

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4316**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 21903, 21905, 21907, 21909, 21911, 21913,
21915, 21919, 21921, and 21923 (MCL 333.21903, 333.21905,
333.21907, 333.21909, 333.21911, 333.21913, 333.21915, 333.21919,
333.21921, and 333.21923), sections 21903, 21905, 21907, 21909,
21913, 21915, 21919, 21921, and 21923 as added by 2017 PA 172 and
section 21911 as amended by 2022 PA 79, and by adding sections
21912, 21916, 21918, and 21920.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1** Sec. 21903. (1) "Certificate of permit" means a document
2 issued by the department as evidence of a permit.
3 (2) "Certificate of registration" means a document issued by



1 the department as evidence of registration.

2 (3) "Fund" means the nurse aide ~~registry and medication aide~~
3 **registration** fund created in section 21921.

4 (4) "Medication aide" means a nurse aide who holds a
5 registration to engage in practice as a medication aide. A
6 medication aide is not a health professional licensed under article
7 15, a registered dietitian, or someone who volunteers to provide
8 nursing or nursing-related services without pay.

9 (5) "Medication aide trainer" means an individual who holds a
10 permit to provide training to a medication aide candidate who is
11 enrolled in a medication aide training program.

12 (6) "Medication aide training program" means an instructional
13 program provided at a qualified educational institution that
14 prepares a nurse aide with the knowledge and ability to engage in
15 practice as a medication aide and that is offered by a person who
16 holds a permit.

17 (7) ~~(4)~~—"Nurse aide" means an individual who holds a
18 registration **to engage in practice as a nurse aide**. A nurse aide is
19 not a health professional licensed under article 15, a registered
20 dietitian, or someone who volunteers to provide nursing or nursing-
21 related services without pay.

22 (8) ~~(5)~~—"Nurse aide trainer" means an individual who holds a
23 permit to provide training to a nurse aide candidate who is
24 enrolled in a nurse aide training program.

25 (9) ~~(6)~~—"Nurse aide training program" means an instructional
26 program that prepares a nurse aide candidate with the knowledge and
27 ability to **engage in** practice as a nurse aide and that is offered
28 by a person that holds a permit.

29 Sec. 21905. (1) "Permit" means an authorization granted by the



department under this part to conduct training or instruction of nurse aide **candidates under the program described in section 21907(a) or medication aide** candidates under the program **described in section 21907(b)** .

(2) "Practice as a medication aide" means administering regularly scheduled medications to residents of a nursing home or skilled nursing facility while under the supervision of a registered professional nurse licensed under article 15. Practice as a medication aide is not the practice of nursing as that term is defined in section 17201 and does not include administering controlled substances, administering medications in injectable forms, the initial administration of medications, or the administration of as needed medications including pro re nata medications.

(3) ~~(2)~~—"Practice as a nurse aide" means providing nursing or nursing-related services to a patient or resident. Practice as a nurse aide is not the practice of nursing as that term is defined in section 17201.

~~(3) "Program" means the nurse aide training and registration program described in section 21907.~~

(4) "Qualified educational institution" means a degree- or certificate-granting public or private college or university, junior college, or community college.

(5) ~~(4)~~—"Registration" means an authorization granted by the department under this part granting permission to an individual to **engage in** practice as a nurse aide under the program **described in section 21907(a) or engage in practice as a medication aide under the program described in section 21907(b)** .

Sec. 21907. The department shall ~~administer~~ **do both of the**



1 following:

2 (a) **Administer** a nurse aide training and ~~registration-permit~~
3 program in this state in conformance with this part, 42 USC 1396r,
4 and 42 CFR parts 483 and 488.

5 (b) **Administer a medication aide training and permit program**
6 **as established in rules promulgated by the department under this**
7 **part. This subdivision does not apply beginning January 1, 2027.**

8 Sec. 21909. (1) An individual shall not engage in practice as
9 a nurse aide unless the individual holds a registration **to engage**
10 **in practice as a nurse aide** or is in compliance with 42 CFR 483.35.

11 (2) A person shall not offer a nurse aide training program or
12 provide training or instruction to a nurse aide candidate unless
13 the ~~individual-person~~ holds a permit **to offer that training program**
14 **or provide that training or instruction.**

15 Sec. 21911. (1) The department shall grant **a registration to**
16 **engage in practice** as a nurse aide to an applicant who meets all of
17 the following requirements:

18 (a) Submits an application on a form and in a manner
19 prescribed by the department.

20 (b) Pays the fee prescribed in section 21919.

21 (c) Subject to subsection (4), demonstrates to the department
22 that he or she has met both of the following:

23 (i) Successfully completed a nurse aide training program
24 approved by the department.

25 (ii) Is competent as demonstrated by successful completion of a
26 nurse aide competency examination approved by the department.

27 (d) Meets the requirements for registration in rules
28 promulgated under section 21923.

29 (2) The department shall grant a permit as a nurse aide



1 trainer to an applicant who meets all of the following
2 requirements:

3 (a) Submits an application on a form and in a manner
4 prescribed by the department.

5 (b) Pays the fee prescribed in section 21919.

6 (c) Is a registered professional nurse licensed under article
7 15 who meets the requirements of 42 CFR 483.152(a)(5)(i) and (ii),
8 or who meets the requirements for a permit in rules promulgated
9 under section 21923.

10 (3) The department shall grant a permit as a nurse aide
11 training program to an applicant that meets all of the following
12 requirements:

13 (a) Submits an application on a form and in a manner
14 prescribed by the department.

15 (b) Pays the fee prescribed in section 21919.

16 (c) Meets the requirements for a permit in 42 CFR 483.152 and
17 in rules promulgated under section 21923.

18 (d) Demonstrates to the department that the applicant's
19 curriculum is consistent with other nurse aide training programs as
20 provided by rules promulgated by the department under this part.

21 (4) Except as provided under subsection (6), the department
22 shall allow an applicant to complete a nurse aide competency
23 examination online or through remote means, or at a nursing care
24 facility that proctors the examination under 42 CFR 483.154. The
25 department shall allow the testing vendor to contract with the
26 staff of the nursing care facility to proctor a nurse aide
27 competency examination as provided under 42 CFR 483.154.

28 (5) Subject to subsection (6), the department shall not deny a
29 person a permit under subsection (3) solely because the nurse aide



1 training program allows individuals to complete curricula online or
2 through remote means, or counts the time an individual has worked
3 performing skills necessary of a nurse aide as time in training.

4 (6) The online option described under subsections (4) and (5)
5 does not apply to training required under 42 CFR 483.152(a) (3) or
6 to testing required under 42 CFR 483.154(b) (2) .

7 ~~(7) A registration or permit is not transferable. A~~
8 ~~certificate of registration or certificate of permit must state the~~
9 ~~persons to which it applies.~~

10 **Sec. 21912. A registration or permit is not transferable. A**
11 **certificate of registration or certificate of permit must state the**
12 **persons to which it applies.**

13 Sec. 21913. The department may grant **a** registration to an
14 applicant who is from another state **and seeking a registration to**
15 **practice as a nurse aide** if the applicant meets ~~either~~**any** of the
16 following requirements:

17 (a) The applicant passes a training program that the
18 department determines is equivalent to or exceeds a nurse aide
19 training program offered in this state and the applicant passes a
20 competency examination approved by the department.

21 (b) The applicant's status as a nurse aide in the other state
22 is in good standing, as verified by that state's nurse aide
23 registry, and the department determines that the other state's
24 training program is equivalent to or exceeds a nurse aide training
25 program offered in this state.

26 Sec. 21915. (1) A registration or permit is effective for no
27 longer than 2 years after the date it was granted.

28 ~~(2) If a nurse aide does not renew his or her registration,~~
29 ~~the nurse aide shall not practice as a nurse aide until his or her~~



1 ~~registration is renewed by the department. If a nurse aide trainer~~
2 ~~does not renew his or her permit, the nurse trainer shall not~~
3 ~~provide training to a nurse aide candidate until his or her permit~~
4 ~~is renewed by the department. If a person does not renew its permit~~
5 ~~as a nurse aide training program, the nurse aide training program~~
6 ~~shall not provide instruction to a nurse aide candidate until the~~
7 ~~permit is renewed by the department.~~

8 (2) ~~(3)~~ A registration or permit is renewable if the applicant
9 pays the fee prescribed in ~~section 21919~~, **this part**, submits an
10 application for renewal to the department on a form and in a manner
11 prescribed by the department, and demonstrates to the department
12 that the applicant has met the requirements for renewal in rules
13 promulgated under section 21923, **including any requirement for the**
14 **successful completion of continuing education.**

15 **Sec. 21916. If a nurse aide does not renew his or her**
16 **registration, he or she shall not engage in practice as a nurse**
17 **aide until his or her registration is renewed by the department. If**
18 **a nurse aide trainer does not renew his or her permit, he or she**
19 **shall not provide training to a nurse aide candidate until his or**
20 **her permit is renewed by the department. If a person does not renew**
21 **its permit as a nurse aide training program, the nurse aide**
22 **training program shall not provide instruction to a nurse aide**
23 **candidate until the permit is renewed by the department.**

24 **Sec. 21918. The fees prescribed in this part are payable to**
25 **the department or the department's contractor at the time an**
26 **application for an initial or renewal registration or permit is**
27 **submitted to the department. If an application for registration or**
28 **permit is denied, or if a registration or permit is revoked before**
29 **its expiration date, the department shall not refund the fees paid**



1 to the department.

2 Sec. 21919. (1) An applicant for registration to practice as a
3 nurse aide or a permit to conduct training or instruction of a
4 nurse aide candidate, or renewal of a ~~that~~ registration or a
5 permit, shall pay the following biennial fees:

6 (a) Nurse aide \$20.00 \$30.00

7 (b) Nurse aide trainer \$40.00 \$50.00

8 (c) Except as otherwise provided in
9 subdivision (d), nurse aide training program \$300.00, per site

10 (d) Nurse aide training program offered by
11 a secondary education institution or a skilled
12 nursing facility \$100.00, per site

13 (2) In addition to the fees prescribed in subsection (1), an
14 applicant for registration to practice as a nurse aide shall pay a
15 nurse aide competency examination fee of \$125.00, per examination.

16 ~~(3) The fees prescribed in this section are payable to the~~
17 ~~department or the department's contractor at the time an~~
18 ~~application for an initial or renewal registration or permit is~~
19 ~~submitted to the department. If an application for registration or~~
20 ~~permit is denied, or if registration or permit is revoked before~~
21 ~~its expiration date, the department shall not refund the fees paid~~
22 ~~to the department.~~

23 Sec. 21920. (1) An individual shall not engage in practice as
24 a medication aide unless the individual holds a registration to
25 engage in practice as a medication aide.

26 (2) A person shall not offer a medication aide training
27 program or provide training or instruction to a medication aide
28 candidate unless the person holds a permit to offer that training
29 program or provide that training or instruction.



1 (3) The department may grant a registration to engage in
2 practice as a medication aide to an applicant who meets all of the
3 following requirements:

4 (a) Submits an application on a form and in a manner
5 prescribed by the department.

6 (b) Pays the fee prescribed in this section.

7 (c) Demonstrates to the department that he or she holds a
8 current registration to engage in practice as a nurse aide and that
9 he or she has worked as a nurse aide in a nursing home or skilled
10 nursing facility for at least 2,000 hours during the 2-year period
11 immediately preceding the date of his or her application.

12 (d) Demonstrates to the department that he or she has
13 successfully completed a medication aide training program and a
14 competency examination approved by the department.

15 (e) Meets the requirements for registration in rules
16 promulgated under section 21923.

17 (4) The department may grant a permit as a medication aide
18 trainer to an applicant who meets all of the following
19 requirements:

20 (a) Submits an application on a form and in a manner
21 prescribed by the department.

22 (b) Pays the fee prescribed in this section.

23 (c) Is a registered professional nurse licensed under article
24 15 who meets the requirements for a permit in rules promulgated
25 under section 21923.

26 (5) The department may grant a permit as a medication aide
27 training program to an applicant that meets all of the following
28 requirements:

29 (a) Submits an application on a form and in a manner



1 prescribed by the department.

2 (b) Pays the fee prescribed in this section.

3 (c) Meets the requirements for a permit in rules promulgated
4 under section 21923.

5 (d) Demonstrates to the department that the applicant's
6 curriculum is consistent with other medication aide training
7 programs, as provided by rules promulgated by the department under
8 this part. However, a medication aide training program must
9 incorporate the National Council of State Boards of Nursing
10 medication assistant-certified model curriculum.

11 (6) The department may grant registration to an applicant who
12 is from another state and seeking a registration to practice as a
13 medication aide if the applicant demonstrates to the department
14 that he or she has successfully completed a medication aide
15 training program from Indiana, Ohio, or Wisconsin, and the
16 applicant passes a competency examination approved by the
17 department.

18 (7) If a medication aide does not renew his or her
19 registration, he or she shall not engage in practice as a
20 medication aide until his or her registration is renewed by the
21 department. If a medication aide trainer does not renew his or her
22 permit, he or she shall not provide training to a medication aide
23 candidate until his or her permit is renewed by the department. If
24 a person does not renew its permit as a medication aide training
25 program, the medication aide training program shall not provide
26 instruction to a medication aide candidate until the permit is
27 renewed by the department.

28 (8) An applicant for registration to practice as a medication
29 aide or a permit to conduct training or instruction of a medication



1 aide candidate, or renewal of that registration or permit, shall
2 pay the following annual fees:

- 3 (a) Medication aide \$64.00
4 (b) Medication aide trainer \$80.00
5 (c) Medication aide training program \$500.00, per site

6 (9) In addition to the fees prescribed in subsection (8), an
7 applicant for registration to practice as a medication aide shall
8 pay a medication aide competency examination fee of \$125.00, per
9 examination.

10 (10) This section does not apply beginning January 1, 2027.

11 Sec. 21921. (1) The nurse aide **and medication aide**
12 registration fund is created within the state treasury.

13 (2) The state treasurer shall credit the fees collected under
14 ~~section 21919~~ **this part** to the fund and may receive money or other
15 assets from any source for deposit into the fund. The state
16 treasurer shall direct the investment of the fund. The state
17 treasurer shall credit to the fund interest and earnings from fund
18 investments.

19 (3) Money in the fund at the close of the fiscal year must
20 remain in the fund and does not lapse to the general fund.

21 (4) The department is the administrator of the fund for
22 auditing purposes.

23 (5) The department shall expend money from the fund, upon
24 appropriation, only to implement the ~~program~~ **programs described in**
25 **section 21907.**

26 Sec. 21923. (1) The department may promulgate and enforce
27 rules to implement this part. The rules may include, but not be
28 limited to, rules establishing ~~requirements~~ **the following:**

- 29 (a) **Requirements** for surveying a nurse aide training program.



1 ~~, investigating~~

2 **(b) Requirements for investigating** allegations against a nurse
3 aide in a ~~health facility or agency or another setting~~ **nursing home**
4 **or skilled nursing facility** where a nurse aide engages in the
5 practice as a nurse aide ~~, investigating and taking action against~~
6 **that nurse aide.**

7 **(c) Requirements for investigating** allegations **and taking**
8 **action** against a nurse aide trainer or nurse aide training program.
9 ~~, and enforcing this part. The rules may also establish eligibility~~

10 **(d) Requirements for enforcing this part.**

11 **(e) Eligibility** requirements to **grant and** renew a registration
12 or permit under this part. ~~, competency~~

13 **(f) Competency** requirements. ~~, and examination~~

14 **(g) Examination** requirements for registration.

15 **(h) Requirements for renewal.**

16 **(i) Requirements for surveying a medication aide training**
17 **program, requirements for investigating allegations against a**
18 **medication aide in a nursing home or skilled nursing facility where**
19 **a medication aide engages in the practice of a medication aide and**
20 **taking action against that medication aide, and requirements for**
21 **investigating allegations and taking action against a medication**
22 **aide trainer or medication aide training program. This subdivision**
23 **does not apply beginning January 1, 2027.**

24 (2) Rules promulgated under this part that are applicable to
25 ~~health facilities or agencies~~ **nursing homes or skilled nursing**
26 **facilities** must be uniform insofar as is reasonable.

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

