

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4067

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 17001 and 17501 (MCL 333.17001 and 333.17501),
as amended by 2016 PA 379, and by adding sections 16189a, 16189b,
17011a, 17511a, and 20189.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 16189A. (1) NOTWITHSTANDING SECTION 16189 AND ANY RULE
2 PROMULGATED BY THE INTERSTATE COMMISSION UNDER THE COMPACT, A
3 MEMBER BOARD OF THIS STATE MAY ONLY DISCLOSE INFORMATION ABOUT AN
4 INDIVIDUAL UNDER THE COMPACT IF ALL OF THE FOLLOWING ARE MET:
5 (A) ANY OF THE FOLLOWING APPLY TO THE INDIVIDUAL:
6 (i) HE OR SHE HOLDS A CURRENT EXPEDITED LICENSE THAT WAS
7 GRANTED BY A MEMBER BOARD OF THIS STATE UNDER THE COMPACT.

1 (ii) HE OR SHE HOLDS A CURRENT EXPEDITED LICENSE THAT WAS
2 GRANTED BY ANOTHER MEMBER STATE OR IS APPLYING TO RECEIVE AN
3 EXPEDITED LICENSE IN ANOTHER MEMBER STATE, AND THIS STATE IS
4 CURRENTLY DESIGNATED AS THE INDIVIDUAL'S STATE OF PRINCIPAL
5 LICENSE.

6 (iii) HE OR SHE IS REQUESTING TO DESIGNATE THIS STATE AS HIS
7 OR HER STATE OF PRINCIPAL LICENSE UNDER THE COMPACT.

8 (iv) HE OR SHE IS APPLYING TO RECEIVE AN EXPEDITED LICENSE TO
9 PRACTICE IN THIS STATE UNDER THE COMPACT.

10 (B) THE INFORMATION IS PROVIDED ONLY TO A MEMBER BOARD OF
11 ANOTHER STATE WITH RESPONSIBILITY FOR AUTHORIZING THE PRACTICE OF
12 MEDICINE IN THE MEMBER STATE OR TO THE INTERSTATE COMMISSION.

13 (C) THE INFORMATION IS NOT CONSIDERED CONFIDENTIAL UNDER A LAW
14 OF THIS STATE.

15 (2) A SUBPOENA ISSUED UNDER THE COMPACT IS ONLY ENFORCEABLE IN
16 THIS STATE OR AGAINST A CITIZEN OF THIS STATE IF ALL OF THE
17 FOLLOWING APPLY:

18 (A) THE SUBPOENA IS ISSUED BY A MEMBER BOARD WITH
19 RESPONSIBILITY FOR AUTHORIZING THE PRACTICE OF MEDICINE IN THE
20 MEMBER STATE.

21 (B) THE INDIVIDUAL BEING SUBPOENAED MEETS 1 OF THE FOLLOWING:

22 (i) HE OR SHE IS A PHYSICIAN WHO HOLDS A CURRENT EXPEDITED
23 LICENSE GRANTED BY A MEMBER BOARD OF THIS STATE UNDER THE COMPACT.

24 (ii) HE OR SHE IS A PHYSICIAN WHO HOLDS A CURRENT EXPEDITED
25 LICENSE GRANTED BY ANOTHER MEMBER STATE, AND THIS STATE IS
26 CURRENTLY DESIGNATED AS THE PHYSICIAN'S STATE OF PRINCIPAL LICENSE.

27 (3) IN APPLYING SECTION 9(E) OF THE COMPACT, A MEMBER BOARD OF

1 THIS STATE MAY ONLY UNDERTAKE AN INVESTIGATION OF A VIOLATION OF
2 ANOTHER STATE'S STATUTE AUTHORIZING THE PRACTICE OF MEDICINE IF 1
3 OF THE FOLLOWING APPLIES TO THE PHYSICIAN BEING INVESTIGATED:

4 (A) HE OR SHE HOLDS A CURRENT EXPEDITED LICENSE THAT WAS
5 GRANTED BY A MEMBER BOARD OF THIS STATE AND HOLDS A CURRENT
6 EXPEDITED LICENSE THAT WAS GRANTED BY THE OTHER STATE UNDER THE
7 COMPACT.

8 (B) HE OR SHE HOLDS A CURRENT EXPEDITED LICENSE THAT WAS
9 GRANTED BY A MEMBER BOARD OF THIS STATE UNDER THE COMPACT AND THE
10 OTHER STATE IS THE PHYSICIAN'S CURRENTLY DESIGNATED STATE OF
11 PRINCIPAL LICENSE.

12 (C) HE OR SHE HOLDS A CURRENT EXPEDITED LICENSE THAT WAS
13 GRANTED BY THE OTHER STATE UNDER THE COMPACT AND THIS STATE IS THE
14 PHYSICIAN'S CURRENTLY DESIGNATED STATE OF PRINCIPAL LICENSE.

15 (4) AS USED IN THIS SECTION AND SECTION 16189B:

16 (A) "COMPACT" MEANS THE INTERSTATE MEDICAL LICENSURE COMPACT
17 ENACTED IN SECTION 16189(1).

18 (B) "EXPEDITED LICENSE" MEANS THAT TERM AS DEFINED IN SECTION
19 2(D) OF THE COMPACT.

20 (C) "INTERSTATE COMMISSION" MEANS THAT TERM AS DEFINED IN
21 SECTION 2(E) OF THE COMPACT.

22 (D) "MEMBER BOARD" MEANS THAT TERM AS DEFINED IN SECTION 2(H)
23 OF THE COMPACT.

24 (E) "PRACTICE OF MEDICINE" MEANS THAT TERM AS DEFINED IN
25 SECTION 2(J) OF THE COMPACT.

26 (F) "STATE OF PRINCIPAL LICENSE" MEANS THAT TERM AS DEFINED IN
27 SECTION 2(O) OF THE COMPACT.

1 SEC. 16189B. (1) AN INDIVIDUAL WHO IS APPLYING FOR AN
2 EXPEDITED LICENSE UNDER THE COMPACT WITH A MEMBER BOARD OF THIS
3 STATE SHALL SUBMIT 1 SET OF HIS OR HER FINGERPRINTS TO THE
4 DEPARTMENT OF STATE POLICE IN ORDER FOR THE DEPARTMENT OF STATE
5 POLICE TO CONDUCT A CRIMINAL HISTORY CHECK ON THE INDIVIDUAL AND TO
6 FORWARD THE INDIVIDUAL'S FINGERPRINTS TO THE FEDERAL BUREAU OF
7 INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY CHECK. THE INDIVIDUAL
8 SHALL SUBMIT WITH THE APPLICATION HIS OR HER WRITTEN CONSENT TO THE
9 CRIMINAL HISTORY CHECK DESCRIBED IN THIS SECTION AND THE SUBMISSION
10 OF HIS OR HER FINGERPRINTS TO, AND THE INCLUSION OF HIS OR HER
11 FINGERPRINTS IN, THE STATE AND FEDERAL DATABASE SYSTEMS DESCRIBED
12 IN SUBSECTION (4).

13 (2) THE FINGERPRINTS REQUIRED UNDER SUBSECTION (1) MAY BE
14 TAKEN BY A LAW ENFORCEMENT AGENCY OR ANY OTHER PERSON DETERMINED BY
15 THE DEPARTMENT OF STATE POLICE TO BE QUALIFIED TO TAKE
16 FINGERPRINTS. THE INDIVIDUAL DESCRIBED IN SUBSECTION (1) SHALL
17 SUBMIT A FINGERPRINT PROCESSING FEE TO THE DEPARTMENT IN AN AMOUNT
18 REQUIRED UNDER SECTION 3 OF 1935 PA 120, MCL 28.273, AND ANY COSTS
19 IMPOSED BY THE FEDERAL BUREAU OF INVESTIGATION.

20 (3) THE DEPARTMENT OF STATE POLICE SHALL CONDUCT A CRIMINAL
21 HISTORY CHECK ON THE INDIVIDUAL DESCRIBED IN SUBSECTION (1) AND
22 SHALL REQUEST THE FEDERAL BUREAU OF INVESTIGATION TO MAKE A
23 DETERMINATION OF THE EXISTENCE OF ANY NATIONAL CRIMINAL HISTORY
24 PERTAINING TO THE INDIVIDUAL. THE DEPARTMENT OF STATE POLICE SHALL
25 PROVIDE A MEMBER BOARD OF THIS STATE WITH A WRITTEN REPORT
26 CONTAINING THE CRIMINAL HISTORY RECORD INFORMATION OF THE
27 INDIVIDUAL WHO WAS THE SUBJECT OF THE CRIMINAL HISTORY CHECK

1 CONDUCTED UNDER THIS SECTION.

2 (4) ALL OF THE FOLLOWING APPLY CONCERNING FINGERPRINTS
3 SUBMITTED TO THE DEPARTMENT OF STATE POLICE UNDER THIS SECTION:

4 (A) THE DEPARTMENT OF STATE POLICE SHALL STORE AND RETAIN ALL
5 FINGERPRINTS SUBMITTED UNDER THIS SECTION IN AN AUTOMATED
6 FINGERPRINT IDENTIFICATION SYSTEM DATABASE THAT SEARCHES AGAINST
7 LATENT FINGERPRINTS, AND PROVIDES FOR AN AUTOMATIC NOTIFICATION IF
8 AND WHEN A SUBSEQUENT FINGERPRINT IS SUBMITTED INTO THE SYSTEM THAT
9 MATCHES A SET OF FINGERPRINTS PREVIOUSLY SUBMITTED UNDER THIS
10 SECTION OR IF AND WHEN THE CRIMINAL HISTORY OF AN INDIVIDUAL WHOSE
11 FINGERPRINTS ARE RETAINED IN THE SYSTEM IS UPDATED. UPON RECEIVING
12 A NOTIFICATION, THE DEPARTMENT OF STATE POLICE SHALL IMMEDIATELY
13 NOTIFY A MEMBER BOARD OF THIS STATE. INFORMATION IN THE DATABASE
14 MAINTAINED UNDER THIS SUBSECTION IS CONFIDENTIAL, IS NOT SUBJECT TO
15 DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL
16 15.231 TO 15.246, AND SHALL NOT BE DISCLOSED TO ANY PERSON EXCEPT
17 FOR PURPOSES OF THIS ACT OR FOR LAW ENFORCEMENT PURPOSES.

18 (B) THE DEPARTMENT OF STATE POLICE SHALL FORWARD ALL
19 FINGERPRINTS SUBMITTED TO IT UNDER THIS SECTION TO THE FEDERAL
20 BUREAU OF INVESTIGATION FOR SUBMISSION OF THOSE FINGERPRINTS INTO
21 THE FBI AUTOMATIC NOTIFICATION SYSTEM. THIS SUBDIVISION DOES NOT
22 APPLY UNTIL THE DEPARTMENT OF STATE POLICE IS A PARTICIPANT IN THE
23 FBI AUTOMATIC NOTIFICATION SYSTEM. AS USED IN THIS SUBDIVISION:

24 (i) "AUTOMATIC NOTIFICATION SYSTEM" MEANS A SYSTEM THAT STORES
25 AND RETAINS FINGERPRINTS, AND THAT PROVIDES FOR AN AUTOMATIC
26 NOTIFICATION TO A PARTICIPANT IF AND WHEN A FINGERPRINT IS
27 SUBMITTED INTO THE SYSTEM THAT MATCHES AN INDIVIDUAL WHOSE

1 FINGERPRINTS ARE RETAINED IN THE SYSTEM OR IF AND WHEN THE CRIMINAL
2 HISTORY OF AN INDIVIDUAL WHOSE FINGERPRINTS ARE RETAINED IN THE
3 SYSTEM IS UPDATED.

4 (ii) "FBI AUTOMATIC NOTIFICATION SYSTEM" MEANS THE AUTOMATIC
5 NOTIFICATION SYSTEM THAT IS MAINTAINED BY THE FEDERAL BUREAU OF
6 INVESTIGATION.

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

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

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

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

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

25 (B) Has spent not less than \$2,000,000.00 for medical
26 education during each of the 3 years immediately preceding the date
27 of an application for a limited license under section 16182(2)(c)

1 or an application for a full license under section 17031(2). As
2 used in this sub-subparagraph, "medical education" means the
3 education of physicians and candidates for degrees or licenses to
4 become physicians, including, but not limited to, physician staff,
5 residents, interns, and medical students.

6 (b) "Electrodiagnostic studies" means the testing of
7 neuromuscular functions utilizing nerve conduction tests and needle
8 electromyography. It does not include the use of surface
9 electromyography.

10 (c) "Medical care services" means those services within the
11 scope of practice of physicians **WHO ARE licensed OR AUTHORIZED** by
12 the board, except those services that the board prohibits or
13 otherwise restricts within a practice agreement or determines shall
14 not be delegated by a physician without endangering the health and
15 safety of patients as provided for in section 17048(1).

16 (d) "Participating physician" means a physician, a physician
17 designated by a group of physicians under section 17049 to
18 represent that group, or a physician designated by a health
19 facility or agency under section 20174 to represent that health
20 facility or agency.

21 (e) "Physician" means an individual who is licensed **OR**
22 **AUTHORIZED** under this article to engage in the practice of
23 medicine.

24 (f) "Podiatrist" means an individual who is licensed under
25 this article to engage in the practice of podiatric medicine and
26 surgery.

27 (g) "Practice agreement" means an agreement described in

1 section 17047.

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

8 (i) "Practice as a physician's assistant" means the practice
9 of medicine with a participating physician under a practice
10 agreement.

11 (j) "Task force" means the joint task force created in section
12 17025.

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

17 **SEC. 17011A. (1) AN ALLOPATHIC PHYSICIAN WHO HOLDS AN**
18 **EXPEDITED LICENSE UNDER THE INTERSTATE MEDICAL LICENSURE COMPACT IS**
19 **AUTHORIZED TO ENGAGE IN THE PRACTICE OF MEDICINE UNDER THIS**
20 **ARTICLE.**

21 (2) FOR PURPOSES OF THIS ARTICLE, INCLUDING THE OBLIGATIONS OF
22 AN INDIVIDUAL WHO IS LICENSED AS A PHYSICIAN UNDER THIS PART, AN
23 ALLOPATHIC PHYSICIAN WHO HOLDS AN EXPEDITED LICENSE UNDER THE
24 INTERSTATE MEDICAL LICENSURE COMPACT IS CONSIDERED A PHYSICIAN WHO
25 IS LICENSED UNDER THIS PART.

26 (3) AS USED IN THIS SECTION, "INTERSTATE MEDICAL LICENSURE
27 COMPACT" MEANS THE INTERSTATE MEDICAL LICENSURE COMPACT AS ENACTED

1 **IN SECTION 16189.**

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

3 (a) "Electrodiagnostic studies" means the testing of
4 neuromuscular functions utilizing nerve conduction tests and needle
5 electromyography. It does not include the use of surface
6 electromyography.

7 (b) "Medical care services" means those services within the
8 scope of practice of physicians **WHO ARE** licensed ~~and approved~~ **OR**
9 **AUTHORIZED** by the board, except those services that the board
10 prohibits or otherwise restricts within a practice agreement or
11 determines shall not be delegated by a physician without
12 endangering the health and safety of patients as provided for in
13 section 17548(1).

14 (c) "Participating physician" means a physician, a physician
15 designated by a group of physicians under section 17549 to
16 represent that group, or a physician designated by a health
17 facility or agency under section 20174 to represent that health
18 facility or agency.

19 (d) "Physician" means an individual who is licensed **OR**
20 **AUTHORIZED** under this article to engage in the practice of
21 osteopathic medicine and surgery.

22 (e) "Practice agreement" means an agreement described in
23 section 17547.

24 (f) "Practice of osteopathic medicine and surgery" means a
25 separate, complete, and independent school of medicine and surgery
26 utilizing full methods of diagnosis and treatment in physical and
27 mental health and disease, including the prescription and

1 administration of drugs and biologicals, operative surgery,
2 obstetrics, radiological and other electromagnetic emissions, and
3 placing special emphasis on the interrelationship of the
4 musculoskeletal system to other body systems.

5 (g) "Practice as a physician's assistant" means the practice
6 of osteopathic medicine and surgery with a participating physician
7 under a practice agreement.

8 (h) "Task force" means the joint task force created in section
9 17025.

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

14 **SEC. 17511A. (1) AN OSTEOPATHIC PHYSICIAN WHO HOLDS AN**
15 **EXPEDITED LICENSE UNDER THE INTERSTATE MEDICAL LICENSURE COMPACT IS**
16 **AUTHORIZED TO ENGAGE IN THE PRACTICE OF OSTEOPATHIC MEDICINE AND**
17 **SURGERY UNDER THIS ARTICLE.**

18 (2) FOR PURPOSES OF THIS ARTICLE, INCLUDING THE OBLIGATIONS OF
19 AN INDIVIDUAL WHO IS LICENSED AS A PHYSICIAN UNDER THIS PART, AN
20 OSTEOPATHIC PHYSICIAN WHO HOLDS AN EXPEDITED LICENSE UNDER THE
21 INTERSTATE MEDICAL LICENSURE COMPACT IS CONSIDERED A PHYSICIAN WHO
22 IS LICENSED UNDER THIS PART.

23 (3) AS USED IN THIS SECTION, "INTERSTATE MEDICAL LICENSURE
24 COMPACT" MEANS THE INTERSTATE MEDICAL LICENSURE COMPACT AS ENACTED
25 IN SECTION 16189.

26 **SEC. 20189. A HEALTH FACILITY OR AGENCY SHALL NOT REQUIRE A**
27 **PHYSICIAN WHO IS LICENSED UNDER ARTICLE 15 TO SEEK LICENSURE**

1 THROUGH THE INTERSTATE MEDICAL LICENSURE COMPACT ENACTED IN SECTION
2 16189 AS A CONDITION OF INITIAL OR CONTINUED EMPLOYMENT. HOWEVER, A
3 HEALTH FACILITY OR AGENCY MAY REQUIRE A PHYSICIAN WHO IS LICENSED
4 UNDER ARTICLE 15 TO OBTAIN AND MAINTAIN A LICENSE TO ENGAGE IN THE
5 PRACTICE OF MEDICINE OR PRACTICE OF OSTEOPATHIC MEDICINE AND
6 SURGERY IN 1 OR MORE OTHER STATES IF THE PHYSICIAN IS FREE TO
7 OBTAIN AND MAINTAIN EACH LICENSE BY ANY MEANS AUTHORIZED BY THE
8 LAWS OF THE OTHER STATES.

9 Enacting section 1. This amendatory act takes effect 90 days
10 after the date it is enacted into law.

11 Enacting section 2. This amendatory act does not take effect
12 unless House Bill No. 4066 of the 99th Legislature is enacted into
13 law.