

# HOUSE BILL No. 4698

April 16, 1991, Introduced by Reps. Bennane, DeMars, Palamara, Yokich and Law and referred to the Committee on Public Health.

A bill to amend sections 16105, 16106, 16108, 16109, 16128, 16163, 16186, 16261, 16608, 16624, and 17210 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," section 16108 as amended by Act No. 462 of the Public Acts of 1988, section 16186 as amended by Act No. 81 of the Public Acts of 1988, and sections 16608 and 16624 as amended by Act No. 216 of the Public Acts of 1990, being sections 333.16105, 333.16106, 333.16108, 333.16109, 333.16128, 333.16163, 333.16186, 333.16261, 333.16608, 333.16624, and 333.17210 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 16105, 16106, 16108, 16109, 16128,  
2 16163, 16186, 16261, 16608, 16624, and 17210 of Act No. 368 of  
3 the Public Acts of 1978, section 16108 as amended by Act No. 462

1 of the Public Acts of 1988, section 16186 as amended by Act  
2 No. 81 of the Public Acts of 1988, and sections 16608 and 16624  
3 as amended by Act No. 216 of the Public Acts of 1990, being sec-  
4 tions 333.16105, 333.16106, 333.16108, 333.16109, 333.16128,  
5 333.16163, 333.16186, 333.16261, 333.16608, 333.16624, and  
6 333.17210 of the Michigan Compiled Laws, are amended to read as  
7 follows:

8       Sec. 16105. (1) "Health occupation" means a health related  
9 vocation, calling, occupation, or employment performed by  
10 ~~individuals~~ AN INDIVIDUAL whether or not THE INDIVIDUAL IS  
11 licensed or registered under this article.

12       (2) "Health profession" means a vocation, calling, occupa-  
13 tion, or employment performed by ~~individuals~~ AN INDIVIDUAL  
14 acting pursuant to a license or registration issued under this  
15 article.

16       (3) "Health profession specialty field" means an area of  
17 practice established under this article ~~which~~ THAT is within  
18 the scope of activities, functions, and duties of a licensed  
19 health profession and ~~which~~ THAT requires advanced education  
20 and training beyond that required for initial licensure.

21       (4) "HEALTH PROFESSION SPECIALTY FIELD LICENSE" MEANS AN  
22 AUTHORIZATION TO USE A TITLE BY A LICENSEE WHO HAS MET QUALIFICA-  
23 TIONS ESTABLISHED BY A BOARD FOR REGISTRATION IN A HEALTH PROFES-  
24 SION SPECIALTY FIELD. AN INDIVIDUAL WHO HOLDS A SPECIALTY CERTI-  
25 FICATION ON THE EFFECTIVE DATE OF THIS SUBSECTION IS CONSIDERED  
26 TO HOLD A HEALTH PROFESSION SPECIALTY FIELD LICENSE AND MAY

1 OBTAIN RENEWAL ON THE EXPIRATION DATE OF THE SPECIALTY  
2 CERTIFICATION.

3 (5) ~~(4)~~ "Health profession subfield" means an area of  
4 practice established under this article ~~which~~ THAT is within  
5 the scope of the activities, functions, and duties of a licensed  
6 health profession ~~and~~ and requires less comprehensive knowledge  
7 and skill than is required to practice the full scope of the  
8 health profession.

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

13 (2) "License" means an authorization issued under this arti-  
14 cle to practice where practice would otherwise be unlawful. ~~It~~  
15 LICENSE includes an authorization to use a designated title,  
16 which use would otherwise be prohibited under this article and  
17 may be used to refer to a health profession subfield license,  
18 limited license, or a temporary license. LICENSE DOES NOT  
19 INCLUDE A HEALTH PROFESSION SPECIALTY FIELD LICENSE.

20 (3) "Licensee" as used in a part that regulates a specific  
21 health profession means ~~a person~~ AN INDIVIDUAL to whom a  
22 license is issued under that part, and as used in this part means  
23 each licensee regulated by this article.

24 (4) "Limitation" means an action by which a board imposes  
25 restrictions or conditions, or both, on a license.

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

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

4       Sec. 16108. (1) "Reclassification" means an action by a  
5 board by which restrictions or conditions, or both, applicable to  
6 a license are added or removed.

7       (2) "Registration" means an authorization only for the use  
8 of a designated title which use would otherwise be prohibited  
9 under this article. ~~It~~ REGISTRATION includes ~~specialty certi-~~  
10 ~~fication of a licensee~~ A HEALTH PROFESSION SPECIALTY FIELD  
11 LICENSE.

12       (3) "Registrant" as used in any part that regulates the use  
13 of a title means an individual to whom a registration or  
14 ~~specialty certification~~ A HEALTH PROFESSION SPECIALTY FIELD  
15 LICENSE is issued under that part, and as used in this part means  
16 each registrant regulated by this article.

17       (4) "Retiree's limited license" means a limited license  
18 ~~which~~ THAT authorizes the holder to use a designated title  
19 ~~which~~ THAT would otherwise be prohibited under this article,  
20 but does not authorize the holder to practice a health  
21 profession.

22       (5) "Reinstatement" means the granting of a license or cer-  
23 tificate of registration, with or without limitations or condi-  
24 tions, to ~~a person~~ AN INDIVIDUAL whose license or certificate  
25 of registration has been suspended or revoked.

26       (6) "Relicensure" means the granting of a license to ~~a~~  
27 ~~person~~ AN INDIVIDUAL whose license has become ~~null and~~ void

1 for failure to renew the license within 60 days after the  
2 expiration date.

3 (7) "Reregistration" means the granting of a certificate of  
4 registration to ~~a person~~ AN INDIVIDUAL whose certificate of  
5 registration has become void for failure to renew the certificate  
6 within 60 days after the expiration date.

7 Sec. 16109. ~~(1) "Specialty certification" means an autho-~~  
8 ~~rization to use a title by a licensee who has met qualifications~~  
9 ~~established by a board for registration in a health profession~~  
10 ~~specialty field.~~

11 (1) ~~(2)~~ "Supervision" means the overseeing of or partici-  
12 pation in the work of another individual by a health professional  
13 licensed under this article in circumstances where at least all  
14 of the following conditions exist:

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

18 (b) The availability of a licensed health professional on a  
19 regularly scheduled basis to review the practice of the super-  
20 vised individual, to provide consultation to the supervised indi-  
21 vidual, to review records, and to further educate the supervised  
22 individual in the performance of the individual's functions.

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

25 (2) ~~(3)~~ "Task force" means a task force created by this  
26 article.

1       (3) ~~(4)~~ "Temporary license" means a license of limited  
2 duration granted to an applicant who has completed all  
3 requirements for licensure except an examination or other  
4 required evaluation procedure.

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

14       (2) A health profession specialty field task force shall be  
15 composed of a majority of members ~~certified~~ REGISTERED in the  
16 specialty fields of the health profession ~~which~~ THAT are cre-  
17 ated by this article. A health profession specialty field task  
18 force shall include at least 1 public member and 1 member of that  
19 health profession who is a member of the board.

20       Sec. 16163. A task force shall recommend to the board as  
21 to:

22       (a) Determination of standards of education, training, and  
23 experience required for practice in a health profession subfield  
24 or for ~~certification~~ REGISTRATION in a health profession spe-  
25 cialty field, and where appropriate, guidelines for approval of  
26 educational programs for the subfield or specialty field.

1 (b) Qualifications required of applicants for licensure in  
2 health profession subfields or for ~~certification~~ REGISTRATION  
3 in health profession specialty fields.

4 (c) Evaluation of qualifications for initial and continuing  
5 licensure of practitioners in health profession subfields or  
6 ~~specialty fields~~ REGISTRATION IN HEALTH PROFESSION SPECIALTY  
7 FIELDS. The evaluation may cover assessment of educational cre-  
8 dentials, work experience and related training, and administra-  
9 tion of tests and examinations.

10 (d) Guidelines for utilization of, and standards of practice  
11 for, licensees in health profession subfields or REGISTRANTS IN  
12 specialty fields.

13 Sec. 16186. (1) An individual who is licensed ~~to practice~~  
14 ~~a health profession~~ OR REGISTERED in another state ~~or who is~~  
15 ~~registered in another state or who holds specialty certification~~  
16 ~~from another state and~~ who applies for licensure ~~,~~ OR regis-  
17 tration ~~,~~ ~~or specialty certification~~ in this state may be  
18 granted an appropriate license or registration upon satisfying  
19 the board as to all of the following:

20 (a) The applicant substantially meets the requirements of  
21 this article and rules promulgated by a board for licensure ~~,~~  
22 OR registration. ~~,~~ ~~or specialty certification.~~

23 (b) Disciplinary proceedings before a similar licensing ~~,~~  
24 OR registration ~~,~~ ~~or specialty certification~~ board of this or  
25 any other state or country are not pending against the  
26 applicant.

1       (c) ~~That if~~ IF sanctions have been imposed against the  
2 applicant by a similar licensing or registration board of this or  
3 any other state or country based upon grounds ~~which~~ THAT are  
4 substantially similar to those set forth in section 16221, as  
5 determined by the board, the sanctions are not in force at the  
6 time of application.

7       (d) The applicant is licensed ~~/~~ OR registered ~~/or~~  
8 ~~certified~~ in another state ~~which~~ THAT maintains standards sub-  
9 stantially equivalent to those of this state.

10       (2) Before licensing ~~/~~ OR registering ~~/or certifying~~  
11 the applicant, the board may require the applicant to appear per-  
12 sonally before it for an interview to evaluate the applicant's  
13 relevant qualifications.

14       (3) Before licensing ~~/~~ OR registering ~~/or certifying~~ an  
15 applicant under this section, the board shall do 1 of the  
16 following:

17       (a) Make an independent inquiry into the requirements  
18 described in subsection (1)(b) and (c).

19       (b) Require the applicant to secure from a national associa-  
20 tion or federation of state professional licensing OR  
21 REGISTRATION boards certification of the requirements described  
22 in subsection (1)(b) and (c).

23       (4) An applicant for licensure ~~/~~ OR registration ~~/or~~  
24 ~~specialty certification~~ who is or has been licensed ~~/~~ OR reg-  
25 istered ~~/or certified~~ in any profession by another state or  
26 country shall disclose that fact on the application form.



1       Sec. 16261. (1) ~~A person~~ AN INDIVIDUAL who is not  
2 licensed or registered under this article shall not use an  
3 insignia, title, or letter, or a word, letter, or phrase singly  
4 or in combination, with or without qualifying words, letters, or  
5 phrases, under a circumstance to induce the belief that the  
6 ~~person~~ INDIVIDUAL is licensed or registered in this state, is  
7 lawfully entitled in this state to engage in the practice of a  
8 profession regulated by this article, or is otherwise in compli-  
9 ance with this article.

10       (2) An individual shall not announce or hold himself or her-  
11 self out to the public as limiting his or her practice to, as  
12 being specially qualified in, or as giving particular attention  
13 to a health profession specialty field for which a board issues a  
14 HEALTH PROFESSION specialty ~~certification~~ FIELD LICENSE, with-  
15 out first having obtained a HEALTH PROFESSION specialty  
16 ~~certification~~ FIELD LICENSE.

17       Sec. 16608. (1) The board may issue a health profession  
18 specialty ~~certification~~ FIELD LICENSE to a licensed dentist who  
19 has advanced training beyond that required for initial licensure  
20 and who has demonstrated competency through examination or other  
21 evaluative processes in 1 or more of the following specialty  
22 fields: prosthodontics, endodontics, oral and maxillofacial sur-  
23 gery, orthodontics, pediatric dentistry, periodontics, or oral  
24 pathology. IF A LICENSED DENTIST HOLDS A HEALTH PROFESSION SPE-  
25 CIALTY CERTIFICATION IN 1 OR MORE OF THE SPECIALTY FIELDS LISTED  
26 IN THIS SUBSECTION ON THE EFFECTIVE DATE OF THE AMENDATORY ACT  
27 THAT ADDED SUBSECTIONS (3) AND (4), THE BOARD SHALL ISSUE A

1 HEALTH PROFESSION SPECIALTY FIELD LICENSE TO THE DENTIST IN EACH  
2 OF THE SPECIALTY FIELDS IN WHICH THE DENTIST IS CERTIFIED.

3 (2) A health profession specialty ~~certification~~ FIELD  
4 LICENSE issued pursuant to subsection (1) shall be renewed con-  
5 currently with the license to practice dentistry.

6 (3) THIS SECTION DOES NOT PROHIBIT A LICENSED DENTIST WHO  
7 HAS NOT BEEN ISSUED A HEALTH PROFESSION SPECIALTY FIELD LICENSE  
8 UNDER SUBSECTION (1) FROM PERFORMING SERVICES IN ANY OF THE SPE-  
9 CIALTY FIELDS LISTED IN SUBSECTION (1).

10 (4) FOR PURPOSES OF THE ADMINISTRATION OF PART 5 OF THE GEN-  
11 ERAL RULES OF THE BOARD OF DENTISTRY, BEING R 338.11501 TO R  
12 338.11527 OF THE MICHIGAN ADMINISTRATIVE CODE, A REFERENCE TO  
13 SPECIALTY CERTIFICATION IS A REFERENCE TO HEALTH PROFESSION SPE-  
14 CIALTY FIELD LICENSURE.

15 Sec. 16624. A task force to advise the board is created for  
16 health profession specialty fields ~~certified~~ REGISTERED under  
17 this part. The task force shall consist of the following 9 mem-  
18 bers, who shall meet the requirements of part 161; 1 dentist who  
19 is not a specialist, 1 prosthodontist, 1 endodontist, 1 oral and  
20 maxillofacial surgeon, 1 orthodontist, 1 pediatric dentist, 1  
21 periodontist, 1 oral pathologist, and 1 public member. The oral  
22 pathologist shall be ~~certified~~ REGISTERED as a dentist special-  
23 izing in oral pathology by the board not later than 1 year after  
24 the effective date of the amendatory act that added an oral  
25 pathologist to the task force. If the oral pathologist is not so  
26 ~~certified~~ REGISTERED, his or her term ~~shall terminate~~  
27 TERMINATES at the end of that year.

1       Sec. 17210. The board of nursing may issue a HEALTH  
2 PROFESSION specialty ~~certification~~ FIELD LICENSE to a regis-  
3 tered professional nurse who has advanced training beyond that  
4 required for initial licensure and who has demonstrated compe-  
5 tency through examination or other evaluative processes and who  
6 practices in 1 of the following health profession specialty  
7 fields: nurse midwifery, nurse anesthetist, or nurse  
8 practitioner.