

SENATE 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 SHALL**

House Bill No. 4325 as amended November 9, 2005

1 PERFORM NEEDLE ELECTROMYOGRAPHY OR INTERPRET NERVE CONDUCTION
2 TESTS. A PHYSICIAN SHALL NOT DELEGATE THE INTERPRETATION OF NERVE
3 CONDUCTION TESTS TO ANOTHER INDIVIDUAL UNLESS THAT INDIVIDUAL IS
4 LICENSED UNDER THIS ARTICLE TO ENGAGE IN THE PRACTICE OF MEDICINE
5 OR OSTEOPATHIC MEDICINE AND SURGERY. A PHYSICIAN SHALL NOT DELEGATE
6 THE PERFORMANCE OF NEEDLE ELECTROMYOGRAPHY TO ANOTHER INDIVIDUAL
7 UNLESS THAT INDIVIDUAL IS LICENSED UNDER THIS ARTICLE TO ENGAGE IN
8 THE PRACTICE OF MEDICINE OR OSTEOPATHIC MEDICINE AND SURGERY OR
9 THAT INDIVIDUAL IS OTHERWISE AUTHORIZED UNDER THIS SECTION.

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

15 (3) A PHYSICAL THERAPIST WHO IS LICENSED UNDER THIS ARTICLE
16 AND CERTIFIED BY THE AMERICAN BOARD OF PHYSICAL THERAPY SPECIALTIES
17 AS AN ELECTROPHYSIOLOGIC CLINICAL SPECIALIST ON THE EFFECTIVE DATE
18 OF THIS SECTION MAY PERFORM ELECTRODIAGNOSTIC STUDIES THAT ARE TO
19 BE INTERPRETED BY A PHYSICIAN IF HE OR SHE HAS BEEN PERFORMING
20 ELECTRODIAGNOSTIC STUDIES IN THIS STATE ON A CONSISTENT BASIS
21 WITHIN THE 5 YEARS IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF THIS
22 SECTION. <<A PHYSICAL THERAPIST WHO IS LICENSED UNDER THIS ARTICLE BUT IS
NOT CERTIFIED BY THE AMERICAN BOARD OF PHYSICAL THERAPY SPECIALTIES AS AN
ELECTROPHYSIOLOGIC CLINICAL SPECIALIST ON THE EFFECTIVE DATE OF THIS
SECTION AND WHO HAS BEEN PERFORMING ELECTRODIAGNOSTIC STUDIES IN THIS
STATE ON A CONSISTENT BASIS SINCE BEFORE MAY 1, 2001 MAY CONTINUE TO
PERFORM ELECTRODIAGNOSTIC STUDIES THAT ARE TO BE INTERPRETED BY A
PHYSICIAN AS LONG AS HE OR SHE BECOMES CERTIFIED BY THE AMERICAN BOARD OF
PHYSICAL THERAPY SPECIALTIES AS AN ELECTROPHYSIOLOGIC CLINICAL SPECIALIST
BY DECEMBER 31, 2007. AS USED IN THIS SUBSECTION, "CONSISTENT BASIS"
MEANS AT A MINIMUM AN ANNUAL AVERAGE OF 10 ELECTRODIAGNOSTIC STUDIES EACH
MONTH.>>

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

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

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

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

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

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

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

23 (D) ~~—(c)—~~ "Practice of osteopathic medicine and surgery" means
24 a separate, complete, and independent school of medicine and
25 surgery utilizing full methods of diagnosis and treatment in
26 physical and mental health and disease, including the prescription
27 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 SHALL PERFORM**
21 **NEEDLE ELECTROMYOGRAPHY OR INTERPRET NERVE CONDUCTION TESTS. A**
22 **PHYSICIAN SHALL NOT DELEGATE THE INTERPRETATION OF NERVE CONDUCTION**
23 **STUDIES TO ANOTHER INDIVIDUAL UNLESS THAT INDIVIDUAL IS LICENSED**
24 **UNDER THIS ARTICLE TO ENGAGE IN THE PRACTICE OF MEDICINE OR**
25 **OSTEOPATHIC MEDICINE AND SURGERY. A PHYSICIAN SHALL NOT DELEGATE**
26 **THE PERFORMANCE OF NEEDLE ELECTROMYOGRAPHY TO ANOTHER INDIVIDUAL**
27 **UNLESS THAT INDIVIDUAL IS LICENSED UNDER THIS ARTICLE TO ENGAGE IN**

1 THE PRACTICE OF MEDICINE OR OSTEOPATHIC MEDICINE AND SURGERY OR
2 THAT INDIVIDUAL IS OTHERWISE AUTHORIZED UNDER THIS SECTION.

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

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

16 (4) A PODIATRIST WHO IS LICENSED UNDER THIS ARTICLE AND HAS
17 SUCCESSFULLY COMPLETED ADDITIONAL TRAINING IN THE PERFORMANCE AND
18 INTERPRETATION OF ELECTRODIAGNOSTIC STUDIES THAT IS SATISFACTORY TO
19 HIS OR HER RESPECTIVE BOARD MAY CONDUCT ELECTRODIAGNOSTIC STUDIES
20 THAT ARE WITHIN HIS OR HER SCOPE OF PRACTICE.

21 (5) A CHIROPRACTOR WHO IS LICENSED UNDER THIS ARTICLE AND HAS
22 SUCCESSFULLY COMPLETED ADDITIONAL TRAINING IN THE PERFORMANCE AND
23 INTERPRETATION OF ELECTRODIAGNOSTIC STUDIES THAT IS SATISFACTORY TO
24 HIS OR HER RESPECTIVE BOARD MAY CONDUCT NERVE CONDUCTION TESTS THAT
25 ARE WITHIN HIS OR HER SCOPE OF PRACTICE.

26 (6) THIS SECTION DOES NOT REQUIRE NEW OR ADDITIONAL THIRD
27 PARTY REIMBURSEMENT OR MANDATED WORKER'S COMPENSATION BENEFITS FOR

1 SERVICES RENDERED BY AN INDIVIDUAL AUTHORIZED TO CONDUCT
2 ELECTRODIAGNOSTIC STUDIES UNDER THIS SECTION.