

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 6253

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16174, 16181, 16186, 17011, and 17511 (MCL
333.16174, 333.16181, 333.16186, 333.17011, and 333.17511), section
16174 as amended by 2006 PA 26, section 16181 as amended by 2004 PA
200, section 16186 as amended by 2004 PA 3, and section 17011 as
amended by 1993 PA 79.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 16174. (1) An individual who is licensed or registered
2 under this article shall meet all of the following requirements:
3 (a) Be 18 or more years of age.
4 (b) Be of good moral character.
5 (c) Have a specific education or experience in the health
6 profession or in a health profession subfield or health profession

1 specialty field of the health profession, or training equivalent,
2 or both, as prescribed by this article or rules of a board
3 necessary to promote safe and competent practice and informed
4 consumer choice.

5 (d) Have a working knowledge of the English language as
6 determined in accordance with minimum standards established for
7 that purpose by the department.

8 (e) Pay the appropriate fees as prescribed in this article.

9 (2) In addition to the requirements of subsection (1), an
10 applicant for licensure, registration, specialty certification, or
11 a health profession specialty subfield license under this article
12 shall meet all of the following requirements:

13 (a) Establish that disciplinary proceedings before a similar
14 licensure, registration, or specialty licensure or specialty
15 certification board of this or any other state, of the United
16 States military, of the federal government, or of another country
17 are not pending against the applicant.

18 (b) Establish that if sanctions have been imposed against the
19 applicant by a similar licensure, registration, or specialty
20 licensure or specialty certification board of this or any other
21 state, of the United States military, of the federal government, or
22 of another country based upon grounds that are substantially
23 similar to those set forth in this article or article 7 or the
24 rules promulgated under this article or article 7, as determined by
25 the board or task force to which the applicant applies, the
26 sanctions are not in force at the time of application. **THIS**

27 **SUBDIVISION DOES NOT APPLY TO AN APPLICATION FOR LICENSURE THAT THE**

1 **BOARD MAY GRANT UNDER SECTION 17011(4) OR 17511(2).**

2 (c) File with the board or task force a written, signed
3 consent to the release of information regarding a disciplinary
4 investigation involving the applicant conducted by a similar
5 licensure, registration, or specialty licensure or specialty
6 certification board of this or any other state, of the United
7 States military, of the federal government, or of another country.

8 (3) Beginning May 1, 2006, an applicant for initial licensure
9 or registration shall submit his or her fingerprints to the
10 department of state police to have a criminal history check
11 conducted and request that the department of state police forward
12 his or her fingerprints to the federal bureau of investigation for
13 a national criminal history check. The department of state police
14 shall conduct a criminal history check and request the federal
15 bureau of investigation to make a determination of the existence of
16 any national criminal history pertaining to the applicant. The
17 department of state police shall provide the department with a
18 written report of the criminal history check if the criminal
19 history check contains any criminal history record information. The
20 department of state police shall forward the results of the federal
21 bureau of investigation determination to the department within 30
22 days after the request is made. The department shall notify the
23 board and the applicant in writing of the type of crime disclosed
24 on the federal bureau of investigation determination without
25 disclosing the details of the crime. The department of state police
26 may charge a reasonable fee to cover the cost of conducting the
27 criminal history check. The criminal history record information

1 obtained under this subsection shall be used only for the purpose
2 of evaluating an applicant's qualifications for licensure or
3 registration for which he or she has applied. A member of the board
4 shall not disclose the report or its contents to any person who is
5 not directly involved in evaluating the applicant's qualifications
6 for licensure or registration. Information obtained under this
7 subsection is confidential, is not subject to disclosure under the
8 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and
9 shall not be disclosed to any person except for purposes of this
10 section or for law enforcement purposes.

11 (4) Before granting a license, registration, specialty
12 certification, or a health profession specialty field license to an
13 applicant, the board or task force to which the applicant applies
14 may do 1 of the following:

15 (a) Make an independent inquiry into the applicant's
16 compliance with the requirements described in subsection (2). If
17 **SUBSECTION (2) (B) APPLIES TO AN APPLICATION FOR LICENSURE AND** a
18 licensure or registration board or task force determines under
19 subsection (2) (b) that sanctions have been imposed and are in force
20 at the time of application, the board or task force shall not grant
21 a license or registration or specialty certification or health
22 profession specialty field license to the applicant.

23 (b) Require the applicant to secure from a national
24 association or federation of state professional licensing boards
25 certification of compliance with the requirements described in
26 subsection (2). **IF AN APPLICATION IS FOR LICENSURE THAT THE BOARD**
27 **MAY GRANT UNDER SECTION 17011(4) OR 17511(2), THE APPLICANT IS NOT**

1 **REQUIRED TO SECURE THE CERTIFICATION OF COMPLIANCE WITH RESPECT TO**
2 **THE REQUIREMENTS DESCRIBED IN SUBSECTION (2) (B) .**

3 (5) If, after issuing a license, registration, specialty
4 certification, or health profession specialty field license, a
5 board or task force or the department determines that sanctions
6 have been imposed against the licensee or registrant by a similar
7 licensure or registration or specialty licensure or specialty
8 certification board as described in subsection (2) (b), the
9 disciplinary subcommittee may impose appropriate sanctions upon the
10 licensee or registrant. The licensee or registrant may request a
11 show cause hearing before a hearing examiner to demonstrate why the
12 sanctions should not be imposed.

13 (6) An applicant for licensure, registration, specialty
14 certification, or a health profession specialty field license who
15 is or has been licensed, registered, or certified in a health
16 profession or specialty by another state or country shall disclose
17 that fact on the application form.

18 Sec. 16181. (1) Except as otherwise provided in subsection
19 (2), a board may grant a nonrenewable, temporary license to an
20 applicant who has completed all requirements for licensure except
21 for examination or other required evaluation procedure. A board
22 shall not grant a temporary license to an individual who has
23 previously failed the examination or other required evaluation
24 procedure or whose license has been suspended or revoked. A
25 temporary license issued pursuant to this section is valid for 18
26 months, but a board shall automatically void the temporary license
27 if the applicant fails the examination or other required evaluation

1 procedure.

2 (2) Until January 1, ~~2007~~ **2012**, the Michigan board of
3 nursing may grant a nonrenewable, temporary license to an applicant
4 for a license under this article to engage in the practice of
5 nursing as a registered professional nurse if the applicant is
6 licensed as a registered professional nurse by an equivalent
7 licensing board or authority in Canada. A temporary license issued
8 under this subsection expires on the earliest of the following:

9 (a) One year after the date of issuance.

10 (b) The date the applicant is notified that he or she failed
11 the commission on graduates of foreign nursing schools qualifying
12 examination, as approved by the department.

13 (c) The date the applicant is notified that he or she failed
14 the national council licensure examination, as approved by the
15 department.

16 (d) The date the applicant is issued a license under this
17 article to engage in the practice of nursing as a registered
18 professional nurse.

19 (3) The holder of a temporary license issued under subsection
20 (1) shall practice only under the supervision of a licensee who
21 holds a license, other than a health profession subfield license,
22 in the same health profession. The holder of a temporary license
23 issued under subsection (1) shall not be supervised by a licensee
24 who holds a limited license or temporary license.

25 (4) The department shall promptly issue a temporary license.

26 Sec. 16186. (1) An individual who is licensed to practice a
27 health profession in another state or, until January 1, ~~2007~~

1 2012, is licensed to practice a health profession in a province of
2 Canada, who is registered in another state, or who holds a health
3 profession specialty field license or specialty certification from
4 another state and who applies for licensure, registration,
5 specialty certification, or a health profession specialty field
6 license in this state may be granted an appropriate license or
7 registration or specialty certification or health profession
8 specialty field license upon satisfying the board or task force to
9 which the applicant applies as to all of the following:

10 (a) The applicant substantially meets the requirements of this
11 article and rules promulgated under this article for licensure,
12 registration, specialty certification, or a health profession
13 specialty field license.

14 (b) Subject to subsection (3), the applicant is licensed,
15 registered, specialty certified, or specialty licensed in another
16 state or, until January 1, ~~2007~~ 2012, is licensed in a province
17 in Canada that maintains standards substantially equivalent to
18 those of this state.

19 (c) Subject to subsection (3), until January 1, ~~2007~~ 2012,
20 if the applicant is licensed to practice a health profession in a
21 province in Canada, the applicant completed the educational
22 requirements in Canada or in the United States for licensure in
23 Canada or in the United States.

24 (d) Until January 1, ~~2007~~ 2012, if the applicant is licensed
25 to practice a health profession in a province in Canada, that the
26 applicant will perform the professional services for which he or
27 she bills in this state, and that any resulting request for third

1 party reimbursement will originate from the applicant's place of
2 employment in this state.

3 (2) Before granting a license, registration, specialty
4 certification, or a health profession specialty field license to
5 the applicant, the board or task force to which the applicant
6 applies may require the applicant to appear personally before it
7 for an interview to evaluate the applicant's relevant
8 qualifications.

9 (3) For purposes of ~~the 2002 amendatory act that added this~~
10 ~~subsection~~ **PA 441**, an applicant who is licensed in a province in
11 Canada who meets the requirements of subsection (1)(c) and takes
12 and passes a national examination in this country that is approved
13 by the appropriate Michigan licensing board, or who takes and
14 passes a Canadian national examination approved by the appropriate
15 Michigan licensing board, is considered to have met the
16 requirements of subsection (1)(b). This subsection does not apply
17 if the department, in consultation with the appropriate licensing
18 board, promulgates a rule disallowing the use of this subsection
19 for an applicant licensed in a province in Canada.

20 (4) If the department receives an application for licensure
21 under part 187 from an individual who is licensed as a respiratory
22 therapist in the country of Canada, the department shall consult
23 the international reciprocity agreement executed by the national
24 board for respiratory care and the Canadian society of respiratory
25 therapists in effect on the effective date of the amendatory act
26 that added this subsection.

27 Sec. 17011. (1) An individual shall not engage in the practice

1 of medicine or practice as a physician's assistant unless licensed
2 or otherwise authorized by this article. An individual shall not
3 engage in teaching or research that requires the practice of
4 medicine unless the individual is licensed or otherwise authorized
5 by this article.

6 (2) Notwithstanding section 16145 or rules promulgated
7 ~~pursuant to~~ **UNDER** that section, the board may grant a license to
8 an individual who meets the requirements of section 16186 or
9 17031(2) after reviewing the applicant's record of practice,
10 experience, and credentials and determining that the applicant is
11 competent to practice medicine.

12 (3) For individuals applying for licensure under section
13 16186, the board shall not impose requirements on graduates of
14 medical schools located outside the United States or Canada that
15 exceed the requirements imposed on graduates of medical schools
16 located in the United States or Canada.

17 (4) **NOTWITHSTANDING SECTION 16145 OR RULES PROMULGATED UNDER**
18 **THAT SECTION, THE BOARD MAY GRANT A LICENSE IN ACCORDANCE WITH**
19 **SECTION 16186 AFTER DETERMINING THAT EACH OF THE FOLLOWING**
20 **CONDITIONS IS SATISFIED:**

21 (A) **THE APPLICANT HAS DISCLOSED THAT A SANCTION IS IN FORCE**
22 **AGAINST HIM OR HER AS DESCRIBED IN SECTION 16174(2) (B) AND**
23 **CONSIDERING THE REASONS FOR THE SANCTION AND THE APPLICANT'S RECORD**
24 **OF PRACTICE, EXPERIENCE, CREDENTIALS, AND COMPETENCE TO ENGAGE IN**
25 **THE PRACTICE OF MEDICINE, THAT SANCTION SHOULD NOT PREVENT THE**
26 **APPLICANT FROM BEING GRANTED A LICENSE IN THIS STATE.**

27 (B) **THE SANCTION IMPOSED BY THE OTHER STATE IS NOT PERMANENT.**

1 (C) THE SANCTION IMPOSED BY THE OTHER STATE WAS NOT THE RESULT
2 OF A PATIENT SAFETY VIOLATION.

3 (D) IF THE APPLICANT WAS REQUIRED BY THE STATE THAT IMPOSED
4 THE SANCTION TO PARTICIPATE IN AND COMPLETE A PROBATIONARY PERIOD
5 OR TREATMENT PLAN AS A CONDITION OF THE CONTINUATION OF HIS OR HER
6 LICENSURE, THE APPLICANT DID NOT COMPLETE THE PROBATIONARY PERIOD
7 OR TREATMENT PLAN BECAUSE THE APPLICANT CEASED ENGAGING IN THE
8 PRACTICE OF MEDICINE IN THAT STATE.

9 (E) AS A CONDITION OF LICENSURE UNDER THIS SUBSECTION, THE
10 APPLICANT VOLUNTARILY AGREES TO COMPLETE A PROBATIONARY PERIOD OR
11 TREATMENT PLAN, THE TERMS OF WHICH ARE NO LESS STRINGENT THAN THOSE
12 IMPOSED BY THE STATE THAT IMPOSED THE SANCTION.

13 (5) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE
14 FOLLOWING WORDS, TITLES, OR LETTERS OR A COMBINATION THEREOF, WITH
15 OR WITHOUT QUALIFYING WORDS OR PHRASES, ARE RESTRICTED IN USE ONLY
16 TO THOSE INDIVIDUALS AUTHORIZED UNDER THIS PART TO USE THE TERMS
17 AND IN A WAY PRESCRIBED IN THIS PART: "DOCTOR OF MEDICINE", "M.D.",
18 "PHYSICIAN'S ASSISTANT", AND "P.A.". NOTWITHSTANDING SECTION 16261,
19 AN INDIVIDUAL WHO WAS SPECIALLY TRAINED AT AN INSTITUTION OF HIGHER
20 EDUCATION IN THIS STATE TO ASSIST A PHYSICIAN IN THE FIELD OF
21 ORTHOPEDICS AND, UPON COMPLETION OF TRAINING, RECEIVED A 2-YEAR
22 ASSOCIATE OF SCIENCE DEGREE AS AN ORTHOPEDIC PHYSICIAN'S ASSISTANT
23 BEFORE JANUARY 1, 1977 MAY USE THE TITLE "ORTHOPEDIC PHYSICIAN'S
24 ASSISTANT" WHETHER OR NOT THE INDIVIDUAL IS LICENSED UNDER THIS
25 PART.

26 Sec. 17511. (1) A person shall not engage in the practice of
27 osteopathic medicine and surgery or practice as a physician's

1 assistant unless licensed or otherwise authorized by this article.

2 (2) NOTWITHSTANDING SECTION 16145 OR RULES PROMULGATED UNDER
3 THAT SECTION, THE BOARD MAY GRANT A LICENSE IN ACCORDANCE WITH
4 SECTION 16186 AFTER DETERMINING THAT EACH OF THE FOLLOWING
5 CONDITIONS IS SATISFIED:

6 (A) THE APPLICANT HAS DISCLOSED THAT A SANCTION IS IN FORCE
7 AGAINST HIM OR HER AS DESCRIBED IN SECTION 16174(2)(B) AND
8 CONSIDERING THE REASONS FOR THE SANCTION AND THE APPLICANT'S RECORD
9 OF PRACTICE, EXPERIENCE, CREDENTIALS, AND COMPETENCE TO ENGAGE IN
10 THE PRACTICE OF OSTEOPATHIC MEDICINE AND SURGERY, THAT SANCTION
11 SHOULD NOT PREVENT THE APPLICANT FROM BEING GRANTED A LICENSE IN
12 THIS STATE.

13 (B) THE SANCTION IMPOSED BY THE OTHER STATE IS NOT PERMANENT.

14 (C) THE SANCTION IMPOSED BY THE OTHER STATE WAS NOT THE RESULT
15 OF A PATIENT SAFETY VIOLATION.

16 (D) IF THE APPLICANT WAS REQUIRED BY THE STATE THAT IMPOSED
17 THE SANCTION TO PARTICIPATE IN AND COMPLETE A PROBATIONARY PERIOD
18 OR TREATMENT PLAN AS A CONDITION OF THE CONTINUATION OF HIS OR HER
19 LICENSURE, THE APPLICANT DID NOT COMPLETE THE PROBATIONARY PERIOD
20 OR TREATMENT PLAN BECAUSE THE APPLICANT CEASED ENGAGING IN THE
21 PRACTICE OF OSTEOPATHIC MEDICINE AND SURGERY IN THAT STATE.

22 (E) AS A CONDITION OF LICENSURE UNDER THIS SUBSECTION, THE
23 APPLICANT VOLUNTARILY AGREES TO COMPLETE A PROBATIONARY PERIOD OR
24 TREATMENT PLAN, THE TERMS OF WHICH ARE NO LESS STRINGENT THAN THOSE
25 IMPOSED BY THE STATE THAT IMPOSED THE SANCTION.

26 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE
27 FOLLOWING WORDS, TITLES, OR LETTERS OR A COMBINATION THEREOF, WITH

1 OR WITHOUT QUALIFYING WORDS OR PHRASES, ARE RESTRICTED IN USE ONLY
2 TO THOSE PERSONS AUTHORIZED UNDER THIS PART TO USE THE TERMS AND IN
3 A WAY PRESCRIBED IN THIS PART: "OSTEOPATH", "OSTEOPATHY",
4 "OSTEOPATHIC PRACTITIONER", "DOCTOR OF OSTEOPATHY", "DIPLOMATE IN
5 OSTEOPATHY", "D.O.", "PHYSICIAN'S ASSISTANT", AND "P.A.".
6 NOTWITHSTANDING SECTION 16261, A PERSON WHO WAS SPECIALLY TRAINED
7 AT AN INSTITUTION OF HIGHER EDUCATION IN THIS STATE TO ASSIST A
8 PHYSICIAN IN THE FIELD OF ORTHOPEDICS AND, UPON COMPLETION OF
9 TRAINING, RECEIVED A 2-YEAR ASSOCIATE OF SCIENCE DEGREE AS AN
10 ORTHOPEDIC PHYSICIAN'S ASSISTANT BEFORE JANUARY 1, 1977 MAY USE THE
11 TITLE "ORTHOPEDIC PHYSICIAN'S ASSISTANT" WHETHER OR NOT THE
12 INDIVIDUAL IS LICENSED UNDER THIS PART.