesiologist with the
17 implementation of medically accepted monitoring techniques.

18 (v) Establishing basic and advanced airway interventions
19 including, but not limited to, intubation of the trachea and
20 performing ventilatory support.

21 (vi) Administering intermittent vasoactive drugs.

22 (vii) Starting and adjusting vasoactive infusions.

23 (viii) Administering anesthetic drugs, adjuvant drugs, and
24 accessory drugs.

25 (ix) Assisting the supervising anesthesiologist with the
26 performance of regional anesthesia, including, but not limited
27 to, epidural anesthetic procedures and spinal anesthetic

1 procedures.

2 (x) Administering blood, blood products, and fluids.

3 (xi) Participating in administrative activities and clinical
4 teaching activities.

5 (xii) Participating in research activities by performing the
6 same procedures that may be performed under subparagraphs (i)
7 through (x).

8 (xiii) Providing assistance to cardiopulmonary resuscitation
9 teams in response to life-threatening situations.

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

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

20 (j) ~~—(g)—~~ "Task force" means the joint task force created in
21 sections 17025 and 17525.

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

26 **Sec. 17091. (1) After the effective date of the rules**
27 **promulgated by the department under section 17093, an individual**

1 shall not engage in practice as an anesthesiologist assistant
2 unless licensed or otherwise authorized under this article as an
3 anesthesiologist assistant.

4 (2) The board may issue an educational limited license as
5 provided under section 16182(2)(a) to an individual who provides
6 satisfactory evidence to the board that he or she meets all
7 requirements for licensure except the certifying examination. An
8 educational limited license granted under this section is valid
9 for a period as determined by the board, but not to exceed 1
10 year, or until the results of the required certifying examination
11 are made available, whichever is sooner.

12 Sec. 17093. (1) The board, in consultation with the
13 department, shall promulgate rules that specify the standards and
14 qualifications for licensure as an anesthesiologist assistant.
15 The board shall include, as a minimum, all of the following in
16 the rules for licensure:

17 (a) Completion of a graduate level training program
18 accredited by the commission on accreditation of allied health
19 education programs or its successor agency and approved by the
20 department.

21 (b) Successful completion of a certifying examination for
22 anesthesiologist assistants administered by the national
23 commission for certification of anesthesiologist assistants or
24 its successor agency and approved by the department.

25 (c) Successful completion of a course in advanced cardiac
26 life-support techniques offered or approved by the American heart
27 association, the American Red Cross, or a similar organization

1 and approved by the department.

2 (2) In addition to the rules promulgated under subsection
3 (1), the board, in consultation with the department, shall
4 promulgate rules to do all of the following:

5 (a) Except in cases of emergency, require the presence, and
6 the documentation of the presence, of the supervising
7 anesthesiologist during all demanding aspects of anesthesia
8 care.

9 (b) Require immediate availability of the supervising
10 anesthesiologist at all times.

11 (c) Require the supervising anesthesiologist to ensure that
12 all activities, functions, services, and treatment measures
13 performed by an anesthesiologist assistant are properly
14 documented by the anesthesiologist assistant.

15 (d) Require the anesthesiologist assistant to inform the
16 supervising anesthesiologist of serious adverse events.

17 (e) An anesthesiologist shall not concurrently supervise,
18 except in emergency cases, more than 4 licensed anesthesia
19 providers.

20 (3) Subject to section 16204, the board shall by rule
21 prescribe continuing education requirements as a condition for
22 license renewal.

23 Sec. 17095. (1) After issuing a license to an
24 anesthesiologist assistant, the board shall register the
25 anesthesiologist assistant on an anesthesiologist assistants'
26 roster. The board shall include all of the following information
27 on the roster:

1 (a) The anesthesiologist assistant's name and address.

2 (b) Other board-required information.

3 (2) Every 2 years, each anesthesiologist assistant in this
4 state shall submit to the board proof of completion of
5 board-required continuing education.