

HOUSE BILL No. 4325

February 17, 2005, Introduced by Reps. Mortimer, Gaffney and Hune and referred to the Committee on Health Policy.

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-

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

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

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

26 (C) ~~-(b)-~~ "Medical care services" means those services within
27 the scope of practice of physicians licensed by the board, except

1 those services that the board determines shall not be delegated by
2 a physician without endangering the health and safety of patients
3 as provided for in section 17048(3).

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

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

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

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

22 (H) ~~-(g)-~~ "Task force" means the joint task force created in
23 sections 17025 and 17525.

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

1 SEC. 17018. (1) EXCEPT AS OTHERWISE PROVIDED UNDER THIS
2 SECTION, ONLY AN INDIVIDUAL WHO IS LICENSED AS A PHYSICIAN AND WHO
3 HAS SUCCESSFULLY COMPLETED ADDITIONAL TRAINING IN THE PERFORMANCE
4 AND INTERPRETATION OF ELECTRODIAGNOSTIC STUDIES THAT IS
5 SATISFACTORY TO THE BOARD SHALL PERFORM NEEDLE ELECTROMYOGRAPHY OR
6 INTERPRET NERVE CONDUCTION TESTS. A PHYSICIAN SHALL NOT DELEGATE
7 THE INTERPRETATION OF NERVE CONDUCTION TESTS TO ANOTHER INDIVIDUAL
8 UNLESS THAT INDIVIDUAL IS LICENSED UNDER THIS ARTICLE TO ENGAGE IN
9 THE PRACTICE OF MEDICINE OR OSTEOPATHIC MEDICINE AND SURGERY AND
10 HAS SUCCESSFULLY COMPLETED THE ADDITIONAL TRAINING AS DESCRIBED IN
11 THIS SUBSECTION. A PHYSICIAN SHALL NOT DELEGATE THE PERFORMANCE OF
12 NEEDLE ELECTROMYOGRAPHY TO ANOTHER INDIVIDUAL UNLESS THAT
13 INDIVIDUAL IS LICENSED UNDER THIS ARTICLE TO ENGAGE IN THE PRACTICE
14 OF MEDICINE OR OSTEOPATHIC MEDICINE AND SURGERY AND HAS
15 SUCCESSFULLY COMPLETED THE ADDITIONAL TRAINING AS DESCRIBED IN THIS
16 SUBSECTION OR THAT INDIVIDUAL IS OTHERWISE AUTHORIZED UNDER THIS
17 SECTION.

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

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

1 ELECTRODIAGNOSTIC STUDIES IN THIS STATE ON A CONSISTENT BASIS
2 WITHIN THE 5 YEARS IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF THIS
3 SECTION.

4 (4) A PODIATRIST WHO IS LICENSED UNDER THIS ARTICLE AND HAS
5 SUCCESSFULLY COMPLETED ADDITIONAL TRAINING IN THE PERFORMANCE AND
6 INTERPRETATION OF ELECTRODIAGNOSTIC STUDIES THAT IS SATISFACTORY TO
7 HIS OR HER RESPECTIVE BOARD MAY CONDUCT ELECTRODIAGNOSTIC STUDIES.

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

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

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

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

21 (D) ~~-(e)-~~ "Practice of osteopathic medicine and surgery"
22 means a separate, complete, and independent school of medicine and
23 surgery utilizing full methods of diagnosis and treatment in
24 physical and mental health and disease, including the prescription
25 and administration of drugs and biologicals, operative surgery,
26 obstetrics, radiological and other electromagnetic emissions, and
27 placing special emphasis on the interrelationship of the

1 musculoskeletal system to other body systems.

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

5 (F) ~~-(e)-~~ "Supervision" has the meaning ascribed to it in
6 section 16109 except that it 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 (G) ~~-(f)-~~ "Task force" means the joint task force created in
12 sections 17025 and 17525.

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

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

1 NEEDLE ELECTROMYOGRAPHY TO ANOTHER INDIVIDUAL UNLESS THAT
2 INDIVIDUAL IS LICENSED UNDER THIS ARTICLE TO ENGAGE IN THE PRACTICE
3 OF MEDICINE OR OSTEOPATHIC MEDICINE AND SURGERY AND HAS
4 SUCCESSFULLY COMPLETED THE ADDITIONAL TRAINING AS DESCRIBED IN THIS
5 SUBSECTION OR THAT INDIVIDUAL IS OTHERWISE AUTHORIZED UNDER THIS
6 SECTION.

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

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

20 (4) A PODIATRIST WHO IS LICENSED UNDER THIS ARTICLE AND HAS
21 SUCCESSFULLY COMPLETED ADDITIONAL TRAINING IN THE PERFORMANCE AND
22 INTERPRETATION OF ELECTRODIAGNOSTIC STUDIES THAT IS SATISFACTORY TO
23 HIS OR HER RESPECTIVE BOARD MAY CONDUCT ELECTRODIAGNOSTIC STUDIES.