

**SUBSTITUTE FOR  
HOUSE BILL NO. 4325**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17001 and 17501 (MCL 333.17001 and 333.17501), section 17001 as amended by 1990 PA 248 and section 17501 as amended by 1990 PA 247, and by adding sections 17018 and 17518.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1       Sec. 17001. (1) As used in this part:
- 2       (a) "Academic institution" means either of the following:
- 3       (i) A medical school approved by the board.
- 4       (ii) A hospital licensed under article 17 that meets all of the
- 5 following requirements:
- 6       (A) Was the sole sponsor or a co-sponsor, if each other co-
- 7 sponsor is either a medical school approved by the board or a
- 8 hospital owned by the federal government and directly operated by

1 the United States department of veterans' affairs, of not less than  
2 4 postgraduate education residency programs approved by the board  
3 under section 17031(1) for not less than the 3 years immediately  
4 preceding the date of an application for a limited license under  
5 section 16182(2)(c) or an application for a full license under  
6 section 17031(2), provided that at least 1 of the residency  
7 programs is in the specialty area of medical practice, or in a  
8 specialty area that includes the subspecialty of medical practice,  
9 in which the applicant for a limited license proposes to practice  
10 or in which the applicant for a full license has practiced for the  
11 hospital.

12 (B) Has spent not less than \$2,000,000.00 for medical  
13 education during each of the 3 years immediately preceding the date  
14 of an application for a limited license under section 16182(2)(c)  
15 or an application for a full license under section 17031(2). As  
16 used in this subparagraph, "medical education" means the education  
17 of physicians and candidates for degrees or licenses to become  
18 physicians, including, but not limited to, physician staff,  
19 residents, interns, and medical students.

20 (B) **"ELECTRODIAGNOSTIC STUDIES" MEANS THE TESTING OF**  
21 **NEUROMUSCULAR FUNCTIONS UTILIZING NERVE CONDUCTION TESTS AND NEEDLE**  
22 **ELECTROMYOGRAPHY. IT DOES NOT INCLUDE THE USE OF SURFACE**  
23 **ELECTROMYOGRAPHY.**

24 (C) ~~(b)~~ "Medical care services" means those services within  
25 the scope of practice of physicians licensed by the board, except  
26 those services that the board determines shall not be delegated by  
27 a physician without endangering the health and safety of patients

1 as provided for in section 17048(3).

2 (D) ~~(e)~~ "Physician" means an individual licensed under this  
3 article to engage in the practice of medicine.

4 (E) ~~(d)~~ "Practice of medicine" means the diagnosis,  
5 treatment, prevention, cure, or relieving of a human disease,  
6 ailment, defect, complaint, or other physical or mental condition,  
7 by attendance, advice, device, diagnostic test, or other means, or  
8 offering, undertaking, attempting to do, or holding oneself out as  
9 able to do, any of these acts.

10 (F) ~~(e)~~ "Practice as a physician's assistant" means the  
11 practice of medicine or osteopathic medicine and surgery performed  
12 under the supervision of a physician or physicians licensed under  
13 this part or part 175.

14 (G) ~~(f)~~ "Supervision" means that term as defined in section  
15 16109, except that it also includes the existence of a  
16 predetermined plan for emergency situations, including, but not  
17 limited to, the designation of a physician to supervise a  
18 physician's assistant in the absence of the primary supervising  
19 physician.

20 (H) ~~(g)~~ "Task force" means the joint task force created in  
21 sections 17025 and 17525.

22 (2) In addition to the definitions in this part, article 1  
23 contains definitions and principles of construction applicable to  
24 all articles in this code and part 161 contains definitions  
25 applicable to this part.

26 **SEC. 17018. (1) EXCEPT AS OTHERWISE PROVIDED UNDER THIS**  
27 **SECTION, ONLY AN INDIVIDUAL WHO IS LICENSED AS A PHYSICIAN AND WHO**

1 HAS SUCCESSFULLY COMPLETED ADDITIONAL TRAINING IN THE PERFORMANCE  
2 AND INTERPRETATION OF ELECTRODIAGNOSTIC STUDIES THAT IS  
3 SATISFACTORY TO THE BOARD SHALL PERFORM NEEDLE ELECTROMYOGRAPHY OR  
4 INTERPRET NERVE CONDUCTION TESTS. A PHYSICIAN SHALL NOT DELEGATE  
5 THE INTERPRETATION OF NERVE CONDUCTION TESTS TO ANOTHER INDIVIDUAL  
6 UNLESS THAT INDIVIDUAL IS LICENSED UNDER THIS ARTICLE TO ENGAGE IN  
7 THE PRACTICE OF MEDICINE OR OSTEOPATHIC MEDICINE AND SURGERY AND  
8 HAS SUCCESSFULLY COMPLETED THE ADDITIONAL TRAINING AS DESCRIBED IN  
9 THIS SUBSECTION. A PHYSICIAN SHALL NOT DELEGATE THE PERFORMANCE OF  
10 NEEDLE ELECTROMYOGRAPHY TO ANOTHER INDIVIDUAL UNLESS THAT  
11 INDIVIDUAL IS LICENSED UNDER THIS ARTICLE TO ENGAGE IN THE PRACTICE  
12 OF MEDICINE OR OSTEOPATHIC MEDICINE AND SURGERY AND HAS  
13 SUCCESSFULLY COMPLETED THE ADDITIONAL TRAINING AS DESCRIBED IN THIS  
14 SUBSECTION OR THAT INDIVIDUAL IS OTHERWISE AUTHORIZED UNDER THIS  
15 SECTION.

16 (2) IN ACCORDANCE WITH SECTION 16215, A PHYSICIAN MAY DELEGATE  
17 THE PERFORMANCE OF NERVE CONDUCTION TESTS TO A LICENSED OR  
18 UNLICENSED INDIVIDUAL WHO IS OTHERWISE QUALIFIED BY EDUCATION,  
19 TRAINING, OR EXPERIENCE IF THOSE TESTS ARE CONDUCTED UNDER THE  
20 DIRECT SUPERVISION OF A PHYSICIAN.

21 (3) A PHYSICAL THERAPIST WHO IS LICENSED UNDER THIS ARTICLE  
22 AND CERTIFIED BY THE AMERICAN BOARD OF PHYSICAL THERAPY SPECIALTIES  
23 AS AN ELECTROPHYSIOLOGIC CLINICAL SPECIALIST ON THE EFFECTIVE DATE  
24 OF THIS SECTION MAY PERFORM ELECTRODIAGNOSTIC STUDIES THAT ARE TO  
25 BE INTERPRETED BY A PHYSICIAN IF HE OR SHE HAS BEEN PERFORMING  
26 ELECTRODIAGNOSTIC STUDIES IN THIS STATE ON A CONSISTENT BASIS  
27 WITHIN THE 5 YEARS IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF THIS

## 1 SECTION.

2 (4) A PODIATRIST WHO IS LICENSED UNDER THIS ARTICLE AND HAS  
 3 SUCCESSFULLY COMPLETED ADDITIONAL TRAINING IN THE PERFORMANCE AND  
 4 INTERPRETATION OF ELECTRODIAGNOSTIC STUDIES THAT IS SATISFACTORY TO  
 5 HIS OR HER RESPECTIVE BOARD MAY CONDUCT ELECTRODIAGNOSTIC STUDIES [THAT  
 ARE WITHIN HIS OR HER SCOPE OF PRACTICE].

6 (5) A CHIROPRACTOR WHO IS LICENSED UNDER THIS ARTICLE AND HAS  
 7 SUCCESSFULLY COMPLETED ADDITIONAL TRAINING IN THE PERFORMANCE AND  
 8 INTERPRETATION OF ELECTRODIAGNOSTIC STUDIES THAT IS SATISFACTORY TO  
 9 HIS OR HER RESPECTIVE BOARD MAY CONDUCT ELECTRODIAGNOSTIC STUDIES [THAT  
 ARE WITHIN HIS OR HER SCOPE OF PRACTICE].

[ (6) THIS SECTION DOES NOT REQUIRE NEW OR ADDITIONAL THIRD PARTY  
 REIMBURSEMENT OR MANDATED WORKER'S COMPENSATION BENEFITS FOR SERVICES  
 RENDERED BY AN INDIVIDUAL AUTHORIZED TO CONDUCT ELECTRODIAGNOSTIC STUDIES  
 UNDER THIS SECTION.]

Sec. 17501. (1) As used in this part:

10 (A) "ELECTRODIAGNOSTIC STUDIES" MEANS THE TESTING OF  
 11 NEUROMUSCULAR FUNCTIONS UTILIZING NERVE CONDUCTION TESTS AND NEEDLE  
 12 ELECTROMYOGRAPHY. IT DOES NOT INCLUDE THE USE OF SURFACE  
 13 ELECTROMYOGRAPHY.

14 (B) ~~-(a)-~~ "Medical care services" means those services within  
 15 the scope of practice of physicians licensed and approved by the  
 16 board, except those services that the board determines shall not be  
 17 delegated by a physician without endangering the health and safety  
 18 of patients as provided for in section 17548(3).

19 (C) ~~-(b)-~~ "Physician" means an individual licensed under this  
 20 article to engage in the practice of osteopathic medicine and  
 21 surgery.

22 (D) ~~-(e)-~~ "Practice of osteopathic medicine and surgery" means  
 23 a separate, complete, and independent school of medicine and  
 24 surgery utilizing full methods of diagnosis and treatment in  
 25 physical and mental health and disease, including the prescription  
 26 and administration of drugs and biologicals, operative surgery,

1 obstetrics, radiological and other electromagnetic emissions, and  
2 placing special emphasis on the interrelationship of the  
3 musculoskeletal system to other body systems.

4 (E) ~~-(d)-~~ "Practice as a physician's assistant" means the  
5 practice of osteopathic medicine performed under the supervision of  
6 a physician licensed under this part or part 170.

7 (F) ~~-(e)-~~ "Supervision" has the meaning ascribed to it in  
8 section 16109 except that it includes the existence of a  
9 predetermined plan for emergency situations, including, but not  
10 limited to, the designation of a physician to supervise a  
11 physician's assistant in the absence of the primary supervising  
12 physician.

13 (G) ~~-(f)-~~ "Task force" means the joint task force created in  
14 sections 17025 and 17525.

15 (2) In addition to the definitions in this part, article 1  
16 contains general definitions and principles of construction  
17 applicable to all articles in the code and part 161 contains  
18 definitions applicable to this part.

19 **SEC. 17518. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,**  
20 **ONLY AN INDIVIDUAL WHO IS LICENSED AS A PHYSICIAN AND WHO HAS**  
21 **SUCCESSFULLY COMPLETED ADDITIONAL TRAINING IN THE PERFORMANCE AND**  
22 **INTERPRETATION OF ELECTRODIAGNOSTIC STUDIES THAT IS SATISFACTORY TO**  
23 **THE BOARD SHALL PERFORM NEEDLE ELECTROMYOGRAPHY OR INTERPRET NERVE**  
24 **CONDUCTION TESTS. A PHYSICIAN SHALL NOT DELEGATE THE INTERPRETATION**  
25 **OF NERVE CONDUCTION STUDIES TO ANOTHER INDIVIDUAL UNLESS THAT**  
26 **INDIVIDUAL IS LICENSED UNDER THIS ARTICLE TO ENGAGE IN THE PRACTICE**  
27 **OF MEDICINE OR OSTEOPATHIC MEDICINE AND SURGERY AND HAS**

House Bill No. 4325 (H-1) as amended April 20, 2005

1 SUCCESSFULLY COMPLETED THE ADDITIONAL TRAINING AS DESCRIBED IN THIS  
2 SUBSECTION. A PHYSICIAN SHALL NOT DELEGATE THE PERFORMANCE OF  
3 NEEDLE ELECTROMYOGRAPHY TO ANOTHER INDIVIDUAL UNLESS THAT  
4 INDIVIDUAL IS LICENSED UNDER THIS ARTICLE TO ENGAGE IN THE PRACTICE  
5 OF MEDICINE OR OSTEOPATHIC MEDICINE AND SURGERY AND HAS  
6 SUCCESSFULLY COMPLETED THE ADDITIONAL TRAINING AS DESCRIBED IN THIS  
7 SUBSECTION OR THAT INDIVIDUAL IS OTHERWISE AUTHORIZED UNDER THIS  
8 SECTION.

9 (2) IN ACCORDANCE WITH SECTION 16215, A PHYSICIAN MAY DELEGATE  
10 THE PERFORMANCE OF NERVE CONDUCTION TESTS TO A LICENSED OR  
11 UNLICENSED INDIVIDUAL WHO IS OTHERWISE QUALIFIED BY EDUCATION,  
12 TRAINING, OR EXPERIENCE IF THOSE TESTS ARE CONDUCTED UNDER THE  
13 DIRECT SUPERVISION OF A PHYSICIAN.

14 (3) A PHYSICAL THERAPIST WHO IS LICENSED UNDER THIS ARTICLE  
15 AND CERTIFIED BY THE AMERICAN BOARD OF PHYSICAL THERAPY SPECIALTIES  
16 AS AN ELECTROPHYSIOLOGIC CLINICAL SPECIALIST ON THE EFFECTIVE DATE  
17 OF THIS SECTION MAY PERFORM ELECTRODIAGNOSTIC STUDIES THAT ARE TO  
18 BE INTERPRETED BY A PHYSICIAN IF HE OR SHE HAS BEEN PERFORMING  
19 ELECTRODIAGNOSTIC STUDIES IN THIS STATE ON A CONSISTENT BASIS  
20 WITHIN THE 5 YEARS IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF THIS  
21 SECTION.

22 (4) A PODIATRIST WHO IS LICENSED UNDER THIS ARTICLE AND HAS  
23 SUCCESSFULLY COMPLETED ADDITIONAL TRAINING IN THE PERFORMANCE AND  
24 INTERPRETATION OF ELECTRODIAGNOSTIC STUDIES THAT IS SATISFACTORY TO  
25 HIS OR HER RESPECTIVE BOARD MAY CONDUCT ELECTRODIAGNOSTIC STUDIES [THAT  
26 ARE WITHIN HIS OR HER SCOPE OF PRACTICE].

27 (5) A CHIROPRACTOR WHO IS LICENSED UNDER THIS ARTICLE AND HAS  
SUCCESSFULLY COMPLETED ADDITIONAL TRAINING IN THE PERFORMANCE AND

House Bill 4325 (H-1) as amended April 20, 2005

- 1 INTERPRETATION OF ELECTRODIAGNOSTIC STUDIES THAT IS SATISFACTORY TO  
2 HIS OR HER RESPECTIVE BOARD MAY CONDUCT ELECTRODIAGNOSTIC STUDIES [THAT  
ARE WITHIN HIS OR HER SCOPE OF PRACTICE].  
[(6) THIS SECTION DOES NOT REQUIRE NEW OR ADDITIONAL THIRD PARTY  
REIMBURSEMENT OR MANDATED WORKER'S COMPENSATION BENEFITS FOR SERVICES  
RENDERED BY AN INDIVIDUAL AUTHORIZED TO CONDUCT ELECTRODIAGNOSTIC STUDIES  
UNDER THIS SECTION.]