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LICENSE LABORATORY TECHNICIANS

House Bill 4799

Sponsor: Rep. Derrick Hale

Committee: Health Policy

Complete to 4-26-00

A SUMMARY OF HOUSE BILL 4799 AS INTRODUCED 6-17-00

The bill would amend the Public Health Code to create Part 187a, entitled “Laboratory Testing Personnel”, which would establish a system of licensure for persons engaged in laboratory testing. Beginning one year after the bill’s effective date, a person could not engage in laboratory testing unless he or she were licensed or otherwise authorized by Article 15 of the code. The bill would create a three-tiered licensure framework, establish educational requirements for each license category, set fees, restrict the use of titles to licensed individuals, and require the completion of continuing education credits for license renewal. A “laboratory test” would be defined as one of several types of tests specified in the bill that “provide information for the diagnosis, prevention, monitoring, or treatment of a disease or assessment of a medical condition or predisposition.” A laboratory test would not include a waived test; in vivo diagnostic imaging; noninvasive vascular diagnostic study; or the collection, handling, and preparation of a body fluid or microbiology culture specimen that was used for a laboratory test. The definition of laboratory test would also exclude tests for which the results were used solely as evidence in civil or criminal proceedings.

The bill would exempt a number of individuals from regulation under the bill, including an individual enrolled in an accredited educational program or engaged in teaching or research if the results of each laboratory test performed by the person were not used in diagnoses, prevention, monitoring, or treatment of a disease or assessment of a medical condition. The bill would also exempt a person who was certified, licensed, or a member of a statutorily recognized profession as long as the person did not hold himself or herself out as a person licensed under the bill. Further, persons meeting certain criteria who performed point-of-care testing would also be exempted (e.g., certain tests performed in a hospital on and near the patient), and certain tests performed by a respiratory care practitioner or a perfusionist (a person who operates circulation equipment such as heart/lung bypass equipment).

A person could be licensed as a clinical laboratory assistant, a clinical laboratory technician/medical technician, or a clinical laboratory scientist/medical technologist. The bill would specify the scope of practice and would establish educational and experience criteria for each license category. In addition, a limited license could be granted under which a person could only conduct a laboratory test service under the supervision of a licensed or otherwise authorized person. The completion of continuing education in specified subjects would be required for license renewal. Individuals who have received training and have engaged in the practice of laboratory testing for at least one year prior to the bill’s effective date would have to be issued a license for the level that corresponds to their training and experience if an application for licensure were filed within one year after the bill took effect.

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The bill would also create the Michigan Board of Laboratory Testing within the Department of Consumer and Industry Services. The seven-member board would include public members and at least one member representing each license category. The board's responsibilities would include the promulgation of rules to implement the bill, establishment of educational and experience criteria for licensure, and issuing licenses.

The bill would specify that a communication between a licensee and a client and the client's test results would be confidential and could not be disclosed to a third party without the client's consent or as otherwise provided by law. However, "third party" would not pertain to a licensed health care professional who had requested the laboratory test results on the client's behalf.

MCL 333.16263 et al.

Analyst: S. Stutzky

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.