

# SENATE BILL NO. 45

January 26, 2023, Introduced by Senators SANTANA, WOJNO, MCCANN, CHANG, SHINK, MCMORROW, CAVANAGH, MOSS, CHERRY, GEISS and BAYER and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16105 and 16106 (MCL 333.16105 and 333.16106), section 16105 as amended by 2002 PA 643 and section 16106 as amended by 2022 PA 80.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 16105. (1) "Health occupation" means a health related  
2 vocation, calling, occupation, or employment performed by an  
3 individual whether or not the individual is licensed or registered  
4 under this article.

1 (2) "Health profession" means a vocation, calling, occupation,  
2 or employment performed by an individual acting pursuant to a  
3 license or registration issued under this article.

4 (3) "Health profession specialty field" means an area of  
5 practice established under this article that is within the scope of  
6 activities, functions, and duties of a licensed health profession  
7 and that requires advanced education and training beyond that  
8 required for initial licensure.

9 (4) "Health profession specialty field license" means an  
10 authorization to use a title issued to a licensee who has met  
11 qualifications established by the Michigan board of dentistry for  
12 registration in a health profession specialty field. An individual  
13 who holds a dental specialty certification on ~~the effective date of~~  
14 ~~the amendatory act that added this subsection~~ **December 23, 2002** is  
15 considered to hold a health profession specialty field license in  
16 that ~~speciality~~ **specialty** and may obtain renewal of the health  
17 profession specialty field license in that ~~speciality~~ **specialty** on  
18 the expiration date of the specialty certification. The health  
19 profession specialty field license is not a license. ~~as that term~~  
20 ~~is defined in section 16106(2).~~

21 (5) "Health profession subfield" means an area of practice  
22 established under this article ~~which~~ **that** is within the scope of  
23 the activities, functions, and duties of a licensed health  
24 profession, and requires less comprehensive knowledge and skill  
25 than is required to practice the full scope of the health  
26 profession.

27 Sec. 16106. (1) "Incompetence" means a departure from, or  
28 failure to conform to, minimal standards of acceptable and  
29 prevailing practice for a health profession, whether or not actual

1 injury to an individual occurs.

2       **(2) "Invasive bodily examination" means a pelvic, vaginal,**  
3 **rectal, or prostate examination.**

4       **(3) ~~(2)~~**"License", except as otherwise provided in this  
5 subsection and section 17708(2), means an authorization issued  
6 under this article to practice where practice would otherwise be  
7 unlawful. License includes an authorization to use a designated  
8 title which use would otherwise be prohibited under this article  
9 and may be used to refer to a health profession subfield license,  
10 limited license, or a temporary license. License does not include a  
11 health profession specialty field license.

12       **(4) ~~(3)~~**"Licensee", as used in a part that regulates a  
13 specific health profession, means an individual to whom a license  
14 is issued under that part, and as used in this part means each  
15 licensee regulated by this article.

16       **(5) ~~(4)~~**"Limitation" means an action by which a board imposes  
17 restrictions or conditions, or both, on a license.

18       **(6) ~~(5)~~**"Limited license" means a license to which  
19 restrictions or conditions, or both, as to scope of practice, place  
20 of practice, supervision of practice, duration of licensed status,  
21 or type or condition of patient or client served are imposed by a  
22 board.

23       Enacting section 1. This amendatory act does not take effect  
24 unless Senate Bill No. 44 of the 102nd Legislature is enacted into  
25 law.