

SENATE 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  
2 to engage in practice as a physician's assistant under ~~either~~

1 part 170, ~~or~~ part 175, **OR PART 180** are as follows:

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

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

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

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

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

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

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

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

7 (b) "Electrodiagnostic studies" means the testing of  
8 neuromuscular functions utilizing nerve conduction tests and  
9 needle 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  
13 those services that the board determines shall not be delegated  
14 by a physician without endangering the health and safety of  
15 patients as 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  
24 condition, by attendance, advice, device, diagnostic test, or  
25 other means, or offering, undertaking, attempting to do, or  
26 holding oneself out as 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  
 3 a physician or ~~physicians~~ **PODIATRIST** licensed under this ~~part~~  
 4 ~~or part 175~~ **ARTICLE**.

5 (H) ~~(g)~~ "Supervision" means that term as defined in  
 6 section 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~~  
 19 osteopathic medicine and surgery, **AND PODIATRIC MEDICINE AND**  
 20 **SURGERY**.

21 Sec. 17025. (1) A joint task force is created for the health  
 22 profession subfields licensed under this part. ~~and part 175.~~  
 23 The task force shall consist of the following ~~9~~ **11** members, who  
 24 shall meet the requirements of part 161: 1 member each from the  
 25 board of medicine, ~~and~~ the board of osteopathic medicine and  
 26 surgery, **AND THE BOARD OF PODIATRIC MEDICINE AND SURGERY** holding  
 27 a license other than a health profession subfield license, 5

1 physician's assistants, and ~~2~~ 3 public members.

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

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

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

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

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

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

27 (3) A physician's assistant may perform routine visual

1 screening or testing, postoperative care, or assistance in the  
2 care of medical diseases of the eye under the supervision of a  
3 physician.

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

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

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

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

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

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

1 (c) "Physician" means an individual licensed under this  
2 article to engage in the practice of osteopathic medicine and  
3 surgery.

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

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

18 (f) "Supervision" has the meaning ascribed to it in section  
19 16109 except that it includes the existence of a predetermined  
20 plan for emergency situations, including, but not limited to, the  
21 designation of a physician to supervise a physician's assistant  
22 in the absence of the primary supervising physician.

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

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 the code and part 161 contains

1 definitions applicable to this part.

2       Sec. 17508. Practice as a physician's assistant is a health  
3 profession subfield of the practice of osteopathic medicine and  
4 surgery, ~~and~~ the practice of medicine, **AND THE PRACTICE OF**  
5 **PODIATRIC MEDICINE AND SURGERY.**

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

7       (a) "Podiatrist" means a physician and surgeon licensed  
8 under this article to engage in the practice of podiatric  
9 medicine and surgery.

10       **(B) "PRACTICE AS A PHYSICIAN'S ASSISTANT" MEANS THE PRACTICE**  
11 **OF MEDICINE, OSTEOPATHIC MEDICINE AND SURGERY, AND PODIATRIC**  
12 **MEDICINE AND SURGERY UNDER THE SUPERVISION OF A PHYSICIAN OR**  
13 **PODIATRIST LICENSED UNDER THIS ARTICLE.**

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

23       **(D) "SUPERVISION" MEANS THAT TERM AS DEFINED UNDER SECTION**  
24 **16109 EXCEPT THAT IT INCLUDES THE EXISTENCE OF A PREDETERMINED**  
25 **PLAN FOR EMERGENCY SITUATIONS INCLUDING, BUT NOT LIMITED TO, THE**  
26 **DESIGNATION OF A PODIATRIST TO SUPERVISE A PHYSICIAN'S ASSISTANT**  
27 **IN THE ABSENCE OF THE PRIMARY SUPERVISING PODIATRIST.**

1           **(E) "TASK FORCE" MEANS THE JOINT TASK FORCE CREATED IN**  
2 **SECTION 17025.**

3           (2) In addition to the definitions in this part, article 1  
4 contains general definitions and principles of construction  
5 applicable to all articles in this code and part 161 contains  
6 definitions applicable to this part.

7           **SEC. 18008. PRACTICE AS A PHYSICIAN'S ASSISTANT IS A HEALTH**  
8 **PROFESSION SUBFIELD OF THE PRACTICE OF PODIATRIC MEDICINE AND**  
9 **SURGERY, THE PRACTICE OF OSTEOPATHIC MEDICINE AND SURGERY, AND**  
10 **THE PRACTICE OF MEDICINE.**

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

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

20           **(2) THE BOARD OF PODIATRIC MEDICINE AND SURGERY DOES NOT**  
21 **HAVE THE POWERS AND DUTIES VESTED IN THE TASK FORCE BY SECTIONS**  
22 **17060 TO 17084.**

23           **SEC. 18048. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS**  
24 **SECTION, A PODIATRIST WHO IS A SOLE PRACTITIONER OR WHO PRACTICES**  
25 **IN A GROUP OF PODIATRISTS AND TREATS PATIENTS ON AN OUTPATIENT**  
26 **BASIS SHALL NOT SUPERVISE MORE THAN 4 PHYSICIAN'S ASSISTANTS. IF**  
27 **A PODIATRIST DESCRIBED IN THIS SUBSECTION SUPERVISES PHYSICIAN'S**

1 ASSISTANTS AT MORE THAN 1 PRACTICE SITE, THE PODIATRIST SHALL NOT  
2 SUPERVISE MORE THAN 2 PHYSICIAN'S ASSISTANTS BY A METHOD OTHER  
3 THAN THE PODIATRIST'S ACTUAL PHYSICAL PRESENCE AT THE PRACTICE  
4 SITE.

5 (2) A PODIATRIST WHO IS EMPLOYED BY OR UNDER CONTRACT OR  
6 SUBCONTRACT TO OR HAS PRIVILEGES AT A HEALTH FACILITY LICENSED  
7 UNDER ARTICLE 17 MAY SUPERVISE MORE THAN 4 PHYSICIAN'S ASSISTANTS  
8 AT THE HEALTH FACILITY OR AGENCY.

9 (3) THE DEPARTMENT MAY PROMULGATE RULES FOR THE APPROPRIATE  
10 DELEGATION AND UTILIZATION OF A PHYSICIAN'S ASSISTANT BY A  
11 PODIATRIST, INCLUDING, BUT NOT LIMITED TO, RULES TO PROHIBIT OR  
12 OTHERWISE RESTRICT THE DELEGATION OF CERTAIN PODIATRIC SERVICES  
13 OR REQUIRE HIGHER LEVELS OF SUPERVISION IF THE BOARD DETERMINES  
14 THAT SUCH SERVICES REQUIRE EXTENSIVE TRAINING, EDUCATION, OR  
15 ABILITY OR POSE SERIOUS RISKS TO THE HEALTH OR SAFETY OF  
16 PATIENTS.

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

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

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

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

25 (2) SUBJECT TO SECTION 18048, A PODIATRIST WHO SUPERVISES A  
26 PHYSICIAN'S ASSISTANT MAY ONLY DELEGATE TO THE PHYSICIAN'S  
27 ASSISTANT THE PERFORMANCE OF PODIATRIC SERVICES FOR A PATIENT WHO

1 IS UNDER THE CASE MANAGEMENT RESPONSIBILITY OF THE PODIATRIST, IF  
2 THE DELEGATION IS CONSISTENT WITH THE PHYSICIAN'S ASSISTANT'S  
3 TRAINING. A PODIATRIST SHALL ONLY SUPERVISE A PHYSICIAN'S  
4 ASSISTANT IN THE PERFORMANCE OF THOSE DUTIES INCLUDED WITHIN HIS  
5 OR HER SCOPE OF PRACTICE.

6 (3) A PODIATRIST WHO SUPERVISES A PHYSICIAN'S ASSISTANT IS  
7 RESPONSIBLE FOR THE CLINICAL SUPERVISION OF EACH PHYSICIAN'S  
8 ASSISTANT TO WHOM THE PHYSICIAN DELEGATES THE PERFORMANCE OF  
9 PODIATRIC SERVICES UNDER SUBSECTION (2).

10 (4) SUBJECT TO SUBSECTION (5), A PODIATRIST WHO SUPERVISES A  
11 PHYSICIAN'S ASSISTANT SHALL KEEP ON FILE IN THE PHYSICIAN'S  
12 OFFICE OR IN THE HEALTH FACILITY OR AGENCY IN WHICH THE  
13 PODIATRIST SUPERVISES THE PHYSICIAN'S ASSISTANT A PERMANENT,  
14 WRITTEN RECORD THAT INCLUDES THE PODIATRIST'S NAME AND LICENSE  
15 NUMBER AND THE NAME AND LICENSE NUMBER OF EACH PHYSICIAN'S  
16 ASSISTANT SUPERVISED BY THE PODIATRIST.

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

20 SEC. 18050. IN ADDITION TO ITS OTHER POWERS AND DUTIES UNDER  
21 THIS ARTICLE, THE BOARD MAY PROHIBIT A PODIATRIST FROM  
22 SUPERVISING 1 OR MORE PHYSICIAN'S ASSISTANTS FOR ANY OF THE  
23 GROUNDS SET FORTH IN SECTION 16221 OR FOR FAILURE TO SUPERVISE A  
24 PHYSICIAN'S ASSISTANT IN ACCORDANCE WITH THIS PART AND RULES  
25 PROMULGATED UNDER THIS PART.

26 SEC. 18054. THE BOARD SHALL MAKE WRITTEN RECOMMENDATIONS ON  
27 CRITERIA FOR THE APPROVAL OF PHYSICIAN'S ASSISTANTS AND ON

1 CRITERIA FOR THE VALUATION OF PHYSICIAN'S ASSISTANTS TRAINING  
2 PROGRAMS TO THE TASK FORCE ON PHYSICIAN'S ASSISTANTS.

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

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

10 Enacting section 1. Section 17525 of the public health code,  
11 1978 PA 368, MCL 333.17525, is repealed.

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