

**SUBSTITUTE FOR
HOUSE BILL NO. 5653**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16337, 17001, 17008, 17025, 17066, 17074, 17078, 17501, 17508, 18001, 18011, and 18021 (MCL 333.16337, 333.17001, 333.17008, 333.17025, 333.17066, 333.17074, 333.17078, 333.17501, 333.17508, 333.18001, 333.18011, and 333.18021), section 16337 as added by 1993 PA 79, sections 17001 and 17501 as amended by 2005 PA 264, section 17025 as amended by 1980 PA 146, sections 17066, 17074, and 17078 as amended by 1990 PA 247, and section 18021 as amended by 1993 PA 79, and by adding sections 18008, 18048, 18049, 18050, 18054, 18056, and 18058; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16337. Fees for a person licensed or seeking licensure to

1 engage in practice as a physician's assistant under ~~either~~ part
2 170, ~~or~~ part 175, **OR PART 180** are as follows:

- 3 (a) Application processing fee \$ 30.00
- 4 (b) License fee, per year 50.00
- 5 (c) Temporary license 35.00
- 6 (d) Limited license, per year 25.00

7 Sec. 17001. (1) As used in this part:

8 (a) "Academic institution" means either of the following:

9 (i) A medical school approved by the board.

10 (ii) A hospital licensed under article 17 that meets all of the
11 following requirements:

12 (A) Was the sole sponsor or a co-sponsor, if each other co-
13 sponsor is either a medical school approved by the board or a
14 hospital owned by the federal government and directly operated by
15 the United States department of veterans' affairs, of not less than
16 4 postgraduate education residency programs approved by the board
17 under section 17031(1) for not less than the 3 years immediately
18 preceding the date of an application for a limited license under
19 section 16182(2)(c) or an application for a full license under
20 section 17031(2), provided that at least 1 of the residency
21 programs is in the specialty area of medical practice, or in a
22 specialty area that includes the subspecialty of medical practice,
23 in which the applicant for a limited license proposes to practice
24 or in which the applicant for a full license has practiced for the
25 hospital.

26 (B) Has spent not less than \$2,000,000.00 for medical
27 education during each of the 3 years immediately preceding the date

1 of an application for a limited license under section 16182(2)(c)
2 or an application for a full license under section 17031(2). As
3 used in this subparagraph, "medical education" means the education
4 of physicians and candidates for degrees or licenses to become
5 physicians, including, but not limited to, physician staff,
6 residents, interns, and medical students.

7 (b) "Electrodiagnostic studies" means the testing of
8 neuromuscular functions utilizing nerve conduction tests and needle
9 electromyography. It does not include the use of surface
10 electromyography.

11 (c) "Medical care services" means those services within the
12 scope of practice of physicians licensed by the board, except those
13 services that the board determines shall not be delegated by a
14 physician without endangering the health and safety of patients as
15 provided for in section 17048(3).

16 (d) "Physician" means an individual licensed under this
17 article to engage in the practice of medicine.

18 **(E) "PODIATRIST" MEANS AN INDIVIDUAL LICENSED UNDER THIS**
19 **ARTICLE TO ENGAGE IN THE PRACTICE OF PODIATRIC MEDICINE AND**
20 **SURGERY.**

21 **(F) —(e)—** "Practice of medicine" means the diagnosis,
22 treatment, prevention, cure, or relieving of a human disease,
23 ailment, defect, complaint, or other physical or mental condition,
24 by attendance, advice, device, diagnostic test, or other means, or
25 offering, undertaking, attempting to do, or holding oneself out as
26 able to do, any of these acts.

27 **(G) —(f)—** "Practice as a physician's assistant" means the

1 practice of medicine, ~~or~~ osteopathic medicine and surgery, **OR**
2 **PODIATRIC MEDICINE AND SURGERY** performed under the supervision of a
3 physician or ~~physicians~~ **PODIATRIST** licensed under this ~~part or~~
4 ~~part 175~~ **ARTICLE**.

5 (H) ~~(g)~~ "Supervision" means that term as defined in section
6 16109, except that it also includes the existence of a
7 predetermined plan for emergency situations, including, but not
8 limited to, the designation of a physician to supervise a
9 physician's assistant in the absence of the primary supervising
10 physician.

11 (I) ~~(h)~~ "Task force" means the joint task force created in
12 ~~sections~~ **SECTION** 17025. ~~and 17525.~~

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

17 Sec. 17008. Practice as a physician's assistant is a health
18 profession subfield of the practice of medicine, ~~and~~ osteopathic
19 medicine and surgery, **AND PODIATRIC MEDICINE AND SURGERY**.

20 Sec. 17025. (1) A joint task force is created for the health
21 profession subfields licensed under this part. ~~and part 175.~~ The
22 task force shall consist of the following ~~9~~ **10** members, who shall
23 meet the requirements of part 161: 1 member each from the board of
24 medicine, ~~and~~ the board of osteopathic medicine and surgery, **AND**
25 **THE BOARD OF PODIATRIC MEDICINE AND SURGERY** holding a license other
26 than a health profession subfield license, 5 physician's
27 assistants, and 2 public members.

1 (2) The requirement of section 16135(d) that a task force
2 member shall have practiced that profession for 2 years immediately
3 before appointment is waived until October 1, 1980 for members of
4 the board licensed in a health profession subfield created by this
5 part.

6 Sec. 17066. The standards and decisions regarding the
7 qualifications of physician's assistants shall be designed to
8 determine that each physician's assistant has the necessary
9 knowledge and skill to perform in a safe and competent manner with
10 due regard to the complexity and risks attendant to activities that
11 may be delegated by a physician **OR PODIATRIST** to a physician's
12 assistant.

13 Sec. 17074. (1) A physician's assistant shall not undertake or
14 represent that he or she is qualified to undertake provision of a
15 medical care service that he or she knows or reasonably should know
16 to be outside his or her competence or is prohibited by law.

17 (2) A physician's assistant shall not:

18 (a) Perform acts, tasks, or functions to determine the
19 refractive state of a human eye or to treat refractive anomalies of
20 the human eye, or both.

21 (b) Determine the spectacle or contact lens prescription
22 specifications required to treat refractive anomalies of the human
23 eye, or determine modification of spectacle or contact lens
24 prescription specifications, or both.

25 (3) A physician's assistant may perform routine visual
26 screening or testing, postoperative care, or assistance in the care
27 of medical diseases of the eye under the supervision of a

1 physician.

2 **(4) A PHYSICIAN'S ASSISTANT ACTING UNDER THE SUPERVISION OF A**
3 **PODIATRIST SHALL ONLY PERFORM THOSE DUTIES INCLUDED WITHIN THE**
4 **SCOPE OF PRACTICE OF THAT SUPERVISING PODIATRIST.**

5 Sec. 17078. (1) A physician's assistant is the agent of the
6 supervising physician **OR SUPERVISING PODIATRIST**. A communication
7 made to a physician's assistant that would be a privileged
8 communication if made to the supervising physician **OR SUPERVISING**
9 **PODIATRIST** is a privileged communication to the physician's
10 assistant and the supervising physician **OR SUPERVISING PODIATRIST**
11 to the same extent as if the communication were made to the
12 supervising physician **OR SUPERVISING PODIATRIST**.

13 (2) A physician's assistant shall conform to minimal standards
14 of acceptable and prevailing practice for the supervising physician
15 **OR SUPERVISING PODIATRIST**.

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

17 (a) "Electrodiagnostic studies" means the testing of
18 neuromuscular functions utilizing nerve conduction tests and needle
19 electromyography. It does not include the use of surface
20 electromyography.

21 (b) "Medical care services" means those services within the
22 scope of practice of physicians licensed and approved by the board,
23 except those services that the board determines shall not be
24 delegated by a physician without endangering the health and safety
25 of patients as provided for in section 17548(3).

26 (c) "Physician" means an individual licensed under this
27 article to engage in the practice of osteopathic medicine and

1 surgery.

2 (d) "Practice of osteopathic medicine and surgery" means a
3 separate, complete, and independent school of medicine and surgery
4 utilizing full methods of diagnosis and treatment in physical and
5 mental health and disease, including the prescription and
6 administration of drugs and biologicals, operative surgery,
7 obstetrics, radiological and other electromagnetic emissions, and
8 placing special emphasis on the interrelationship of the
9 musculoskeletal system to other body systems.

10 (e) "Practice as a physician's assistant" means the practice
11 of **MEDICINE**, osteopathic medicine **AND SURGERY, AND PODIATRIC**
12 **MEDICINE AND SURGERY** performed under the supervision of a physician
13 **OR PODIATRIST** licensed under this ~~part or part 170~~ **ARTICLE**.

14 (f) "Supervision" has the meaning ascribed to it in section
15 16109 except that it includes the existence of a predetermined plan
16 for emergency situations, including, but not limited to, the
17 designation of a physician to supervise a physician's assistant in
18 the absence of the primary supervising physician.

19 (g) "Task force" means the joint task force created in
20 ~~sections~~ **SECTION** 17025. ~~and 17525.~~

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

25 Sec. 17508. Practice as a physician's assistant is a health
26 profession subfield of the practice of osteopathic medicine and
27 surgery, ~~and~~ the practice of medicine, **AND THE PRACTICE OF**

1 **PODIATRIC MEDICINE AND SURGERY.**

2 Sec. 18001. (1) As used in this part:

3 (a) "Podiatrist" means a physician and surgeon licensed under
4 this article to engage in the practice of podiatric medicine and
5 surgery.

6 **(B) "PRACTICE AS A PHYSICIAN'S ASSISTANT" MEANS THE PRACTICE**
7 **OF MEDICINE, OSTEOPATHIC MEDICINE AND SURGERY, AND PODIATRIC**
8 **MEDICINE AND SURGERY UNDER THE SUPERVISION OF A PHYSICIAN OR**
9 **PODIATRIST LICENSED UNDER THIS ARTICLE.**

10 **(C) —(b)—** "Practice of podiatric medicine and surgery" means
11 the examination, diagnosis, and treatment of abnormal nails,
12 superficial excrescences occurring on the human hands and feet,
13 including corns, warts, callosities, and bunions, and arch troubles
14 or the treatment medically, surgically, mechanically, or by
15 physiotherapy of ailments of human feet or ankles as they affect
16 the condition of the feet. It does not include amputation of human
17 feet, or the use or administration of anesthetics other than local.

18 **(D) "SUPERVISION" MEANS THAT TERM AS DEFINED UNDER SECTION**
19 **16109 EXCEPT THAT IT INCLUDES THE EXISTENCE OF A PREDETERMINED PLAN**
20 **FOR EMERGENCY SITUATIONS INCLUDING, BUT NOT LIMITED TO, THE**
21 **DESIGNATION OF A PODIATRIST TO SUPERVISE A PHYSICIAN'S ASSISTANT IN**
22 **THE ABSENCE OF THE PRIMARY SUPERVISING PODIATRIST.**

23 **(E) "TASK FORCE" MEANS THE JOINT TASK FORCE CREATED IN SECTION**
24 **17025.**

25 (2) In addition to the definitions in this part, article 1
26 contains general definitions and principles of construction
27 applicable to all articles in this code and part 161 contains

1 definitions applicable to this part.

2 **SEC. 18008. PRACTICE AS A PHYSICIAN'S ASSISTANT IS A HEALTH**
3 **PROFESSION SUBFIELD OF THE PRACTICE OF PODIATRIC MEDICINE AND**
4 **SURGERY, THE PRACTICE OF OSTEOPATHIC MEDICINE AND SURGERY, AND THE**
5 **PRACTICE OF MEDICINE.**

6 Sec. 18011. A person shall not engage in the practice of
7 podiatric medicine and surgery **OR PRACTICE AS A PHYSICIAN'S**
8 **ASSISTANT** unless licensed or otherwise authorized by this article.

9 Sec. 18021. **(1)** The Michigan board of podiatric medicine and
10 surgery is created in the department and shall consist of the
11 following 9 voting members who shall meet the requirements of part
12 161: 5 podiatrists, **1 PHYSICIAN'S ASSISTANT**, and ~~4~~ 3 public
13 members.

14 **(2) THE BOARD OF PODIATRIC MEDICINE AND SURGERY DOES NOT HAVE**
15 **THE POWERS AND DUTIES VESTED IN THE TASK FORCE BY SECTIONS 17060 TO**
16 **17084.**

17 **SEC. 18048. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,**
18 **A PODIATRIST WHO IS A SOLE PRACTITIONER OR WHO PRACTICES IN A GROUP**
19 **OF PODIATRISTS AND TREATS PATIENTS ON AN OUTPATIENT BASIS SHALL NOT**
20 **SUPERVISE MORE THAN 4 PHYSICIAN'S ASSISTANTS. IF A PODIATRIST**
21 **DESCRIBED IN THIS SUBSECTION SUPERVISES PHYSICIAN'S ASSISTANTS AT**
22 **MORE THAN 1 PRACTICE SITE, THE PODIATRIST SHALL NOT SUPERVISE MORE**
23 **THAN 2 PHYSICIAN'S ASSISTANTS BY A METHOD OTHER THAN THE**
24 **PODIATRIST'S ACTUAL PHYSICAL PRESENCE AT THE PRACTICE SITE.**

25 **(2) A PODIATRIST WHO IS EMPLOYED BY OR UNDER CONTRACT OR**
26 **SUBCONTRACT TO OR HAS PRIVILEGES AT A HEALTH FACILITY LICENSED**
27 **UNDER ARTICLE 17 MAY SUPERVISE MORE THAN 4 PHYSICIAN'S ASSISTANTS**

1 AT THE HEALTH FACILITY OR AGENCY.

2 (3) THE DEPARTMENT MAY PROMULGATE RULES FOR THE APPROPRIATE
3 DELEGATION AND UTILIZATION OF A PHYSICIAN'S ASSISTANT BY A
4 PODIATRIST, INCLUDING, BUT NOT LIMITED TO, RULES TO PROHIBIT OR
5 OTHERWISE RESTRICT THE DELEGATION OF CERTAIN PODIATRIC SERVICES OR
6 REQUIRE HIGHER LEVELS OF SUPERVISION IF THE BOARD DETERMINES THAT
7 SUCH SERVICES REQUIRE EXTENSIVE TRAINING, EDUCATION, OR ABILITY OR
8 POSE SERIOUS RISKS TO THE HEALTH OR SAFETY OF PATIENTS.

9 SEC. 18049. (1) IN ADDITION TO THE OTHER REQUIREMENTS OF THIS
10 SECTION AND SUBJECT TO SUBSECTION (5), A PODIATRIST WHO SUPERVISES
11 A PHYSICIAN'S ASSISTANT IS RESPONSIBLE FOR ALL OF THE FOLLOWING:

12 (A) VERIFICATION OF THE PHYSICIAN'S ASSISTANT'S CREDENTIALS.

13 (B) EVALUATION OF THE PHYSICIAN'S ASSISTANT'S PERFORMANCE.

14 (C) MONITORING THE PHYSICIAN'S ASSISTANT'S PRACTICE AND
15 PROVISION OF PODIATRIC SERVICES.

16 (2) SUBJECT TO SECTION 18048, A PODIATRIST WHO SUPERVISES A
17 PHYSICIAN'S ASSISTANT MAY ONLY DELEGATE TO THE PHYSICIAN'S
18 ASSISTANT THE PERFORMANCE OF PODIATRIC SERVICES FOR A PATIENT WHO
19 IS UNDER THE CASE MANAGEMENT RESPONSIBILITY OF THE PODIATRIST, IF
20 THE DELEGATION IS CONSISTENT WITH THE PHYSICIAN'S ASSISTANT'S
21 TRAINING. A PODIATRIST SHALL ONLY SUPERVISE A PHYSICIAN'S ASSISTANT
22 IN THE PERFORMANCE OF THOSE DUTIES INCLUDED WITHIN HIS OR HER SCOPE
23 OF PRACTICE.

24 (3) A PODIATRIST WHO SUPERVISES A PHYSICIAN'S ASSISTANT IS
25 RESPONSIBLE FOR THE CLINICAL SUPERVISION OF EACH PHYSICIAN'S
26 ASSISTANT TO WHOM THE PHYSICIAN DELEGATES THE PERFORMANCE OF
27 PODIATRIC SERVICES UNDER SUBSECTION (2).

1 (4) SUBJECT TO SUBSECTION (5), A PODIATRIST WHO SUPERVISES A
2 PHYSICIAN'S ASSISTANT SHALL KEEP ON FILE IN THE PHYSICIAN'S OFFICE
3 OR IN THE HEALTH FACILITY OR AGENCY IN WHICH THE PODIATRIST
4 SUPERVISES THE PHYSICIAN'S ASSISTANT A PERMANENT, WRITTEN RECORD
5 THAT INCLUDES THE PODIATRIST'S NAME AND LICENSE NUMBER AND THE NAME
6 AND LICENSE NUMBER OF EACH PHYSICIAN'S ASSISTANT SUPERVISED BY THE
7 PODIATRIST.

8 (5) A GROUP OF PODIATRISTS PRACTICING OTHER THAN AS SOLE
9 PRACTITIONERS MAY DESIGNATE 1 OR MORE PODIATRISTS IN THE GROUP TO
10 FULFILL THE REQUIREMENTS OF SUBSECTIONS (1) AND (4).

11 SEC. 18050. IN ADDITION TO ITS OTHER POWERS AND DUTIES UNDER
12 THIS ARTICLE, THE BOARD MAY PROHIBIT A PODIATRIST FROM SUPERVISING
13 1 OR MORE PHYSICIAN'S ASSISTANTS FOR ANY OF THE GROUNDS SET FORTH
14 IN SECTION 16221 OR FOR FAILURE TO SUPERVISE A PHYSICIAN'S
15 ASSISTANT IN ACCORDANCE WITH THIS PART AND RULES PROMULGATED UNDER
16 THIS PART.

17 SEC. 18054. THE BOARD SHALL MAKE WRITTEN RECOMMENDATIONS ON
18 CRITERIA FOR THE APPROVAL OF PHYSICIAN'S ASSISTANTS AND ON CRITERIA
19 FOR THE VALUATION OF PHYSICIAN'S ASSISTANTS TRAINING PROGRAMS TO
20 THE TASK FORCE ON PHYSICIAN'S ASSISTANTS.

21 SEC. 18056. THIS PART DOES NOT APPLY TO A STUDENT IN TRAINING
22 TO BECOME A PHYSICIAN'S ASSISTANT WHILE PERFORMING DUTIES ASSIGNED
23 AS PART OF THE TRAINING.

24 SEC. 18058. THIS PART DOES NOT REQUIRE NEW OR ADDITIONAL THIRD
25 PARTY REIMBURSEMENT OR MANDATED WORKER'S COMPENSATION BENEFITS FOR
26 SERVICES RENDERED BY AN INDIVIDUAL AUTHORIZED TO PRACTICE AS A
27 PHYSICIAN'S ASSISTANT UNDER THIS PART.

1 Enacting section 1. Section 17525 of the public health code,
2 1978 PA 368, MCL 333.17525, is repealed.

3 Enacting section 2. This amendatory act takes effect 6 months
4 after it is enacted into law.