

SENATE BILL NO. 1057

May 26, 2022, Introduced by Senators VANDERWALL, DALEY, MACDONALD, HUIZENGA and VICTORY and referred to the Committee on Health Policy and Human Services.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 20950, 20954, and 20958 (MCL 333.20950,
333.20954, and 333.20958), section 20950 as amended by 2021 PA 25,
section 20954 as amended by 2000 PA 375, and section 20958 as
amended by 2010 PA 304.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 20950. (1) ~~An~~**Except as provided under section 20954(6),**
2 **an** individual shall not practice or advertise to practice as a

1 medical first responder, emergency medical technician, emergency
2 medical technician specialist, paramedic, or emergency medical
3 services instructor-coordinator unless licensed by the department
4 under this section.

5 (2) The department shall issue a license under this section
6 only to an individual who meets all of the following requirements:

7 (a) Is 18 years of age or older.

8 (b) Meets either of the following requirements:

9 (i) Has successfully completed the appropriate education
10 program approved under section 20912.

11 (ii) While serving as a member of the armed forces, served as a
12 military health care specialist and was separated from service with
13 an honorable character of service or under an honorable conditions
14 (general) character of service in the 2-year period preceding the
15 date the license application is filed. The applicant shall provide
16 a form DD214, DD215, or any other form that is satisfactory to the
17 department to meet the criteria established in this subparagraph.
18 This subparagraph only applies to an applicant for a license as an
19 emergency medical technician.

20 (c) Subject to subsection (3), has attained a passing score on
21 the appropriate department prescribed examination, as follows:

22 (i) A medical first responder must pass the written examination
23 proctored by the department or the department's designee and a
24 practical examination approved by the department. The instructors
25 of the medical first responder course shall administer the
26 practical examination. The department or the department's designee
27 may also proctor the practical examination. The individual shall
28 pay the fee for the written examination required under this
29 subparagraph directly to the National Registry of Emergency Medical

1 Technicians or other organization approved by the department.

2 (ii) An emergency medical technician, emergency medical
3 technician specialist, or paramedic must pass the written
4 examination proctored by the department or the department's
5 designee and a practical examination proctored by the department or
6 the department's designee. The individual shall pay the fee for the
7 written examination required under this subparagraph directly to
8 the National Registry of Emergency Medical Technicians or other
9 organization approved by the department.

10 (d) Meets other requirements of this part.

11 (3) The department shall require for purposes of compliance
12 with subsection (2) (c) successful passage by each first-time
13 applicant of an examination.

14 (4) The department shall issue a license as an emergency
15 medical services instructor-coordinator only to an individual who
16 meets the requirements of subsection (2) for an emergency medical
17 services instructor-coordinator and at the time of application is
18 currently licensed as a medical first responder, emergency medical
19 technician, emergency medical technician specialist, or paramedic
20 and has at least 3 years' field experience with a licensed life
21 support agency as a medical first responder, emergency medical
22 technician, emergency medical technician specialist, or paramedic.
23 The department shall provide for the development and administration
24 of an examination for emergency medical services instructor-
25 coordinators. The license must specify the level of instruction-
26 coordination the individual is licensed to provide. An emergency
27 medical services instructor-coordinator shall not instruct or
28 coordinate emergency medical training courses at a level that
29 exceeds his or her designated level of licensure and for which he

1 or she does not have at least 3 years' field experience at that
2 level of licensure.

3 (5) Except as otherwise provided in section 20952, a license
4 under this section is effective for 3 years from the date of
5 issuance unless revoked or suspended by the department.

6 (6) Except as otherwise provided in this section, an applicant
7 for licensure under this section shall pay the following triennial
8 licensure fees:

9 (a) Medical first responder - no fee.

10 (b) Emergency medical technician - \$40.00.

11 (c) Emergency medical technician specialist - \$60.00.

12 (d) Paramedic - \$80.00.

13 (e) Emergency medical services instructor-coordinator -
14 \$100.00.

15 (7) If a life support agency certifies to the department that
16 an applicant for licensure under this section will act as a
17 volunteer and if the life support agency does not charge for its
18 services, the department shall not require the applicant to pay the
19 fee required under subsection (6). If the applicant ceases to meet
20 the definition of a volunteer under this part at any time during
21 the effective period of his or her license and is employed as a
22 licensee under this part, the applicant shall at that time pay the
23 fee required under subsection (6).

24 (8) The department shall waive the fee required under
25 subsection (6) for the initial license if the applicant for initial
26 licensure was separated from service with an honorable character of
27 service or under honorable conditions (general) character of
28 service in the armed forces. The applicant shall provide a form
29 DD214, DD215, or any other form that is satisfactory to the

1 department to be eligible for the waiver of the fee under this
2 subsection.

3 (9) As used in this section, "armed forces" means that term as
4 defined in section 16103.

5 Sec. 20954. (1) Upon proper application to the department and
6 payment of the renewal fee under subsection (2), the department may
7 renew an emergency medical services personnel license if the
8 applicant meets the requirements of this part and provides, upon
9 request of the department, verification of having met ongoing
10 education requirements established by the department. If an
11 applicant for renewal fails to provide the department with a change
12 of address, the applicant shall pay a \$20.00 fee in addition to the
13 renewal and late fees required under subsections (2) and (3).

14 (2) Except as otherwise provided in subsection (5), an
15 applicant for renewal of a license under section 20950 shall pay a
16 renewal fee as follows:

17 (a) Medical first responder - no fee.

18 (b) Emergency medical technician - \$25.00.

19 (c) Emergency medical technician specialist - \$25.00.

20 (d) Paramedic - \$25.00.

21 (e) Emergency medical services instructor-coordinator -
22 \$25.00.

23 (3) Except as otherwise provided in ~~subsection~~**subsections** (5)
24 **and (6)**, if an application for renewal under subsection (1) is
25 postmarked after the date the license expires, the applicant shall
26 pay a late fee in addition to the renewal fee under subsection (2)
27 as follows:

28 (a) Medical first responder - \$50.00.

29 (b) Emergency medical technician - \$50.00.

(c) Emergency medical technician specialist - \$50.00.

(d) Paramedic - \$50.00.

(e) Emergency medical services instructor-coordinator - \$50.00.

(4) A license or registration ~~shall~~**must** be renewed by the licensee on or before the expiration date as prescribed by rule. The department shall mail a notice to the licensee at the last known address on file with the department advising of the time, procedure, and fee for renewal. Failure of the licensee to receive notice under this subsection does not relieve the licensee of the responsibility for renewing his or her license. A license not renewed by the expiration date may be renewed within 60 days of the expiration date upon application, payment of renewal and late renewal fees, and fulfillment of any continued continuing education requirements set forth in rules promulgated under this article. The licensee may continue to practice and use the title during the 60-day period. ~~If~~**Except for a license retroactively renewed under subsection (6), if** a license is not ~~so~~**renewed as provided under this subsection** within 60 days of the expiration date, the license is void. The licensee shall not practice or use the title **if the license is void under this subsection**. An individual may be relicensed ~~within 3 years of the expiration date upon~~**as follows:**

(a) On application, payment of the application processing, renewal, and late renewal fees, and fulfillment of any continuing education requirements in effect at the time of the ~~expiration date, or that would have been required had the individual renewed his or her license pursuant to subsection (1). An individual may be relicensed more than 3 years after the expiration date upon application as a new applicant, meeting all licensure requirements~~

~~in effect at the time of application, taking or retaking and passing any examinations required for initial licensure, and payment of fees required of new applicants.~~**application for relicensure.**

(b) On application not more than 3 years after the emergency medical services personnel license expired, payment of the application processing, renewal, and late renewal fees, and sponsorship and competency assessment verification from a life support agency. An individual is eligible to be relicensed 1 time under this subdivision.

(5) If a life support agency certifies to the department that an applicant for renewal under this section is a volunteer and if the life support agency does not charge for its services, the department shall not require the applicant to pay the fee required under subsection (2) or a late fee under subsection (3). If the applicant for renewal ceases to meet the definition of a volunteer under this part at any time during the effective period of his or her license renewal and is employed as a licensee under this part, the applicant for renewal shall at that time pay the fee required under subsection (2).

(6) Subject to this subsection, if an emergency medical services personnel license expired after March 9, 2020 and before January 1, 2021, on proper application to the department and payment of the renewal fee under subsection (2), the department may retroactively renew, to the date the license expired, the license if the applicant meets the requirements of this part and provides, on the request of the department, verification that any continuing education requirements in effect at the time of application have been fulfilled. If the department retroactively renews an

individual's license under this subsection, that individual is considered to be licensed from the date the license expired. An individual seeking to retroactively renew the individual's license under this subsection shall submit an application to the department on or before December 31, 2022.

(7) ~~(6)~~—An individual seeking renewal under this section is not required to maintain national registry status as a condition of license renewal.

Sec. 20958. (1) The department may deny, revoke, or suspend an emergency medical services personnel license upon finding that an applicant or licensee meets 1 or more of the following:

(a) Is guilty of fraud or deceit in procuring or attempting to procure licensure.

(b) Has illegally obtained, possessed, used, or distributed drugs.

(c) ~~Has~~ **Except for a license retroactively renewed under section 20954(6), has** practiced after his or her license has expired or has been suspended.

(d) Has knowingly violated, or aided or abetted others in the violation of, this part or rules promulgated under this part.

(e) Is not performing in a manner consistent with his or her education, licensure, or approved medical control authority protocols.

(f) Is physically or mentally incapable of performing his or her prescribed duties.

(g) Has been convicted of a criminal offense under sections 520a to 520l of the Michigan penal code, 1931 PA 328, MCL 750.520a to 750.520l. A certified copy of the court record is conclusive evidence of the conviction.

1 (h) Has been convicted of a misdemeanor or felony reasonably
2 related to and adversely affecting the ability to practice in a
3 safe and competent manner. A certified copy of the court record is
4 conclusive evidence of the conviction.

5 (2) The department shall provide notice of intent to deny,
6 revoke, or suspend an emergency services personnel license by
7 certified mail or personal service. The notice of intent shall set
8 forth the particular reasons for the proposed action and shall
9 advise the applicant or licensee that he or she is entitled to the
10 opportunity for a hearing before the director or the director's
11 authorized representative. If the person to whom the notice is sent
12 does not make a written request to the department for a hearing
13 within 30 days of receiving the notice, the license is considered
14 denied, revoked, or suspended as stated in the notice. If
15 requested, the hearing ~~shall-must~~ be conducted ~~pursuant to-under~~
16 the administrative procedures act of 1969 and rules promulgated by
17 the department. A full and complete record ~~shall-must~~ be kept of
18 the proceeding and ~~shall-be~~ transcribed ~~when-if~~ requested by an
19 interested party, who shall pay the cost of preparing the
20 transcript. On the basis of a hearing or on the default of the
21 applicant or licensee, the department may issue, deny, suspend, or
22 revoke a license.

23 (3) The department may establish procedures, hold hearings,
24 administer oaths, issue subpoenas, or order testimony to be taken
25 at a hearing or by deposition in a proceeding pending at any stage
26 of the proceeding. A person may be compelled to appear and testify
27 and to produce books, papers, or documents in a proceeding.

28 (4) In case of disobedience of a subpoena, a party to a
29 hearing may invoke the aid of the circuit court of the jurisdiction

1 in which the hearing is held to require the attendance and
2 testimony of witnesses. The circuit court may issue an order
3 requiring an individual to appear and give testimony. Failure to
4 obey the order of the circuit court may be punished by the court as
5 a contempt.