



HOUSE BILL No. 4523

March 23, 1993, Introduced by Reps. Bennane and DeMars and referred to the Committee on Public Health.

A bill to amend sections 16105, 16106, 16108, 16109, 16128, 16163, 16186, 16261, 16608, 16624, 17210, and 17221 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 16109 as amended by Act No. 58 of the Public Acts of 1991, section 16186 as amended by Act No. 81 of the Public Acts of 1988, sections 16608 and 16624 as amended by Act No. 216 of the Public Acts of 1990, and section 17221 as amended by Act No. 201 of the Public Acts of 1989, being sections 333.16105, 333.16106, 333.16108, 333.16109, 333.16128, 333.16163, 333.16186, 333.16261, 333.16608, 333.16624, 333.17210, and 333.17221 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, 17210, and 17221 of Act
3 No. 368 of the Public Acts of 1978, section 16108 as amended by
4 Act No. 462 of the Public Acts of 1988, section 16109 as amended
5 by Act No. 58 of the Public Acts of 1991, section 16186 as
6 amended by Act No. 81 of the Public Acts of 1988, sections 16608
7 and 16624 as amended by Act No. 216 of the Public Acts of 1990,
8 and section 17221 as amended by Act No. 201 of the Public Acts of
9 1989, being sections 333.16105, 333.16106, 333.16108, 333.16109,
10 333.16128, 333.16163, 333.16186, 333.16261, 333.16608, 333.16624,
11 333.17210, and 333.17221 of the Michigan Compiled Laws, are
12 amended to read as follows:

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

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

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

26 (4) "HEALTH PROFESSION SPECIALTY FIELD LICENSE" MEANS AN
27 AUTHORIZATION TO USE A TITLE BY A LICENSEE WHO HAS MET

1 QUALIFICATIONS ESTABLISHED BY A BOARD FOR REGISTRATION IN A
2 HEALTH PROFESSION SPECIALTY FIELD. AN INDIVIDUAL WHO HOLDS A
3 SPECIALTY CERTIFICATION ON THE EFFECTIVE DATE OF THIS SUBSECTION
4 IS CONSIDERED TO HOLD A HEALTH PROFESSION SPECIALTY FIELD LICENSE
5 AND MAY OBTAIN RENEWAL OF THE HEALTH PROFESSION SPECIALTY FIELD
6 LICENSE ON THE EXPIRATION DATE OF THE SPECIALTY CERTIFICATION.

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

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

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

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

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

3 (5) "Limited license" means a license to which restrictions
4 or conditions, or both, as to scope of practice, place of prac-
5 tice, supervision of practice, duration of licensed status, or
6 type or condition of patient or client served are imposed by a
7 board.

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

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

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

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

26 (5) "Reinstatement" means the granting of a license or
27 certificate of registration, with or without limitations or

1 conditions, to a person whose license or certificate of
2 registration has been suspended or revoked.

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

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

10 Sec. 16109. (1) ~~"Specialty certification" means an autho-~~
11 ~~rization to use a title by a licensee who has met qualifications~~
12 ~~established by a board for registration in a health profession~~
13 ~~specialty field.~~ (2) "Supervision", except as otherwise pro-
14 vided in this article, means the overseeing of or participation
15 in the work of another individual by a health professional
16 licensed under this article in circumstances where at least all
17 of the following conditions exist:

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

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

26 (c) The provision by the licensed supervising health
27 professional of predetermined procedures and drug protocol.

1 (2) ~~(3)~~ "Task force" means a task force created by this
2 article.

3 (3) ~~(4)~~ "Temporary license" means a license of limited
4 duration granted to an applicant who has completed all require-
5 ments for licensure except an examination or other required eval-
6 uation procedure.

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

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

22 Sec. 16163. A task force shall recommend to the board as
23 to:

24 (a) Determination of standards of education, training, and
25 experience required for practice in a health profession subfield
26 or for ~~certification~~ REGISTRATION in a health profession

1 specialty field, and where appropriate, guidelines for approval
2 of educational programs for the subfield or specialty field.

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

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

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

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

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

25 (b) Disciplinary proceedings before a similar licensing ~~or~~
26 OR registration ~~or specialty certification~~ board of this or

1 any other state or country are not pending against the
2 applicant.

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

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

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

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

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

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

25 (4) An applicant for licensure ~~/~~ OR registration ~~/ or~~
26 ~~specialty certification~~ who is or has been licensed ~~/~~ OR

1 registered ~~or certified~~ in any profession by another state or
 2 country shall disclose that fact on the application form.

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

12 (2) An individual shall not announce or hold himself or herself
 13 out to the public as limiting his or her practice to, as
 14 being specially qualified in, or as giving particular attention
 15 to a health profession specialty field for which a board issues a
 16 HEALTH PROFESSION specialty ~~certification~~ FIELD LICENSE, without
 17 first having obtained ~~a~~ THE HEALTH PROFESSION specialty
 18 ~~certification~~ FIELD LICENSE.

19 Sec. 16608. (1) The board may ~~issue~~ GRANT a health profession
 20 specialty ~~certification~~ FIELD LICENSE to a licensed
 21 dentist who has advanced training beyond that required for initial
 22 licensure and who has demonstrated competency through examination
 23 or other evaluative processes in 1 or more of the following
 24 specialty fields: prosthodontics, endodontics, oral and maxillofacial
 25 surgery, orthodontics, pediatric dentistry, periodontics, or oral
 26 pathology. A LICENSED DENTIST WHO HOLDS A HEALTH
 27 PROFESSION SPECIALTY CERTIFICATION IN 1 OR MORE OF THE SPECIALTY

1 FIELDS LISTED IN THIS SUBSECTION ON THE EFFECTIVE DATE OF THE
2 AMENDATORY ACT THAT ADDED SUBSECTIONS (3) AND (4) IS CONSIDERED
3 TO HOLD A HEALTH PROFESSION SPECIALTY FIELD LICENSE IN EACH OF
4 THOSE SPECIALTY FIELDS AND MAY OBTAIN RENEWAL OF EACH HEALTH PRO-
5 FESSION SPECIALTY FIELD LICENSE ON THE EXPIRATION DATE OF THE
6 SPECIALTY CERTIFICATION.

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

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

14 (4) FOR PURPOSES OF THE ADMINISTRATION OF PART 5 OF THE GEN-
15 ERAL RULES OF THE BOARD OF DENTISTRY, BEING R 338.11501 TO R
16 338.11527 OF THE MICHIGAN ADMINISTRATIVE CODE, A REFERENCE TO
17 SPECIALTY CERTIFICATION IS A REFERENCE TO HEALTH PROFESSION SPE-
18 CIALTY FIELD LICENSURE.

19 Sec. 16624. A task force to advise the board is created for
20 health profession specialty fields ~~certified~~ REGISTERED under
21 this part. The task force shall consist of the following 9 mem-
22 bers, who shall meet the requirements of part 161; 1 dentist who
23 is not a specialist, 1 prosthodontist, 1 endodontist, 1 oral and
24 maxillofacial surgeon, 1 orthodontist, 1 pediatric dentist, 1
25 periodontist, 1 oral pathologist, and 1 public member. The oral
26 pathologist shall be ~~certified~~ REGISTERED as a dentist
27 specializing in oral pathology by the board not later than →

1 ~~year after the effective date of the amendatory act that added an~~
2 ~~oral pathologist to the task force~~ OCTOBER 8, 1991. If the oral
3 pathologist is not so ~~certified~~ REGISTERED, his or her term
4 ~~shall terminate~~ TERMINATES at the end of that year.

5 Sec. 17210. (1) The board of nursing may ~~issue~~ GRANT a
6 HEALTH PROFESSION specialty ~~certification~~ FIELD LICENSE to a
7 registered professional nurse who has advanced training beyond
8 that required for initial licensure and who has demonstrated com-
9 petency through examination or other evaluative processes and who
10 practices in 1 of the following health profession specialty
11 fields: nurse midwifery, nurse anesthetist, or nurse
12 practitioner.

13 (2) FOR PURPOSES OF THE ADMINISTRATION OF PART 4 OF THE GEN-
14 ERAL RULES OF THE BOARD OF NURSING, BEING R 338.10401 TO
15 R 338.10406 OF THE MICHIGAN ADMINISTRATIVE CODE, A REFERENCE TO
16 SPECIALTY CERTIFICATION IS A REFERENCE TO HEALTH PROFESSION SPE-
17 CIALTY FIELD LICENSURE.

18 Sec. 17221. The Michigan board of nursing is created in the
19 department and shall consist of the following 17 voting members
20 who ~~shall~~ meet the requirements of part 161: 9 registered pro-
21 fessional nurses, 1 nurse midwife, 1 nurse anesthetist, 1 nurse
22 practitioner, 3 licensed practical nurses, and 2 public members.
23 Three of the registered professional nurse members shall be
24 engaged in nursing education, 1 of whom shall be in less than a
25 baccalaureate program, 1 in a baccalaureate or higher program and
26 1 in a licensed practical nurse program and each of whom shall
27 have a master's degree from an accredited college with a major in

1 nursing. Three of the registered professional nurse members
2 shall be engaged in nursing practice or nursing administration,
3 each of whom shall have a baccalaureate degree in nursing from an
4 accredited college. Three of the registered professional nurse
5 members shall be engaged in nursing practice or nursing adminis-
6 tration, each of whom shall be a nonbaccalaureate registered
7 nurse. The 3 licensed practical nurse members shall have gradu-
8 ated from a state approved program for the preparation of indi-
9 viduals to practice as licensed practical nurses. The nurse mid-
10 wife, the nurse anesthetist, and the nurse practitioner MEMBERS
11 shall each have a HEALTH PROFESSION specialty ~~certification~~
12 ~~issued~~ FIELD LICENSE GRANTED by the department in his or her
13 respective specialty field.