

HOUSE BILL No. 4280

February 15, 1991, Introduced by Reps. Bandstra, Gubow, Gire, Law, Niederstadt, Scott, Perry Bullard, Fitzgerald, Dobronski, Leland and Profit and referred to the Committee on Public Health.

A bill to amend sections 16103, 16104, 16106, 16107, 16108, 16109, 16115, 16121, 16122, 16125, 16128, 16131, 16135, 16137, 16138, 16139, 16141, 16143, 16145, 16146, 16148, 16152, 16154, 16163, 16171, 16174, 16175, 16177, 16178, 16181, 16182, 16186, 16191, 16192, 16196, 16201, 16205, 16421, 17021, 17221, 17421, 17521, 17721, 17821, 18021, 18103, 18221, 18305, 18421, and 18821 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," section 16103 as amended by Act No. 247 of the Public Acts of 1990, sections 16108, 16146, 16174, and 16201 as amended by Act No. 462 of the Public Acts of 1988, section 16125 as amended by Act No. 202 of the Public Acts of 1989, sections 16131 and 16135 as amended and section 18305 as added by Act No. 473 of the Public Acts of 1988, sections 16138, 16139, 16143, 16145, 16152, 16154, 16191, and 16192 as amended by Act No. 174 of the Public

Acts of 1986, section 16171 as amended by Act No. 82 of the Public Acts of 1985, section 16181 as amended by Act No. 293 of the Public Acts of 1989, section 16182 as amended by Act No. 248 of the Public Acts of 1990, section 16186 as amended by Act No. 81 of the Public Acts of 1988, section 16205 as amended by Act No. 290 of the Public Acts of 1986, section 17221 as amended by Act No. 201 of the Public Acts of 1989, section 18103 as added by Act No. 421 of the Public Acts of 1988, and section 18821 as amended by Act No. 353 of the Public Acts of 1982, being sections 333.16103, 333.16104, 333.16106, 333.16107, 333.16108, 333.16109, 333.16115, 333.16121, 333.16122, 333.16125, 333.16128, 333.16131, 333.16135, 333.16137, 333.16138, 333.16139, 333.16141, 333.16143, 333.16145, 333.16146, 333.16148, 333.16152, 333.16154, 333.16163, 333.16171, 333.16174, 333.16175, 333.16177, 333.16178, 333.16181, 333.16182, 333.16186, 333.16191, 333.16192, 333.16196, 333.16201, 333.16205, 333.16421, 333.17021, 333.17221, 333.17421, 333.17521, 333.17721, 333.17821, 333.18021, 333.18103, 333.18221, 333.18305, 333.18421, and 333.18821 of the Michigan Compiled Laws; and to repeal certain parts of the act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 16103, 16104, 16106, 16107, 16108,
2 16109, 16115, 16121, 16122, 16125, 16128, 16131, 16135, 16137,
3 16138, 16139, 16141, 16143, 16145, 16146, 16148, 16152, 16154,
4 16163, 16171, 16174, 16175, 16177, 16178, 16181, 16182, 16186,
5 16191, 16192, 16196, 16201, 16205, 16421, 17021, 17221, 17421,
6 17521, 17721, 17821, 18021, 18103, 18221, 18305, 18421, and 18821
7 of Act No. 368 of the Public Acts of 1978, section 16103 as

1 amended by Act No. 247 of the Public Acts of 1990, sections
2 16108, 16146, 16174, and 16201 as amended by Act No. 462 of the
3 Public Acts of 1988, section 16125 as amended by Act No. 202 of
4 the Public Acts of 1989, sections 16131 and 16135 as amended and
5 section 18305 as added by Act No. 473 of the Public Acts of 1988,
6 sections 16138, 16139, 16143, 16145, 16152, 16154, 16191, and
7 16192 as amended by Act No. 174 of the Public Acts of 1986, sec-
8 tion 16171 as amended by Act No. 82 of the Public Acts of 1985,
9 section 16181 as amended by Act No. 293 of the Public Acts of
10 1989, section 16182 as amended by Act No. 248 of the Public Acts
11 of 1990, section 16186 as amended by Act No. 81 of the Public
12 Acts of 1988, section 16205 as amended by Act No. 290 of the
13 Public Acts of 1986, section 17221 as amended by Act No. 201 of
14 the Public Acts of 1989, section 18103 as added by Act No. 421 of
15 the Public Acts of 1988, and section 18821 as amended by Act
16 No. 353 of the Public Acts of 1982, being sections 333.16103,
17 333.16104, 333.16106, 333.16107, 333.16108, 333.16109, 333.16115,
18 333.16121, 333.16122, 333.16125, 333.16128, 333.16131, 333.16135,
19 333.16137, 333.16138, 333.16139, 333.16141, 333.16143, 333.16145,
20 333.16146, 333.16148, 333.16152, 333.16154, 333.16163, 333.16171,
21 333.16174, 333.16175, 333.16177, 333.16178, 333.16181, 333.16182,
22 333.16186, 333.16191, 333.16192, 333.16196, 333.16201, 333.16205,
23 333.16421, 333.17021, 333.17221, 333.17421, 333.17521, 333.17721,
24 333.17821, 333.18021, 333.18103, 333.18221, 333.18305, 333.18421,
25 and 333.18821 of the Michigan Compiled Laws, are amended to read
26 as follows:

1 Sec. 16103. (1) "Board" as used in ~~this part means each~~
2 ~~board created in this article and as used in any other part~~
3 ~~covering a specific health profession~~ PARTS 164 TO 188 means
4 ~~the~~ A LICENSURE OR REGISTRATION board created in ~~that~~ A
5 PARTICULAR part.

6 (2) "Certificate of licensure" means a document issued as
7 evidence of authorization to practice and use a designated
8 title.

9 (3) "Certificate of registration" means a document issued as
10 evidence of authorization to use a designated title.

11 (4) "CONVICTION" MEANS A JUDGMENT ENTERED BY A COURT UPON A
12 PLEA OF GUILTY, GUILTY BUT MENTALLY ILL, OR NOLO CONTENDERE OR
13 UPON A JURY VERDICT OR COURT FINDING THAT A DEFENDANT IS GUILTY
14 OR GUILTY BUT MENTALLY ILL.

15 (5) ~~(4)~~ "Council" means the health occupations council
16 created in section 16151.

17 Sec. 16104. (1) "Delegation" means an authorization granted
18 by a licensee to a licensed or unlicensed individual to perform
19 selected acts, tasks, or functions ~~which~~ THAT fall within the
20 scope of practice of the delegator and ~~which~~ THAT are not
21 within the scope of practice of the delegatee and ~~which~~ THAT,
22 in the absence of the authorization, would constitute illegal
23 practice of a licensed profession.

24 (2) "Department" means the department of licensing and
25 regulation.

26 (3) "Director" means the director of licensing and
27 regulation.

1 (4) "DISCIPLINARY BOARD" MEANS THE HEALTH PROFESSIONALS
2 DISCIPLINARY BOARD CREATED IN SECTION 16216.

3 (5) ~~(4)~~ "Good moral character" means good moral character
4 as defined and determined under Act No. 381 of the Public Acts
5 of 1974, as amended, being sections 338.41 to 338.47 of the
6 Michigan Compiled Laws.

7 Sec. 16106. (1) "Incompetence" means a departure from, or
8 failure to conform to, minimal standards of acceptable and pre-
9 vailing practice for the health profession, whether or not actual
10 injury to an individual occurs.

11 (2) "License" means an authorization issued under this arti-
12 cle to practice ~~where~~ WHICH practice would otherwise be
13 unlawful. It includes an authorization to use a designated title
14 which use would otherwise be prohibited under this article and
15 may be used to refer to a health profession subfield license,
16 limited license, or a temporary license.

17 (3) "Licensee" as used in a part that regulates a specific
18 health profession means a person to whom a license is issued
19 under that part, and as used in this part means each licensee
20 regulated by this article.

21 (4) "LICENSURE BOARD" OR "REGISTRATION BOARD" MEANS A BOARD
22 CREATED IN A PART PERTAINING TO A SPECIFIC HEALTH PROFESSION.

23 (5) ~~(4)~~ "Limitation" means an action by which ~~a board~~ A
24 LICENSURE BOARD imposes ~~restrictions or~~ conditions ~~, or both,~~
25 on a license.

26 (6) ~~(5)~~ "Limited license" means a license to which
27 ~~restrictions or~~ conditions ~~, or both,~~ as to ~~scope of~~

1 ~~practice,~~ place of practice, supervision of practice, OR
2 duration of licensed status ~~, or type or condition of patient or~~
3 ~~client served~~ are imposed by a ~~board~~ LICENSURE BOARD.

4 Sec. 16107. (1) "Probation" means a sanction ~~which~~ THAT
5 permits ~~a~~ THE DISCIPLINARY board to evaluate over a period of
6 time a licensee's fitness to continue to practice under a
7 license.

8 (2) "Public member" means a member of the general public who
9 is not a licensee or registrant under this article, is a resident
10 of this state, is not less than 18 years of age, and does not
11 have a material financial interest in the provision of health
12 services and has not had such an interest within the 12 months
13 before appointment.

14 Sec. 16108. (1) "Reclassification" means an action by ~~a~~
15 THE DISCIPLINARY board by which restrictions or conditions, or
16 both, applicable to a license are added or removed.

17 (2) "Registration" means an authorization only for the use
18 of a designated title which use would otherwise be prohibited
19 under this article. It includes specialty certification of a
20 licensee.

21 (3) "Registrant" as used in any part that regulates the use
22 of a title means an individual to whom a registration or spe-
23 cialty certification is issued under that part, and as used in
24 this part means each registrant regulated by this article.

25 (4) ~~"Retiree's limited license" means a limited license~~
26 ~~which authorizes the holder to use a designated title which would~~
27 ~~otherwise be prohibited under this article, but does not~~

1 ~~authorize the holder to practice a health profession.~~

2 "RESTRICTION" MEANS AN ACTION BY WHICH THE DISCIPLINARY BOARD
3 IMPOSES CONDITIONS ON A LICENSE.

4 (5) "Reinstatement" means the granting of a license or cer-
5 tificate of registration, with or without ~~limitations~~
6 RESTRICTIONS or conditions, to a person whose license or certifi-
7 cate of registration has been suspended or revoked.

8 (6) "Relicensure" means the granting of a license to a
9 person whose license has become ~~null and~~ void for failure to
10 renew the license within 60 days after the expiration date.

11 (7) "Reregistration" means the granting of a certificate of
12 registration to a person whose certificate of registration has
13 become void for failure to renew the certificate within 60 days
14 after the expiration date.

15 Sec. 16109. (1) "Specialty certification" means an authori-
16 zation to use a title by a licensee who has met qualifications
17 established by a LICENSURE board for registration in a health
18 profession specialty field.

19 (2) "Supervision" means the overseeing of or participation
20 in the work of another individual by a health professional
21 licensed under this article in circumstances where at least all
22 of the following conditions exist:

23 (a) The continuous availability of direct communication in
24 person or by radio, telephone, or telecommunication between the
25 supervised individual and a licensed health professional.

26 (b) The availability of a licensed health professional on a
27 regularly scheduled basis to review the practice of the

1 supervised individual, to provide consultation to the supervised
2 individual, to review records, and to further educate the super-
3 vised individual in the performance of the individual's
4 functions.

5 (c) The provision by the licensed supervising health profes-
6 sional of predetermined procedures and drug protocol.

7 (3) "Task force" means a task force created by this
8 article.

9 (4) "Temporary license" means a license of limited duration
10 granted to an applicant who has completed all requirements for
11 licensure except an examination or other required evaluation
12 procedure.

13 Sec. 16115. A LICENSURE OR REGISTRATION board created by
14 this article is the successor to the LICENSURE OR REGISTRATION
15 board with the same or similar name created or continued by a
16 statute repealed by this code.

17 Sec. 16121. (1) The governor shall appoint by and with the
18 advice and consent of the senate the members of the council,
19 ~~and~~ LICENSURE OR REGISTRATION boards, THE DISCIPLINARY BOARD,
20 and task forces except ex officio members AND EXCEPT TEMPORARY
21 MEMBERS OF THE DISCIPLINARY BOARD.

22 (2) A vacancy on the council, ~~or~~ a LICENSURE OR
23 REGISTRATION board, THE DISCIPLINARY BOARD EXCEPT FOR TEMPORARY
24 MEMBERS, or A task force shall be filled for the balance of the
25 unexpired term in the same manner as the original appointment.
26 An appointment for a vacancy shall be submitted to the senate not
27 later than 60 days after the vacancy occurs.

1 (3) The governor shall seek nominations from a wide range of
 2 sources including professional associations, educational institu-
 3 tions, consumer organizations, labor unions, health planning
 4 agencies, and other community health organizations when making
 5 appointments under this article.

6 (4) The governor may remove or suspend a MEMBER OF THE coun-
 7 cil, ~~or~~ a LICENSURE OR REGISTRATION board, THE DISCIPLINARY
 8 BOARD, or A task force ~~member~~ from office in accordance with
 9 section 10 of article 5 of the state constitution of 1963.

10 Sec. 16122. Except as otherwise provided in this part, the
 11 term of office of members of the council, ~~or~~ a LICENSURE OR
 12 REGISTRATION board, THE DISCIPLINARY BOARD, or A task force shall
 13 be 4 years, commencing on the day after the date prescribed in
 14 section 16131 and terminating on the prescribed date. A member
 15 shall not serve CONSECUTIVELY FOR more than 2 terms and 1 partial
 16 term, ~~consecutive or otherwise,~~ including service on a prede-
 17 cessor council, LICENSURE OR REGISTRATION board, or task force.
 18 ~~However, a member serving when this section takes effect may~~
 19 ~~complete the term to which the member was appointed.~~

20 Sec. 16125. A ~~licensing~~ LICENSURE OR REGISTRATION board
 21 shall be composed of a majority of members licensed in the health
 22 profession ~~which~~ that THE LICENSURE board licenses OR
 23 REGISTERS. The LICENSURE OR REGISTRATION board shall include at
 24 least 1 public member. The director shall be an ex officio
 25 member without vote, but is not a member for the purposes of sec-
 26 tion 5 of article 5 of the state constitution of 1963 or for
 27 determining a quorum. If a licensed health profession subfield

1 is created by this article, the LICENSURE board shall include at
2 least 1 licensee from each subfield. If a health profession sub-
3 field task force is created by this article, 1 licensee from each
4 subfield so appointed to the LICENSURE board shall also be
5 appointed as a member of the health profession subfield task
6 force. If a certified health profession specialty field task
7 force is created by this article, 1 member of the LICENSURE board
8 holding a license other than a health profession subfield license
9 shall also be appointed to the specialty field task force.

10 Sec. 16128. (1) A health profession subfield task force
11 shall be composed of a majority of members licensed in the sub-
12 fields of the health profession which are created by this article
13 and shall include at least 1 licensed member from each of the
14 subfields of the health profession which is created by this
15 article. A health profession subfield task force shall include
16 at least 1 public member and 1 member of that profession who
17 holds a license other than a subfield license in that health
18 profession.

19 (2) A health profession specialty field task force shall be
20 composed of a majority of members certified in the specialty
21 fields of the health profession which are created by this
22 article. A health profession specialty field task force shall
23 include at least 1 public member and 1 member of that health pro-
24 fession who is a member of the LICENSURE board.

25 Sec. 16131. The terms of office of individual members of
26 the council, ~~or~~ the LICENSURE OR REGISTRATION boards, THE
27 DISCIPLINARY BOARD, and THE task forces, except those appointed

1 to fill vacancies, shall expire 4 years after appointment as
2 follows:

3	Nursing	June 30
4	Optometry	June 30
5	Pharmacy	June 30
6	Podiatric medicine and surgery	June 30
7	Dentistry	June 30
8	Chiropractic	December 31
9	Counseling	June 30
10	Health occupations council	December 31
11	Medicine	December 31
12	Occupational therapists	December 31
13	Osteopathic medicine and surgery	December 31
14	Physical therapy	December 31
15	Psychology	December 31
16	Sanitarians	December 31
17	Veterinary medicine	December 31
18	DISCIPLINARY	DECEMBER 31
19	Sec. 16135. (1) Except as otherwise provided in subsection	
20	(2), a member of the council, or a LICENSURE board, THE DISCI-	
21	PLINARY BOARD, or A task force created by this article shall:	
22	(a) Be 18 or more years of age.	
23	(b) Be of good moral character.	
24	(c) Be a resident of this state for not less than 6 months	
25	immediately before appointment and remain a resident of this	
26	state throughout the term of the appointment.	

1 (d) Be currently licensed or registered in this state where
2 licensure or registration in a health profession is a requirement
3 for membership. ~~on the council or a board or task force.~~ The
4 member shall have actively practiced that profession or taught in
5 an approved educational institution ~~which~~ THAT prepares appli-
6 cants for licensure or registration in that profession, or a com-
7 bination of both, in any state for not less than 2 years immedi-
8 ately before appointment.

9 (2) Subject to subsection (3), for a LICENSURE OR
10 REGISTRATION board created on or after January 1, 1989, the gov-
11 ernor may appoint, as the members of the board who are required
12 to be licensed or registered under subsection (1)(d), individuals
13 who meet either or both of the following requirements:

14 (a) Are certified or otherwise approved by a national orga-
15 nization that certifies or otherwise approves individuals in the
16 profession to be licensed or registered by the LICENSURE OR
17 REGISTRATION board.

18 (b) Have actively practiced the profession licensed or reg-
19 istered by the LICENSURE OR REGISTRATION board or taught in an
20 educational institution ~~which~~ THAT prepares applicants for
21 licensure or registration in that profession, or a combination of
22 both, for not less than the 2 years immediately preceding their
23 appointment.

24 (3) Each individual appointed under subsection (2) shall be
25 licensed or registered under this article in the profession
26 licensed or registered by that LICENSURE OR REGISTRATION board

1 within 3 years after the effective date of the amendatory act
2 that created the LICENSURE OR REGISTRATION board.

3 Sec. 16137. The legislature annually shall fix the per diem
4 compensation of the members of the council, ~~and~~ THE LICENSURE
5 AND REGISTRATION boards, THE TEMPORARY MEMBERS OF THE DISCI-
6 PLINARY BOARD, and THE task forces. Expenses of members incurred
7 in the performance of official duties shall be reimbursed as pro-
8 vided in section 1216.

9 Sec. 16138. (1) The council, ~~or~~ a LICENSURE OR
10 REGISTRATION board, or task force shall hold ~~a~~ regular
11 ~~meeting~~ MEETINGS at places and on separate dates fixed by it.
12 ~~Licensure boards and the physician's assistant task force shall~~
13 ~~hold a regular meeting not less than 6 times a year.~~ Special
14 meetings may be called by the chairperson, a majority of the mem-
15 bers of the council, ~~or~~ a LICENSURE OR REGISTRATION board, ~~or~~
16 THE DISCIPLINARY BOARD, A task force, or the department. Except
17 as otherwise provided in THIS ARTICLE OR IN the bylaws of the
18 council, ~~or~~ a LICENSURE OR REGISTRATION board, THE DISCIPLINARY
19 BOARD, or A task force, a majority of the members appointed and
20 serving constitutes a quorum. ~~Final~~ EXCEPT AS OTHERWISE PRO-
21 VIDED IN SECTION 16216, FINAL action by the council, ~~or~~ a
22 LICENSURE OR REGISTRATION board, THE DISCIPLINARY BOARD, or A
23 task force shall be taken only by affirmative vote of a majority
24 of the members present at a meeting or for a hearing. A member
25 shall not vote by proxy.

26 (2) The department shall make available the times and places
27 of meetings of the council, ~~and~~ THE LICENSURE AND REGISTRATION

1 boards, and THE task forces and keep minutes of their meetings
 2 and a record of their actions. The council, ~~or~~ a LICENSURE OR
 3 REGISTRATION board, or A task force meeting shall be open to the
 4 public in accordance with the open meetings act, Act No. 267 of
 5 the Public Acts of 1976, being sections 15.261 to 15.275 of the
 6 Michigan Compiled Laws.

7 Sec. 16139. The council or a LICENSURE OR REGISTRATION
 8 board or task force shall elect annually a chairperson and
 9 vice-chairperson at the first meeting held after the date set
 10 forth in section 16131. The officers shall be selected from
 11 council, LICENSURE OR REGISTRATION board, or task force members
 12 and shall hold office for 1 year or until their successors are
 13 elected and qualified. The council or a LICENSURE OR
 14 REGISTRATION board or task force may fill a vacancy in the office
 15 of chairperson or vice-chairperson for the balance of the unex-
 16 pired term. The chairperson shall preside at meetings, and if
 17 absent or unable to preside, the vice-chairperson shall preside.

18 Sec. 16141. (1) The department shall furnish office serv-
 19 ices to the council, ~~and~~ THE LICENSURE AND REGISTRATION boards,
 20 THE DISCIPLINARY BOARD, and THE task forces; have charge of their
 21 offices, records, and ~~moneys~~ MONEY collected; and perform mana-
 22 gerial and administrative functions for them.

23 (2) The department, after consultation with the council, A
 24 LICENSURE OR REGISTRATION board, THE DISCIPLINARY BOARD, or A
 25 task force, shall appoint administrative and secretarial staff,
 26 clerks, and employees necessary to allow the proper exercise of
 27 the powers and duties of the council, ~~or a~~ LICENSURE OR

1 REGISTRATION board, DISCIPLINARY BOARD, or task force. Salaries
 2 and other expenses incurred by the council, ~~or~~ a LICENSURE OR
 3 REGISTRATION board, THE DISCIPLINARY BOARD, or A task force and
 4 staff and expenses for studies and activities authorized under
 5 this article shall be paid out of funds appropriated by the leg-
 6 islature ~~therefor and be paid out of the general fund of the~~
 7 ~~state~~ FOR THOSE PURPOSES.

8 ~~(3) The department shall send moneys received to the~~
 9 ~~department of treasury for deposit in the general fund of this~~
 10 ~~state.~~

11 (3) ~~(4)~~ The department ~~, with the advice of the council,~~
 12 may promulgate rules to promote the effective and consistent
 13 administration of this article. However, rules shall not be
 14 promulgated ~~which~~ THAT constitute the licensure, REGISTRATION,
 15 or examination of health professionals.

16 Sec. 16143. (1) The council, ~~or~~ a LICENSURE OR
 17 REGISTRATION board, THE DISCIPLINARY BOARD, or A task force may
 18 adopt bylaws for the regulation of its internal affairs.

19 (2) The council, ~~or~~ a LICENSURE OR REGISTRATION board, THE
 20 DISCIPLINARY BOARD, or A task force shall report its activities
 21 annually to the department. The report shall include statistical
 22 data on applicants for examination, licensure, and registration;
 23 allegations and disciplinary actions against licensees AND
 24 REGISTRANTS; and other matters relating to the licensure and reg-
 25 istration, registration, and regulatory activity of the LICENSURE
 26 AND REGISTRATION boards, THE DISCIPLINARY BOARD, OR A TASK FORCE
 27 as prescribed by the department.

1 (3) The council, ~~or~~ a LICENSURE OR REGISTRATION board, THE
 2 DISCIPLINARY BOARD, or A task force may perform acts and make
 3 determinations necessary and proper to carry out its functions
 4 and the department may contract with other state agencies, pri-
 5 vate agencies, organizations, and consultants to assist the coun-
 6 cil, A LICENSURE OR REGISTRATION board, THE DISCIPLINARY BOARD,
 7 or A task force to perform the acts or to aid in carrying out
 8 functions of the council, A LICENSURE OR REGISTRATION board, THE
 9 DISCIPLINARY BOARD, or A task force.

10 Sec. 16145. (1) A LICENSURE OR REGISTRATION board OR THE
 11 DISCIPLINARY BOARD may adopt and have an official seal.

12 (2) A LICENSURE OR REGISTRATION board OR THE DISCIPLINARY
 13 BOARD may promulgate rules necessary or appropriate to fulfill
 14 its functions as prescribed in this article. ~~The rules shall~~
 15 ~~not be inconsistent with rules promulgated by the council pursu-~~
 16 ~~ant to section 16154.~~

17 (3) A LICENSURE OR REGISTRATION board shall promulgate rules
 18 to specify requirements for licenses, registrations, renewals,
 19 examinations, and required passing scores.

20 Sec. 16146. (1) A LICENSURE OR REGISTRATION board shall
 21 grant a license or registration to an applicant meeting the
 22 requirements for the license or registration as prescribed in
 23 this article and the rules promulgated under this article.

24 (2) A LICENSURE board ~~which grants licenses may: (a)~~
 25 ~~certify~~ MAY CERTIFY licensees in those health profession spe-
 26 cialty fields within its scope of practice ~~which~~ THAT are
 27 established in this article.

1 (3) ~~(b) Reclassify~~ THE DISCIPLINARY BOARD SHALL RECLASSIFY
2 licenses on the basis of a determination that the addition or
3 removal of conditions or restrictions is appropriate.

4 Sec. 16148. (1) Except as provided in section 17060, only a
5 LICENSURE OR REGISTRATION board may promulgate rules to establish
6 standards for the education and training of individuals to be
7 licensed or registered, or whose licenses or registrations are to
8 be renewed, for the purposes of determining whether graduates of
9 a training program have the knowledge and skills requisite for
10 practice of a health profession or use of a title.

11 (2) Except as provided in section 17060, only a LICENSURE OR
12 REGISTRATION board may accredit training programs in hospitals,
13 schools, colleges, universities, and institutions offering train-
14 ing programs meeting educational standards and may deny or with-
15 draw accreditation of training programs for failure to meet
16 established standards. An institution ~~which~~ THAT has its pro-
17 gram accreditation withdrawn shall have an opportunity for a
18 hearing.

19 (3) An action or decision of a LICENSURE board pursuant to
20 subsection (1) or (2) relating to a specific health profession
21 subfield shall be made only after consultation with the task
22 force in the affected subfield and with at least 1 of the
23 affected subfield board members present.

24 (4) A member of the ~~licensing~~ LICENSURE board from the
25 health profession subfield shall vote as an equal member in all
26 matters except those issues designated in subsections (1) and (2)
27 ~~which~~ THAT are outside the subfield profession.

1 (5) A decision of a LICENSURE board on standards for the
2 education and training of individuals or the accreditation of
3 training programs shall be concurred in by a majority of the non-
4 subfield board members when the decision relates solely to non-
5 subfield licenses.

6 Sec. 16152. The council shall DO ALL OF THE FOLLOWING:

7 (a) Evaluate proposals as to licensure and registration of
8 existing and emerging health occupations and recommend the appro-
9 priateness of, and the mechanisms for, regulation of those health
10 occupations to the department, other state agencies, and the leg-
11 islature in accordance with the criteria prescribed in sections
12 16155 and 16156.

13 (b) Mediate conflicts within and between LICENSURE AND
14 REGISTRATION boards and between LICENSURE AND REGISTRATION boards
15 and their task forces.

16 ~~(c) Perform the council functions described in section~~
17 ~~16208.~~

18 (C) ~~(d)~~ Coordinate regulation of health occupations with
19 state health planning and resource development functions.

20 (D) ~~(e)~~ Issue advisory opinions and recommendations to
21 LICENSURE OR REGISTRATION boards as to conflicts or ambiguities
22 between licensure and registration programs.

23 (E) ~~(f)~~ Promote the uniform utilization of examinations
24 and the establishment of minimum English language proficiency
25 standards for licensees, and the utilization of regional or
26 national examinations developed for use in the United States.

1 ~~(g) Review and comment on proposed rules by the boards and~~
2 ~~the department to promote the consistency of the rules with this~~
3 ~~article.~~

4 (F) ~~(h)~~ Promulgate rules establishing criteria for minimum
5 attendance at meetings of the council and the LICENSURE AND
6 REGISTRATION boards and task forces.

7 Sec. 16154. The council may:

8 ~~(a) Promulgate rules necessary or appropriate to fulfill~~
9 ~~its functions as prescribed in this part. However, the council~~
10 ~~shall not promulgate rules which constitute the examination or~~
11 ~~licensure of health professions.~~

12 (A) ~~(b)~~ Recommend restructuring of classifications of
13 licensure in a health profession.

14 (B) ~~(c)~~ Conduct special studies of licensure, registra-
15 tion, and regulation of health occupations.

16 Sec. 16163. A task force shall recommend to ~~the~~ A
17 LICENSURE board as to ALL OF THE FOLLOWING:

18 (a) Determination of standards of education, training, and
19 experience required for practice in a health profession subfield
20 or for certification in a health profession specialty field, and
21 where appropriate, guidelines for approval of educational pro-
22 grams for the subfield or specialty field.

23 (b) Qualifications required of applicants for licensure in
24 health profession subfields or for certification in health pro-
25 fession specialty fields.

26 (c) Evaluation of qualifications for initial and continuing
27 licensure of practitioners in health profession subfields or

1 specialty fields. The evaluation may cover assessment of
2 educational credentials, work experience and related training,
3 and administration of tests and examinations.

4 (d) Guidelines for utilization of, and standards of practice
5 for, licensees in health profession subfields or specialty
6 fields.

7 Sec. 16171. Under the circumstances and subject to the lim-
8 itations stated in each case, the following individuals are not
9 required to have a license issued under this article for practice
10 of a health profession in this state:

11 (a) A student in a health profession training program ~~which~~ ^{that}
12 ~~which~~ THAT has been approved by the appropriate LICENSURE OR
13 REGISTRATION board, while performing the duties assigned in the
14 course of training.

15 (b) An individual practicing a health profession in the dis-
16 charge of official duties while in the military service of the
17 United States, the United States public health service, the
18 United States department of agriculture, or the United States
19 veterans administration. The institution in which the individual
20 practices shall report the name and address of the individual to
21 the appropriate board within 30 days after the date of
22 employment.

23 (c) An individual who by education, training, or experience
24 substantially meets the requirements of this article for licen-
25 sure while rendering medical care in a time of disaster or to an
26 ill or injured individual at the scene of an emergency.

1 (d) An individual who provides nonmedical nursing or similar
2 services in the care of the ill or suffering or an individual who
3 in good faith ministers to the ill or suffering by spiritual
4 means alone, through prayer, in the exercise of a religious free-
5 dom, and who does not hold himself or herself out to be a health
6 professional.

7 (e) An individual residing in another state or country and
8 authorized to practice a health profession in that state or coun-
9 try who, in an exceptional circumstance, is called in for consul-
10 tation or treatment by a health professional in this state.

11 (f) An individual residing in another state or country and
12 authorized to practice a health profession in that state or coun-
13 try, when attending meetings or conducting lectures, seminars, or
14 demonstrations under the auspices of professional associations or
15 training institutions in this state, if the individual does not
16 maintain an office or designate a place to meet patients or
17 receive calls in this state.

18 (g) An individual authorized in another country to practice
19 a health profession and who is employed by the United States
20 public health service or the government of another country for
21 the exclusive use of members of its merchant marine and members
22 of its consular and diplomatic corps, while caring for those mem-
23 bers in the performance of his or her official duties.

24 (h) An individual residing adjacent to the land border
25 between this state and an adjoining state who is authorized under
26 the laws of that state to practice a health profession and whose
27 practice may extend into this state, but who does not maintain an

1 office or designate a place to meet patients or receive calls in
2 this state.

3 (i) An individual authorized to practice a health profession
4 in another state or territory of the United States who has been
5 appointed by the United States olympic committee to provide
6 health services exclusively to team personnel and athletes regis-
7 tered to train and compete at a training site in this state
8 approved by the United States olympic committee or at an event
9 conducted under the sanction of the United States olympic
10 committee. The exemption granted by this subdivision ~~shall~~
11 ~~apply~~ APPLIES to the individual while performing the duties
12 assigned in the course of the sanctioned training program or
13 event and for the time period specified by the United States
14 olympic committee.

15 Sec. 16174. (1) An individual WHO IS licensed or registered
16 under this article shall MEET ALL OF THE FOLLOWING REQUIREMENTS:

17 (a) Be 18 or more years of age.

18 (b) Be of good moral character.

19 (c) Have a specific education or experience in the health
20 profession or in a subfield or specialty field of a health pro-
21 fession, or training equivalent, or both, as prescribed by this
22 article or rules of a LICENSURE OR REGISTRATION board necessary
23 to promote safe and competent practice and informed consumer
24 choice.

25 (d) Have a working knowledge of the English language as
26 determined in accordance with minimum standards established for
27 that purpose by the council.

1 (e) Pay the appropriate fees as prescribed in the ~~State~~
2 STATE license fee act, Act No. 152 of the Public Acts of 1979,
3 being sections 338.2201 to 338.2277 of the Michigan Compiled
4 Laws.

5 (2) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (1), AN
6 APPLICANT FOR LICENSURE, REGISTRATION, OR SPECIALTY CERTIFICATION
7 UNDER THIS ARTICLE SHALL MEET BOTH OF THE FOLLOWING
8 REQUIREMENTS:

9 (A) ESTABLISH THAT DISCIPLINARY PROCEEDINGS BEFORE A SIMILAR
10 LICENSURE, REGISTRATION, DISCIPLINARY, OR SPECIALTY CERTIFICATION
11 BOARD OF THIS OR ANY OTHER STATE OR COUNTRY ARE NOT PENDING
12 AGAINST THE APPLICANT.

13 (B) ESTABLISH THAT IF SANCTIONS HAVE BEEN IMPOSED AGAINST
14 THE APPLICANT BY A SIMILAR LICENSURE, REGISTRATION, OR DISCI-
15 PLINARY BOARD OF THIS OR ANY OTHER STATE OR COUNTRY BASED UPON
16 GROUNDS THAT ARE SUBSTANTIALLY SIMILAR TO THOSE SET FORTH IN
17 SECTION 16221, AS DETERMINED BY THE LICENSURE OR REGISTRATION
18 BOARD TO WHICH THE APPLICANT APPLIES, THE SANCTIONS ARE NOT IN
19 FORCE AT THE TIME OF APPLICATION.

20 (3) BEFORE LICENSING, REGISTERING, OR CERTIFYING AN APPLI-
21 CANT, THE LICENSURE OR REGISTRATION BOARD TO WHICH THE APPLICANT
22 APPLIES MAY DO 1 OF THE FOLLOWING:

23 (A) MAKE AN INDEPENDENT INQUIRY INTO THE REQUIREMENTS
24 DESCRIBED IN SUBSECTION (2). IF A LICENSURE OR REGISTRATION
25 BOARD DETERMINES UNDER SUBSECTION (2)(B) THAT SANCTIONS HAVE BEEN
26 IMPOSED AND ARE IN FORCE AT THE TIME OF APPLICATION, THE

1 LICENSURE OR REGISTRATION BOARD SHALL NOT GRANT A LICENSE OR
2 REGISTRATION.

3 (B) REQUIRE THE APPLICANT TO SECURE FROM A NATIONAL ASSOCIA-
4 TION OR FEDERATION OF STATE PROFESSIONAL LICENSING BOARDS CERTI-
5 FICATION OF THE REQUIREMENTS DESCRIBED IN SUBSECTION (2).

6 (4) IF, AFTER ISSUING A LICENSE, REGISTRATION, OR CERTIFICA-
7 TION, A LICENSURE OR REGISTRATION BOARD OR THE DEPARTMENT DETER-
8 MINES THAT SANCTIONS HAVE BEEN IMPOSED AGAINST THE LICENSEE OR
9 REGISTRANT BY A SIMILAR LICENSURE, REGISTRATION, OR DISCIPLINARY
10 BOARD AS DESCRIBED IN SUBSECTION (2)(B) AND THAT THE SANCTIONS
11 ARE STILL IN FORCE, THE LICENSURE OR REGISTRATION BOARD OR THE
12 DEPARTMENT MAY SO INFORM THE DISCIPLINARY BOARD, AND THE DISCI-
13 PLINARY BOARD MAY IMPOSE APPROPRIATE SANCTIONS UPON THE LICENSEE
14 OR REGISTRANT. THE LICENSEE OR REGISTRANT MAY REQUEST A SHOW
15 CAUSE HEARING BEFORE A HEARING EXAMINER TO DEMONSTRATE WHY THE
16 SANCTIONS SHOULD NOT BE IMPOSED.

17 (5) AN APPLICANT FOR LICENSURE, REGISTRATION, OR SPECIALTY
18 CERTIFICATION WHO IS OR HAS BEEN LICENSED, REGISTERED, OR CERTI-
19 FIED IN ANY PROFESSION BY ANOTHER STATE OR COUNTRY SHALL DISCLOSE
20 THAT FACT ON THE APPLICATION FORM.

21 Sec. 16175. In developing minimum standards of educational
22 prerequisites for licensure or registration, a LICENSURE OR
23 REGISTRATION board and its task forces shall consider equivalency
24 and proficiency testing and other mechanisms, and where appropri-
25 ate grant credit for past training, education, or experience in
26 health and related fields. Standards may include those for
27 formal education, practice proficiency, and other training,

1 education, or experience which may provide equivalence to
2 completion of formal educational requirements.

3 Sec. 16177. (1) An individual applying for licensure or
4 registration under this article shall do so on a form provided by
5 the department. If the facts set forth in the application meet
6 the requirements of the LICENSURE OR REGISTRATION board and this
7 article for licensure or registration, the LICENSURE OR
8 REGISTRATION board may grant a license or registration to the
9 applicant. A LICENSURE OR REGISTRATION board may require the
10 applicant to take an examination to determine if the applicant
11 meets the qualifications for licensure or registration. The
12 examination shall include subjects determined by the LICENSURE OR
13 REGISTRATION board to be essential to the safe and competent
14 practice of the health profession, the appropriate use of a
15 title, or both. Passing scores or the procedure used to deter-
16 mine passing scores shall be established before an examination is
17 administered.

18 (2) IN ADDITION TO THE INFORMATION REQUIRED UNDER
19 SUBSECTION (1), AN APPLICANT FOR LICENSURE OR REGISTRATION OR A
20 LICENSEE OR REGISTRANT APPLYING FOR RENEWAL SHALL INCLUDE ON A
21 FORM PROVIDED BY THE DEPARTMENT ALL OF THE FOLLOWING INFORMATION,
22 IF APPLICABLE:

23 (A) A FELONY CONVICTION.

24 (B) A MISDEMEANOR CONVICTION, IF THE MISDEMEANOR INVOLVES 1
25 OR MORE OF THE FOLLOWING:

26 (i) A MAXIMUM TERM OF IMPRISONMENT OF 2 YEARS.

1 (ii) THE ILLEGAL DELIVERY, POSSESSION, OR USE OF ALCOHOL OR
2 A CONTROLLED SUBSTANCE.

3 (C) SANCTIONS IMPOSED AGAINST THE APPLICANT BY A SIMILAR
4 LICENSURE, REGISTRATION, OR CERTIFICATION BOARD OF ANOTHER STATE
5 OR COUNTRY.

6 (3) IN ADDITION TO THE INFORMATION REQUIRED UNDER
7 SUBSECTIONS (1) AND (2), A PHYSICIAN, OSTEOPATHIC PHYSICIAN, OR
8 PODIATRIST APPLYING FOR LICENSURE OR RENEWAL UNDER THIS ARTICLE
9 SHALL REPORT TO THE DEPARTMENT ON A FORM PROVIDED BY THE DEPART-
10 MENT THE NAME OF EACH HOSPITAL WITH WHICH HE OR SHE IS EMPLOYED
11 OR UNDER CONTRACT, AND EACH HOSPITAL IN WHICH HE OR SHE IS
12 ALLOWED TO PRACTICE.

13 Sec. 16178. (1) Unless otherwise necessary for a LICENSURE
14 OR REGISTRATION board to fulfill national or regional testing
15 requirements, the department shall conduct examinations or other
16 evaluations necessary to determine qualifications of applicants
17 for initial licensure or registration at least annually and may
18 conduct other investigations or evaluations necessary to deter-
19 mine the qualifications of applicants. A LICENSURE OR
20 REGISTRATION board may accept passing a national or regional
21 examination developed for use in the United States for the pur-
22 pose of meeting a state board examination or a part ~~thereof~~ OF
23 A STATE BOARD EXAMINATION.

24 (2) An individual who fails to pass a required examination
25 may be reexamined to the extent and in a manner determined by the
26 LICENSURE OR REGISTRATION board.

1 (3) The department shall give public notice of the time and
2 place of a required regular initial licensure or registration
3 examination or evaluation in a manner it considers best not less
4 than 90 days before the date of the examination or evaluation.

5 Sec. 16181. A LICENSURE board may grant a nonrenewable,
6 temporary license to an applicant who has completed all require-
7 ments for licensure except for examination or other required
8 evaluation procedure. A ~~person~~ LICENSURE BOARD SHALL NOT GRANT
9 A TEMPORARY LICENSE TO AN INDIVIDUAL who has previously failed
10 the examination or other required evaluation procedure or whose
11 license has been suspended or revoked. ~~shall not be issued a~~
12 ~~temporary license.~~ A temporary license issued pursuant to this
13 section is valid for 18 months, but A LICENSURE BOARD shall auto-
14 matically ~~be revoked~~ VOID THE TEMPORARY LICENSE if the appli-
15 cant fails the examination or other required evaluation
16 procedure. The holder of a temporary license shall practice only
17 under the supervision of a licensee who holds a license, other
18 than a health profession subfield license, in the same health
19 profession. ~~The holder of a temporary license shall not be~~
20 ~~supervised by a~~ A licensee who holds a limited, RESTRICTED, or
21 temporary license SHALL NOT SUPERVISE THE HOLDER OF A TEMPORARY
22 LICENSE. The department shall promptly issue a temporary
23 license.

24 Sec. 16182. ~~(1) A board may grant a limited license to an~~
25 ~~individual if the board determines that the limitation is consis-~~
26 ~~tent with the ability of the individual to practice the health~~
27 ~~profession in a safe and competent manner, is necessary to~~

1 ~~protect the health and safety of patients or clients, or is~~
2 ~~appropriate to promote the efficient and effective delivery of~~
3 ~~health care services.~~

4 ~~(2) In addition to the licenses issued under subsection (1),~~

5 a- A LICENSURE board may grant the following types of limited
6 licenses upon application by an individual or upon its own
7 determination:

8 (a) Educational, to an individual engaged in postgraduate
9 education.

10 (b) Nonclinical, to an individual who functions only in a
11 nonclinical academic, research, or administrative setting and who
12 does not hold himself or herself out to the public as being
13 actively engaged in the practice of the health profession, or
14 otherwise directly solicit patients or clients.

15 (c) Clinical academic, to an individual who practices the
16 health profession only as part of an academic institution and
17 only in connection with his or her employment or other contrac-
18 tual relationship with that academic institution. For an indi-
19 vidual applying for a limited license under this subdivision to
20 engage in the practice of medicine under part 170, "academic
21 institution" means that term as defined in section 17001.

22 ~~(3) In addition to the limited licenses issued under sub-~~
23 ~~sections (1) and (2), a board may reclassify a license to a~~
24 ~~retiree's limited license upon application and payment of the~~
25 ~~equivalent of a 1 year license fee. A licensee under this sub-~~
26 ~~section is authorized to use the appropriate title listed in~~
27 ~~section 16263 but shall not practice that health profession. The~~

~~1 license shall be issued once by the department and shall not have
2 an expiration date. A licensee under this subsection is not
3 required to fulfill continuing education or continued competency
4 requirements. If a licensee under this subsection desires to
5 practice the health profession, he or she shall fulfill all
6 licensure requirements of this act and the rules promulgated
7 under this act in effect at the time the licensee reapplies for
8 licensure.~~

9 Sec. 16186. (1) An individual who is licensed to practice a
10 health profession in another state or who is registered in
11 another state or who holds specialty certification from another
12 state and who applies for licensure, registration, or specialty
13 certification in this state may be granted an appropriate license
14 or registration upon satisfying the LICENSURE OR REGISTRATION
15 board TO WHICH THE APPLICANT APPLIES as to all of the following:

16 (a) The applicant substantially meets the requirements of
17 this article and rules promulgated by a LICENSURE OR REGISTRATION
18 board for licensure, registration, or specialty certification.

19 ~~(b) Disciplinary proceedings before a similar licensing,~~
20 ~~registration, or specialty certification board of this or any~~
21 ~~other state or country are not pending against the applicant.~~

22 ~~(c) That if sanctions have been imposed against the appli-~~
23 ~~cant by a similar licensing or registration board of this or any~~
24 ~~other state or country based upon grounds which are substantially~~
25 ~~similar to those set forth in section 16221, as determined by the~~
26 ~~board, the sanctions are not in force at the time of~~
27 ~~application.~~

1 (B) ~~(d)~~ The applicant is licensed, registered, or
2 certified in another state ~~which~~ THAT maintains standards sub-
3 stantially equivalent to those of this state.

4 (2) Before licensing, registering, or certifying the appli-
5 cant, the LICENSURE OR REGISTRATION board TO WHICH THE APPLICANT
6 APPLIES may require the applicant to appear personally before it
7 for an interview to evaluate the applicant's relevant
8 qualifications.

9 ~~(3) Before licensing, registering, or certifying an appli-~~
10 ~~cant under this section, the board shall do 1 of the following:~~

11 ~~(a) Make an independent inquiry into the requirements~~
12 ~~described in subsection (1)(b) and (c).~~

13 ~~(b) Require the applicant to secure from a national associa-~~
14 ~~tion or federation of state professional licensing boards certi-~~
15 ~~fication of the requirements described in subsection (1)(b) and~~
16 ~~(c).~~

17 ~~(4) An applicant for licensure, registration, or specialty~~
18 ~~certification who is or has been licensed, registered, or certi-~~
19 ~~fied in any profession by another state or country shall disclose~~
20 ~~that fact on the application form.~~

21 Sec. 16191. (1) The department shall issue a certificate of
22 licensure or registration to an applicant who is granted a
23 license or registration by a LICENSURE OR REGISTRATION board.

24 (2) A licensee or registrant shall display his or her cur-
25 rent certificate of licensure or registration prominently and
26 where visible to the public in the licensee's or registrant's
27 principal place of business, if any.

1 (3) A licensee or registrant shall have available for
2 inspection a card, which shall be issued by the department, con-
3 taining the essential information on the certificate.

4 (4) If a license is limited by a LICENSURE board OR
5 RESTRICTED BY THE DISCIPLINARY BOARD, the licensee shall display
6 the statement of limitation OR THE STATEMENT OF RESTRICTION pre-
7 pared by the department in the same manner as prescribed for dis-
8 play of the certificate and shall attach the statement to the
9 certificate or display the statement in immediate proximity with
10 the certificate.

11 Sec. 16192. (1) A licensee or registrant shall report to
12 the department a change in name or ~~residential or business~~
13 MAILING address not later than 30 days after the change occurs.

14 (2) THE DEPARTMENT MAY SERVE A NOTICE OF HEARING ON A
15 LICENSEE OR REGISTRANT IN AN ACTION OR PROCEEDING FOR A VIOLATION
16 OF THIS ARTICLE OR ARTICLE 7 OR A RULE PROMULGATED UNDER THIS
17 ARTICLE OR ARTICLE 7 BY REGULAR MAIL AND BY CERTIFIED MAIL,
18 RETURN RECEIPT REQUESTED, TO THE LICENSEE'S OR REGISTRANT'S LAST
19 KNOWN ADDRESS, SERVING THE NOTICE ON THE LICENSEE OR REGISTRANT,
20 OR MAKING A REASONABLE ATTEMPT TO SERVE THE NOTICE ON THE
21 LICENSEE OR REGISTRANT. FOR PURPOSES OF THIS SUBSECTION, SERVICE
22 IS EFFECTIVE AT THE TIME OF MAILING, AND NONDELIVERY DOES NOT
23 AFFECT THE VALIDITY OF THE SERVICE IF THE NONDELIVERY WAS CAUSED
24 BY THE REFUSAL OF THE LICENSEE OR REGISTRANT TO ACCEPT SERVICE.

25 (3) ~~(2)~~ A license or registration is not transferable.

26 Sec. 16196. The license or registration of an individual
27 practicing his or her profession while in active service in the

1 military service of the United States, an auxiliary thereof, or
2 the United States public health service, who was licensed or reg-
3 istered at the time of induction or entering into service, con-
4 tinues in effect without further action by the individual until
5 discharge or leaving the service. The individual shall notify
6 the LICENSURE board of the military service or federal employment
7 and the cessation ~~thereof~~ OF THE SERVICE OR EMPLOYMENT.

8 Sec. 16201. (1) A license or registration shall be renewed
9 by the licensee or registrant on or before the expiration date as
10 prescribed by rule. The department shall mail a notice to the
11 licensee or registrant at the last known address on file with a
12 LICENSURE OR REGISTRATION board advising of the time, procedure,
13 and fee for renewal. Failure of the licensee or registrant to
14 receive notice under this subsection does not relieve the
15 licensee or registrant of the responsibility for renewing his or
16 her license or registration.

17 (2) A license or registration not renewed by the expiration
18 date may be renewed within 60 days of the expiration date upon
19 application, payment of renewal, and late renewal fees, and ful-
20 fillment of any continued competency or continuing education
21 requirements set forth in this article or rules promulgated under
22 this article. The licensee or registrant may continue to prac-
23 tice and use the title during the 60-day time period.

24 (3) If a license or registration is not renewed within 60
25 days of the expiration date pursuant to subsection (2), the
26 license or registration shall be considered ~~null and~~ void. The
27 licensee shall not practice or use the title and a registrant

1 shall not use the title. Except as otherwise provided by rule, a
2 person may be relicensed or reregistered within 3 years of the
3 expiration date upon application, payment of the application pro-
4 cessing, renewal, and late renewal fees, and fulfillment of any
5 continued competency or continuing education requirements in
6 effect at the time of the expiration date, or which would have
7 been required had the individual renewed his or her license or
8 registration pursuant to subsection (1). A temporary license or
9 registration may be issued under section 16181 pending the
10 results of action taken under this subsection.

11 (4) Except as otherwise provided in this article or by rule,
12 a person may be relicensed or reregistered more than 3 years
13 after the expiration date upon ~~application~~ APPLYING as a new
14 applicant, meeting all licensure or registration requirements in
15 effect at the time of application, taking or retaking and passing
16 any examinations required for initial licensure or registration,
17 and ~~payment of~~ PAYING fees required of new applicants.

18 (5) The expiration or surrender of a license or registration
19 does not terminate the DISCIPLINARY board's authority to impose
20 sanctions on the licensee or registrant whose license or regis-
21 tration has expired or been surrendered.

22 Sec. 16205. (1) A LICENSURE board ~~which~~ THAT requires
23 evidence of attendance at educational programs as a condition to
24 license renewal may waive those requirements if, upon written
25 application, the LICENSURE board finds the failure of the
26 licensee to attend was due to the licensee's disability, military
27 service, absence from the continental United States, or a

1 circumstance beyond the control of the licensee ~~which~~ THAT the
2 LICENSURE board considers good and sufficient.

3 (2) A LICENSURE board may promulgate rules to establish a
4 system of assessing the continued competence of licensees as a
5 condition of periodic license renewal.

6 Sec. 16421. The Michigan board of chiropractic is created
7 in the department and shall consist of the following ~~7~~ 9 voting
8 members who shall meet the requirements of part 161: 5 chiro-
9 practors and ~~2~~ 4 public members.

10 Sec. 17021. (1) The Michigan board of medicine is created
11 in the department and shall consist of the following ~~14~~ 19
12 voting members who shall meet the requirements of part 161: 10
13 physicians, 1 physician's assistant, and ~~3~~ 8 public members.

14 (2) The requirement of section 16135(d) that a board member
15 shall have practiced that profession for 2 years immediately
16 before appointment is waived ~~for 2 years after the effective~~
17 ~~date of this part~~ UNTIL SEPTEMBER 30, 1980 for members of the
18 board licensed in a health profession subfield created by this
19 part.

20 (3) The board of medicine shall not have the powers and
21 duties vested in the task force by sections 17058 to 17088.

22 Sec. 17221. The Michigan board of nursing is created in the
23 department and shall consist of the following ~~17~~ 23 voting mem-
24 bers who shall meet the requirements of part 161: 9 registered
25 professional nurses, 1 nurse midwife, 1 nurse anesthetist, 1
26 nurse practitioner, 3 licensed practical nurses, and ~~2~~ 8 public
27 members. Three of the registered professional nurse members

1 shall be engaged in nursing education, 1 of whom shall be in less
2 than a baccalaureate program, 1 in a baccalaureate or higher pro-
3 gram and 1 in a licensed practical nurse program and each of whom
4 shall have a master's degree from an accredited college with a
5 major in nursing. Three of the registered professional nurse
6 members shall be engaged in nursing practice or nursing adminis-
7 tration, each of whom shall have a baccalaureate degree in nurs-
8 ing from an accredited college. Three of the registered profes-
9 sional nurse members shall be engaged in nursing practice or
10 nursing administration, each of whom shall be a nonbaccalaureate
11 registered nurse. The 3 licensed practical nurse members shall
12 have graduated from a state approved program for the preparation
13 of individuals to practice as licensed practical nurses. The
14 nurse midwife, the nurse anesthetist, and the nurse practitioner
15 shall each have a specialty certification issued by the depart-
16 ment in his or her respective specialty field.

17 Sec. 17421. The Michigan board of optometry is created in
18 the department and shall consist of the following ~~7~~ 9 voting
19 members who shall meet the requirements of part 161: 5 optome-
20 trists and ~~2~~ 4 public members.

21 Sec. 17521. (1) The Michigan board of osteopathic medicine
22 and surgery is created in the department and shall consist of the
23 following ~~8~~ 9 voting members who shall meet the requirements of
24 part 161: 5 physicians, 1 physician's assistant, and ~~2~~ 3
25 public members.

26 (2) The requirement of section 16135(d) that a board member
27 shall have practiced that profession for 2 years immediately

1 before appointment is waived ~~for 2 years after the effective~~
2 ~~date of this part~~ UNTIL SEPTEMBER 30, 1980 for members of the
3 board who are licensed in a health profession subfield created by
4 this part.

5 (3) The board of osteopathic medicine and surgery shall not
6 have the powers and duties vested in the task force by sections
7 17058 to 17088.

8 Sec. 17721. The Michigan board of pharmacy is created in
9 the department and shall consist of the following ~~8~~ 11 voting
10 members who shall meet the requirements of part 161: 6 pharma-
11 cists and ~~2~~ 5 public members.

12 Sec. 17821. The Michigan board of physical therapy is cre-
13 ated in the department and shall consist of the following ~~7~~ 9
14 voting members who shall meet the requirements of part 161: 5
15 physical therapists and ~~2~~ 4 public members.

16 Sec. 18021. The Michigan board of podiatric medicine and
17 surgery is created in the department and shall consist of the
18 following ~~5~~ 9 voting members who shall meet the requirements of
19 part 161: ~~3~~ 5 podiatrists and ~~2~~ 4 public members.

20 Sec. 18103. The Michigan board of counseling is created in
21 the department. The board shall consist of the following ~~9~~ 11
22 voting members who shall meet the requirements of part 161:

23 (a) Six members of the board shall be engaged in the prac-
24 tice of counseling and shall consist of: 3 members who are
25 engaged primarily in providing counseling techniques, behavior
26 modification techniques, or preventive techniques to clients; 2
27 members who are engaged primarily in teaching, training, or

1 research in counseling; and 1 member who is engaged primarily in
2 the administration of counseling services.

3 (b) ~~Two~~ FOUR members of the general public.

4 (c) One member who is a statutorily regulated mental health
5 professional. As used in this subdivision, "statutorily regu-
6 lated mental health professional" means any of the following: a
7 psychiatrist, psychologist, substance abuse counselor, marriage
8 and family therapist, or social worker.

9 Sec. 18221. The Michigan board of psychology is created in
10 the department and shall consist of the following ~~8~~ 9 voting
11 members who shall meet the requirements of part 161: 5 psycholo-
12 gists, including at least 1 nondoctoral psychologist, and ~~3~~ 4
13 public members. Section 1212 ~~shall~~ DOES not apply to this
14 board.

15 Sec. 18305. The Michigan board of occupational therapists
16 is created in the department and shall consist of the following
17 ~~5~~ 9 voting members who shall meet the requirements of part
18 161: ~~3~~ 5 certified occupational therapists and ~~2~~ 4 public
19 members.

20 Sec. 18421. The Michigan board of sanitarians is created in
21 the department and shall consist of the following ~~5~~ 9 voting
22 members who shall meet the requirements of part 161: ~~3~~ 5 reg-
23 istered sanitarians and ~~2~~ 4 public members.

24 Sec. 18821. (1) The Michigan board of veterinary medicine
25 is created in the department and shall consist of the following
26 ~~8~~ 9 members who shall meet the requirements of part 161: 5
27 veterinarians, 1 veterinary technician, and ~~2~~ 3 public

1 members. The chief of the animal health division of the
2 department of agriculture is an ex officio member without vote.

3 (2) The requirement of section 16135(d) that a board member
4 shall have practiced that profession for 2 years immediately
5 before appointment is waived ~~for 2 years after the effective~~
6 ~~date of this part~~ UNTIL SEPTEMBER 30, 1980 for members of the
7 board who are licensed in a health profession subfield created by
8 this part.

9 Section 2. Sections 16134, 16183, and 17058 of Act No. 368
10 of the Public Acts of 1978, being sections 333.16134, 333.16183,
11 and 333.17058 of the Michigan Compiled Laws, are repealed.

12 Section 3. This amendatory act shall not take effect unless
13 Senate Bill No. ____ or House Bill No. 4279 (request
14 no. 00772'91*) of the 86th Legislature is enacted into law.