

# HOUSE BILL No. 5697

February 16, 2006, Introduced by Reps. Mortimer, Gaffney and Vander Veen and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263),  
as amended by 2004 PA 97, and by adding section 16351 and part  
187A.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 16131. The terms of office of individual members of the  
2       boards and task forces, except those appointed to fill vacancies,  
3       expire 4 years after appointment as follows:

4	Audiologists	June 30
5	Nursing	June 30

1	Nursing home administrator	June 30
2	Optometry	June 30
3	Pharmacy	June 30
4	Podiatric medicine and surgery	June 30
5	Dentistry	June 30
6	Chiropractic	December 31
7	Counseling	June 30
8	<b>LABORATORY TESTING</b>	<b>DECEMBER 31</b>
9	Marriage and family therapy	June 30
10	Medicine	December 31
11	Occupational therapists	December 31
12	Osteopathic medicine and surgery	December 31
13	Physical therapy	December 31
14	Psychology	December 31
15	Respiratory care	December 31
16	Social work	December 31
17	Veterinary medicine	December 31

18       Sec. 16263. (1) Except as provided in subsection (2), the  
19 following words, titles, or letters or a combination thereof, with  
20 or without qualifying words or phrases, are restricted in use only  
21 to those persons authorized under this article to use the terms and  
22 in a way prescribed in this article:

23       (a) "Chiropractic", "doctor of chiropractic", "chiropractor",  
24 "d.c.", and "chiropractic physician".

25       (b) "Dentist", "doctor of dental surgery", "oral and  
26 maxillofacial surgeon", "orthodontist", "prosthodontist",

1 "periodontist", "endodontist", "oral pathologist", "pediatric  
2 dentist", "dental hygienist", "registered dental hygienist",  
3 "dental assistant", "registered dental assistant", "r.d.a.",  
4 "d.d.s.", "d.m.d.", and "r.d.h.".

5 (c) "Doctor of medicine" and "m.d.".

6 (d) "Physician's assistant" and "p.a.".

7 (e) "Registered professional nurse", "registered nurse",  
8 "r.n.", "licensed practical nurse", "l.p.n.", "nurse midwife",  
9 "nurse anesthetist", "nurse practitioner", "trained attendant", and  
10 "t.a.".

11 (f) "Doctor of optometry", "optometrist", and "o.d.".

12 (g) "Osteopath", "osteopathy", "osteopathic practitioner",  
13 "doctor of osteopathy", "diplomate in osteopathy", and "d.o.".

14 (h) "Pharmacy", "pharmacist", "apothecary", "drugstore",  
15 "druggist", "medicine store", "prescriptions", and "r.ph.".

16 (i) "Physical therapy", "physical therapist",  
17 "physiotherapist", "registered physical therapist", "licensed  
18 physical therapist", "physical therapy technician", "p.t.",  
19 "r.p.t.", "l.p.t.", and "p.t.t.".

20 (j) "Chiropodist", "chiropody", "chiropodical", "podiatry",  
21 "podiatrist", "podiatric", "doctor of podiatric medicine", "foot  
22 specialist", "podiatric physician and surgeon", and "d.p.m.".

23 (k) "Consulting psychologist", "psychologist", "psychological  
24 assistant", "psychological examiner", "licensed psychologist", and  
25 "limited licensed psychologist".

26 (l) "Licensed professional counselor", "licensed counselor",  
27 "professional counselor", and "l.p.c.".

1 (m) "Sanitarian", "registered sanitarian", and "r.s.".

2 (n) Until July 1, 2005, "social worker", "certified social  
3 worker", "social work technician", "s.w.", "c.s.w.", and "s.w.t.".   
4 Beginning July 1, 2005, "social worker", "licensed master's social  
5 worker", "licensed bachelor's social worker", "registered social  
6 service technician", "social service technician", "l.m.s.w.",  
7 "l.b.s.w.", and "r.s.s.t.".

8 (o) "Veterinary", "veterinarian", "veterinary doctor",  
9 "veterinary surgeon", "doctor of veterinary medicine", "v.m.d.",  
10 "d.v.m.", "animal technician", or "animal technologist".

11 (p) "Occupational therapist", "occupational therapist  
12 registered", "certified occupational therapist", "o.t.", "o.t.r.",  
13 "c.o.t.", "certified occupational therapy assistant", "occupational  
14 therapy assistant", or "c.o.t.a.".

15 (q) "Marriage advisor" or "marriage consultant"; "family  
16 counselor", "family advisor", "family therapist", or "family  
17 consultant"; "family guidance counselor", "family guidance  
18 advisor", or "family guidance consultant"; "marriage guidance  
19 counselor", "marriage guidance advisor", or "marriage guidance  
20 consultant"; "family relations counselor"; "marriage relations  
21 counselor", "marriage relations advisor", or "marriage relations  
22 consultant"; "marital counselor" or "marital therapist"; "limited  
23 licensed marriage and family therapist" or "limited licensed  
24 marriage counselor"; "licensed marriage and family therapist" or  
25 "licensed marriage counselor"; and "l.m.f.t.".

26 (r) "Nursing home administrator".

27 (s) "Respiratory therapist", "respiratory care practitioner",

"licensed respiratory therapist", "licensed respiratory care practitioner", "r.t.", "r.c.p.", "l.r.t.", and "l.r.c.p.".

(t) "Audiometrist", "audiologist", "hearing therapist", "hearing aid audiologist", "educational audiologist", "industrial audiologist", and "clinical audiologist".

(U) "LICENSED CLINICAL LABORATORY SCIENTIST/MEDICAL TECHNOLOGIST", "LICENSED CLINICAL LABORATORY SCIENTIST", "LICENSED MEDICAL TECHNOLOGIST", "LICENSED CLINICAL LABORATORY TECHNICIAN/MEDICAL LABORATORY TECHNICIAN", "LICENSED CLINICAL LABORATORY TECHNICIAN", "LICENSED MEDICAL LABORATORY TECHNICIAN", "LICENSED CLINICAL LABORATORY ASSISTANT", "LICENSED MEDICAL LABORATORY ASSISTANT", "C.L.S./M.T.", "C.L.T./M.L.T.", AND "C.L.A./M.L.A.".

(2) Notwithstanding section 16261, a person who was specially trained at an institution of higher education in this state to assist a physician in the field of orthopedics and upon completion of training, received a 2-year associate of science degree as an orthopedic physician's assistant before January 1, 1977, may use the title "orthopedic physician's assistant" whether or not the person is licensed under this article.

SEC. 16351. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE TO ENGAGE IN THE PRACTICE OF LABORATORY TESTING AT THE CLINICAL LABORATORY ASSISTANT/MEDICAL LABORATORY ASSISTANT LEVEL, THE PRACTICE OF LABORATORY TESTING AT THE CLINICAL LABORATORY TECHNICIAN/MEDICAL LABORATORY TECHNICIAN LEVEL, OR THE PRACTICE OF LABORATORY TESTING AT THE CLINICAL LABORATORY SCIENTIST/MEDICAL TECHNOLOGIST LEVEL UNDER PART 187A ARE AS FOLLOWS:

1	(A) APPLICATION PROCESSING FEE .....	\$ 25.00
2	(B) LICENSE FEE, PER YEAR:	
3	(i) CLINICAL LABORATORY ASSISTANT/MEDICAL LABORATORY	
4	ASSISTANT .....	\$ 25.00
5	(ii) CLINICAL LABORATORY TECHNICIAN/MEDICAL LABORATORY	
6	TECHNICIAN .....	\$ 75.00
7	(iii) CLINICAL LABORATORY SCIENTIST/MEDICAL	
8	TECHNOLOGIST .....	\$ 75.00
9	(C) TEMPORARY LICENSE .....	\$ 15.00
10	(D) LIMITED LICENSE, PER YEAR .....	\$ 25.00

11 PART 187A. LABORATORY TESTING PERSONNEL

12 SEC. 18751. (1) AS USED IN THIS PART:

13 (A) "ACCREDITED EDUCATIONAL PROGRAM" MEANS A PROGRAM THAT  
 14 PROVIDES INSTRUCTION AND EXPERIENCE IN LABORATORY TESTING AND THAT  
 15 HAS BEEN APPROVED OR ACCREDITED BY AN ACCREDITING AGENCY RECOGNIZED  
 16 BY THE COUNCIL FOR HIGHER EDUCATION ACCREDITATION OR THE UNITED  
 17 STATES DEPARTMENT OF EDUCATION.

18 (B) "CLIENT" MEANS THE INDIVIDUAL UPON WHOSE BODY, BODY FLUID,  
 19 OR BODY PART A LABORATORY TEST IS PERFORMED.

20 (C) "LABORATORY" MEANS THE SITE AT WHICH A LABORATORY TEST IS  
 21 PERFORMED.

22 (D) "LABORATORY DIRECTOR" MEANS AN INDIVIDUAL WHO IS QUALIFIED  
 23 UNDER 42 CFR PART 493, SUBPART M, TO MANAGE AND DIRECT THE  
 24 TECHNICAL AND SCIENTIFIC OPERATION OF A CLINICAL LABORATORY,  
 25 INCLUDING THE SUPERVISION OF LABORATORY PERSONNEL, PROCEDURES, AND  
 26 REPORTING OF FINDINGS. IF THE QUALIFICATIONS FOR A LABORATORY  
 27 DIRECTOR UNDER 42 CFR PART 493, SUBPART M, ARE AMENDED AFTER THE

1 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, THE  
2 DIRECTOR OF THE DEPARTMENT OF COMMUNITY HEALTH, IN COOPERATION WITH  
3 THE BOARD, SHALL DETERMINE WHETHER THOSE CHANGES SHALL APPLY TO  
4 THIS SECTION AND MAY ADOPT THOSE CHANGES BY RULE.

5 (E) "CLINICAL LABORATORY ASSISTANT/MEDICAL LABORATORY  
6 ASSISTANT" MEANS AN INDIVIDUAL WHO IS LICENSED UNDER THIS ARTICLE  
7 TO ENGAGE IN THE PRACTICE OF LABORATORY TESTING AT THE CLINICAL  
8 LABORATORY ASSISTANT/MEDICAL LABORATORY ASSISTANT LEVEL, SUBJECT TO  
9 SECTION 18767(2).

10 (F) "CLINICAL LABORATORY TECHNICIAN/MEDICAL LABORATORY  
11 TECHNICIAN" MEANS AN INDIVIDUAL WHO IS LICENSED UNDER THIS ARTICLE  
12 TO ENGAGE IN THE PRACTICE OF LABORATORY TESTING AT THE CLINICAL  
13 LABORATORY TECHNICIAN/MEDICAL LABORATORY TECHNICIAN LEVEL, SUBJECT  
14 TO SECTION 18767(2).

15 (G) "CLINICAL LABORATORY SCIENTIST/MEDICAL TECHNOLOGIST" MEANS  
16 AN INDIVIDUAL WHO IS LICENSED UNDER THIS ARTICLE TO ENGAGE IN THE  
17 PRACTICE OF LABORATORY TESTING AT THE CLINICAL LABORATORY  
18 SCIENTIST/MEDICAL TECHNOLOGIST LEVEL, SUBJECT TO SECTION 18767(2).

19 (H) "LABORATORY TEST" MEANS A BIOLOGICAL, MICROBIOLOGICAL,  
20 SEROLOGICAL, CHEMICAL, IMMUNOHEMATOLOGICAL, HEMATOLOGICAL,  
21 RADIOMETRIC, CYTOLOGICAL, BIOPHYSICAL, IMMUNOLOGICAL, HISTOLOGICAL,  
22 GENETIC, OR OTHER CLINICAL OR ANATOMIC PATHOLOGICAL EXAMINATION OR  
23 PROCEDURE THAT IS PERFORMED ON MATERIAL DERIVED FROM OR EXISTING IN  
24 A HUMAN BODY THAT PROVIDES INFORMATION FOR THE DIAGNOSIS,  
25 PREVENTION, MONITORING, OR TREATMENT OF A DISEASE OR IMPAIRMENT OR  
26 ASSESSMENT OF A MEDICAL CONDITION OR PREDISPOSITION. LABORATORY  
27 TEST DOES NOT INCLUDE A WAIVED TEST, IN VIVO DIAGNOSTIC IMAGING,

1 NONINVASIVE VASCULAR DIAGNOSTIC STUDIES, OR THE COLLECTION,  
2 HANDLING, AND PREPARATION OF A BODY FLUID OR MICROBIOLOGY CULTURE  
3 SPECIMEN USED FOR A LABORATORY TEST, OR A TEST THE RESULTS OF WHICH  
4 ARE USED SOLELY FOR EVIDENTIARY PURPOSES IN A CIVIL OR CRIMINAL  
5 PROCEEDING.

6 (I) "PERFUSIONIST" MEANS AN INDIVIDUAL WHO OPERATES  
7 EXTRACORPOREAL CIRCULATION EQUIPMENT FOR A PATIENT WHOSE MEDICAL  
8 CONDITION REQUIRES THE SUPPORT OR TEMPORARY REPLACEMENT OF THE  
9 PATIENT'S CARDIOPULMONARY-CIRCULATORY FUNCTION.

10 (J) "POINT-OF-CARE TESTING" MEANS A LABORATORY TEST PERFORMED  
11 IN A HOSPITAL OR A FREESTANDING OUTPATIENT SURGICAL FACILITY  
12 LICENSED UNDER ARTICLE 17 THAT IS PERFORMED ON AND NEAR THE PATIENT  
13 TO REDUCE TESTING TIME OR TIME TO TREATMENT, BUT DOES NOT INCLUDE A  
14 LABORATORY TEST PERFORMED IN A LABORATORY DESCRIBED IN SECTION  
15 20507(A), (B), OR (C).

16 (K) "PRACTICE OF LABORATORY TESTING AT THE CLINICAL LABORATORY  
17 ASSISTANT/MEDICAL LABORATORY ASSISTANT LEVEL" MEANS 1 OR MORE OF  
18 THE FOLLOWING:

19 (i) PERFORMING A LABORATORY TEST PURSUANT TO ESTABLISHED  
20 PROTOCOLS.

21 (ii) COMPARING PATIENT DATA TO REFERENCE RANGES ESTABLISHED OR  
22 APPROVED BY THE LABORATORY DIRECTOR OR A CLINICAL LABORATORY  
23 SCIENTIST/MEDICAL TECHNOLOGIST.

24 (iii) APPLYING ARITHMETIC OR ALGEBRAIC CALCULATIONS ACCORDING TO  
25 PROTOCOLS.

26 (iv) PERFORMING AUTOMATED TESTS IN A MANNER REQUIRING COMPLETE  
27 RELIANCE ON LABORATORY INSTRUMENTS FOR CALIBRATIONS, CALCULATIONS,



1 AND ANALYSES.

2 (l) "PRACTICE OF LABORATORY TESTING AT THE CLINICAL LABORATORY  
3 TECHNICIAN/MEDICAL LABORATORY TECHNICIAN LEVEL" MEANS THE PRACTICE  
4 OF LABORATORY TESTING AT THE CLINICAL LABORATORY ASSISTANT/MEDICAL  
5 LABORATORY ASSISTANT LEVEL AND 1 OR MORE OF THE FOLLOWING:

6 (i) PERFORMING A LABORATORY TEST PURSUANT TO CRITERIA  
7 ESTABLISHED OR APPROVED BY THE LABORATORY DIRECTOR OR A CLINICAL  
8 LABORATORY SCIENTIST/MEDICAL TECHNOLOGIST.

9 (ii) EVALUATING DATA PURSUANT TO CRITERIA ESTABLISHED OR  
10 APPROVED BY THE LABORATORY DIRECTOR OR A CLINICAL LABORATORY  
11 SCIENTIST/MEDICAL TECHNOLOGIST.

12 (iii) ARITHMETICAL, MATHEMATICAL, OR STATISTICAL MANIPULATION OF  
13 NUMBERS ACCORDING TO PROTOCOL.

14 (iv) IDENTIFYING A DIRECT CAUSE OF IMPROPER TEST PERFORMANCE  
15 AND CORRECTING THAT CAUSE ACCORDING TO STRATEGIES ESTABLISHED BY  
16 THE LABORATORY DIRECTOR OR A CLINICAL LABORATORY SCIENTIST/MEDICAL  
17 TECHNOLOGIST.

18 (M) "PRACTICE OF LABORATORY TESTING AT THE CLINICAL LABORATORY  
19 SCIENTIST/MEDICAL TECHNOLOGIST LEVEL" MEANS THE PRACTICE OF  
20 LABORATORY TESTING AT THE CLINICAL LABORATORY ASSISTANT/MEDICAL  
21 LABORATORY ASSISTANT LEVEL, THE PRACTICE OF LABORATORY TESTING AT  
22 THE CLINICAL LABORATORY TECHNICIAN/MEDICAL LABORATORY TECHNICIAN  
23 LEVEL, AND 1 OR MORE OF THE FOLLOWING:

24 (i) DECISION MAKING THAT EMPLOYS ADVANCED KNOWLEDGE OF  
25 PATHOPHYSIOLOGY, CYTOPATHOLOGY LABORATORY METHODS, OR LABORATORY  
26 INSTRUMENTATION, AND THAT DOES NOT EMPLOY PREDETERMINED CRITERIA.

27 (ii) ESTABLISHING CRITERIA FOR DECISION MAKING IN LABORATORY

1 TESTING.

2 (iii) VALIDATING LABORATORY TEST DATA.

3 (iv) ESTABLISHING PROCEDURES FOR REPORTING RESULTS.

4 (v) SELECTING APPROPRIATE CALCULATION METHODS IN THE ABSENCE  
5 OF ESTABLISHED GUIDELINES.

6 (vi) WITHOUT PRESET STRATEGIES, IDENTIFYING CAUSES OF IMPROPER  
7 TEST PERFORMANCE AND DETERMINING ALTERNATIVE MEANS OF OBTAINING  
8 CORRECT TEST PERFORMANCE OR SOLUTIONS TO PROBLEMS CREATED BY  
9 INCORRECT TEST PERFORMANCE.

10 (N) "PROTOCOL" MEANS INFORMATION PREPARED OR APPROVED BY THE  
11 LABORATORY DIRECTOR OR A CLINICAL LABORATORY SCIENTIST/MEDICAL  
12 TECHNOLOGIST THAT PROVIDES A STEP-BY-STEP DESCRIPTION OF THE MANNER  
13 IN WHICH A LABORATORY TEST IS TO BE PERFORMED.

14 (O) "WAIVED TEST" MEANS A LABORATORY EXAMINATION OR PROCEDURE  
15 THAT MEETS THE CRITERIA ESTABLISHED UNDER THE PROVISIONS OF PART  
16 493 OF TITLE 42 OF THE CODE OF FEDERAL REGULATIONS, 42 CFR PART  
17 493, AND IS APPROVED BY THE BOARD. IF THE CRITERIA AND DESIGNATION  
18 OF WAIVED TESTS UNDER PART 493 OF TITLE 42 OF THE CODE OF FEDERAL  
19 REGULATIONS, 42 CFR PART 493, ARE AMENDED AFTER THE EFFECTIVE DATE  
20 OF THE AMENDATORY ACT THAT ADDED THIS SECTION, THE DIRECTOR OF THE  
21 DEPARTMENT OF COMMUNITY HEALTH, IN COOPERATION WITH THE BOARD,  
22 SHALL DETERMINE WHETHER THOSE CHANGES SHALL APPLY TO THIS SECTION  
23 AND MAY ADOPT THOSE CHANGES BY RULE.

24 (2) IN ADDITION TO THE DEFINITIONS IN THIS PART, ARTICLE 1  
25 CONTAINS GENERAL DEFINITIONS AND PRINCIPLES OF CONSTRUCTION  
26 APPLICABLE TO ALL ARTICLES IN THIS CODE AND PART 161 CONTAINS  
27 DEFINITIONS APPLICABLE TO THIS PART.

1        SEC. 18753. BEGINNING 1 YEAR AFTER THE EFFECTIVE DATE OF THIS  
2 PART, A PERSON SHALL NOT ENGAGE IN LABORATORY TESTING AS DESCRIBED  
3 IN SECTION 18751(1)(K), (I), OR (M) OR USE THE TITLES DESCRIBED IN  
4 SECTION 16263(1)(U) UNLESS THAT PERSON IS LICENSED OR OTHERWISE  
5 AUTHORIZED BY THIS ARTICLE.

6        SEC. 18755. (1) THE DEPARTMENT MAY GRANT A LIMITED LICENSE TO  
7 AN INDIVIDUAL TO PRACTICE LABORATORY TESTING AT THE CLINICAL  
8 LABORATORY SCIENTIST/MEDICAL TECHNOLOGIST, CLINICAL LABORATORY  
9 TECHNICIAN/MEDICAL LABORATORY TECHNICIAN, OR CLINICAL LABORATORY  
10 ASSISTANT/MEDICAL LABORATORY ASSISTANT LEVEL. A LIMITED LICENSE TO  
11 PRACTICE LABORATORY TESTING AT THE CLINICAL LABORATORY  
12 SCIENTIST/MEDICAL TECHNOLOGIST, CLINICAL LABORATORY  
13 TECHNICIAN/MEDICAL LABORATORY TECHNICIAN, OR CLINICAL LABORATORY  
14 ASSISTANT/MEDICAL LABORATORY ASSISTANT LEVEL UNDER THIS PART SHALL  
15 REQUIRE THAT THE INDIVIDUAL HAS SUCCESSFULLY COMPLETED THE  
16 EDUCATIONAL REQUIREMENTS REQUIRED UNDER SECTION 18761 FOR THAT  
17 LEVEL. AN INDIVIDUAL WHO HOLDS A LIMITED LICENSE UNDER THIS SECTION  
18 SHALL PROVIDE A LABORATORY TEST SERVICE ONLY UNDER THE SUPERVISION  
19 OF AN INDIVIDUAL LICENSED, AT AN EQUIVALENT LEVEL OR HIGHER, OR  
20 OTHERWISE AUTHORIZED UNDER THIS PART TO PERFORM THE LABORATORY  
21 TEST.

22        (2) A LIMITED LICENSE TO PRACTICE LABORATORY TESTING AT THE  
23 CLINICAL LABORATORY SCIENTIST/MEDICAL TECHNOLOGIST OR CLINICAL  
24 LABORATORY TECHNICIAN/MEDICAL LABORATORY TECHNICIAN LEVEL ISSUED  
25 UNDER THIS SECTION IS EFFECTIVE FOR NOT MORE THAN 4 YEARS FROM THE  
26 DATE OF ISSUANCE. A LIMITED LICENSE TO PRACTICE LABORATORY TESTING  
27 AT THE CLINICAL LABORATORY ASSISTANT/MEDICAL LABORATORY ASSISTANT

1 LEVEL ISSUED UNDER THIS SECTION IS EFFECTIVE FOR NOT MORE THAN 2  
2 YEARS FROM THE DATE OF ISSUANCE.

3 (3) IN ADDITION TO THE GROUNDS FOR DISCIPLINE AND SANCTIONS  
4 PRESCRIBED UNDER SECTIONS 16221 AND 16226, THE BOARD SHALL REVIEW  
5 THE SUPERVISION OF AN INDIVIDUAL LICENSED UNDER THIS SECTION AT  
6 LEAST ONCE ANNUALLY AND MAY RECOMMEND TO THE DEPARTMENT THE  
7 REVOCATION OR SUSPENSION OF A LIMITED LICENSE IF THE BOARD  
8 DETERMINES THAT THE INDIVIDUAL TO WHOM THAT LIMITED LICENSE IS  
9 ISSUED LACKS ADEQUATE SUPERVISION.

10 SEC. 18757. THIS PART DOES NOT APPLY TO THE FOLLOWING:

11 (A) AN INDIVIDUAL WHO IS ENROLLED IN AN ACCREDITED EDUCATIONAL  
12 PROGRAM, IF THE LABORATORY TESTING PERFORMED BY THAT INDIVIDUAL IS  
13 PART OF A COURSE OF STUDY WITHIN THE ACCREDITED EDUCATIONAL  
14 PROGRAM.

15 (B) AN INDIVIDUAL ENGAGED IN TEACHING OR RESEARCH, IF THE  
16 RESULTS OF EACH LABORATORY TEST PERFORMED BY THAT INDIVIDUAL ARE  
17 NOT USED IN DIAGNOSIS, PREVENTION, MONITORING, OR TREATMENT OF A  
18 DISEASE OR IMPAIRMENT OR ASSESSMENT OF A MEDICAL CONDITION OR  
19 PREDISPOSITION.

20 (C) A LICENSED OR STATUTORILY RECOGNIZED MEMBER OF ANY OTHER  
21 PROFESSION WHO PRACTICES HIS OR HER PROFESSION AS AUTHORIZED BY  
22 LAW, IF THAT INDIVIDUAL DOES NOT HOLD HIMSELF OR HERSELF OUT TO THE  
23 PUBLIC AS A CLINICAL LABORATORY SCIENTIST/MEDICAL TECHNOLOGIST,  
24 CLINICAL LABORATORY TECHNICIAN/MEDICAL LABORATORY TECHNICIAN, OR  
25 CLINICAL LABORATORY ASSISTANT/MEDICAL LABORATORY ASSISTANT LICENSED  
26 UNDER THIS ARTICLE.

27 (D) AN INDIVIDUAL PERFORMING POINT-OF-CARE TESTING IF BOTH OF

1 THE FOLLOWING REQUIREMENTS ARE MET:

2 (i) THE FACILITY IN WHICH THE POINT-OF-CARE TESTING IS  
3 PERFORMED IS UNDER THE DIRECTION OF A CLINICAL LABORATORY  
4 SCIENTIST/MEDICAL TECHNOLOGIST WHO IS RESPONSIBLE FOR ALL OF THE  
5 FOLLOWING:

6 (A) DESIGNING AND PROVIDING OR SUPERVISING THE TRAINING  
7 PROGRAMS FOR INDIVIDUALS WHO PERFORM POINT-OF-CARE TESTING IN THE  
8 HOSPITAL OR FREESTANDING OUTPATIENT SURGICAL FACILITY.

9 (B) SUPERVISING AND MONITORING THE QUALITY ASSURANCE AND  
10 QUALITY CONTROL ACTIVITIES OF THE LABORATORY.

11 (C) ASSISTING IN THE SELECTION OF TECHNOLOGY FOR THE POINT-OF-  
12 CARE TESTING.

13 (D) MONITORING THE CONTINUED COMPETENCY OF INDIVIDUALS  
14 PERFORMING POINT-OF-CARE TESTING.

15 (E) REVIEWING THE RESULTS OF PROFICIENCY TESTING OF  
16 INDIVIDUALS PERFORMING POINT-OF-CARE TESTING AND RECOMMENDING  
17 CORRECTIVE ACTION, IF NECESSARY.

18 (ii) THE FACILITY IN WHICH THE POINT-OF-CARE TESTING IS  
19 PERFORMED HAS PROCEDURES THAT ENSURE AND DOCUMENT THE CONTINUED  
20 COMPETENCY OF INDIVIDUALS WHO PERFORM POINT-OF-CARE TESTING AND  
21 THAT ARE APPROVED BY THE BOARD.

22 (E) A PERFUSIONIST PERFORMING LABORATORY TESTING FOR  
23 EXTRACORPOREAL FUNCTIONS INCLUDING, BUT NOT LIMITED TO, THOSE  
24 FUNCTIONS NECESSARY FOR THE SUPPORT, TREATMENT, MEASUREMENT, OR  
25 SUPPLEMENTATION OF THE CARDIOPULMONARY OR CIRCULATORY SYSTEM OF A  
26 PATIENT, IF THE PERFUSIONIST DOES NOT PERFORM AN ACT, TASK, OR  
27 FUNCTION FOR WHICH HE OR SHE IS NOT TRAINED AND MEETS 1 OF THE

1 FOLLOWING:

2 (i) HAS GRADUATED FROM A PERFUSION TRAINING PROGRAM APPROVED BY  
3 THE DEPARTMENT AND ACCREDITED BY THE COMMISSION ON ACCREDITATION OF  
4 ALLIED HEALTH EDUCATION PROGRAMS OR ITS SUCCESSOR ORGANIZATION AND  
5 HAS SUCCESSFULLY COMPLETED THE EXAMINATION DEVELOPED BY THE  
6 AMERICAN BOARD OF CARDIOVASCULAR PERFUSION OR ITS SUCCESSOR AND  
7 APPROVED BY THE DEPARTMENT.

8 (ii) HAS PERFORMED A MINIMUM OF 40 PERFUSION CASES PER YEAR  
9 DURING THE 2 YEARS IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF THIS  
10 PART.

11 (iii) HAS GRADUATED FROM A PERFUSION TRAINING PROGRAM APPROVED  
12 BY THE DEPARTMENT AND ACCREDITED BY THE COMMISSION ON ACCREDITATION  
13 OF ALLIED HEALTH EDUCATION PROGRAMS OR ITS SUCCESSOR ORGANIZATION  
14 AND, BEFORE SUCCESSFULLY COMPLETING THE EXAMINATION DEVELOPED BY  
15 THE AMERICAN BOARD OF CARDIOVASCULAR PERFUSION OR ITS SUCCESSOR AND  
16 APPROVED BY THE DEPARTMENT, IS SUPERVISED BY A PERFUSIONIST WHO  
17 MEETS THE REQUIREMENTS OF EITHER SUBPARAGRAPH (i) OR (ii).

18 (F) AN INDIVIDUAL WHO PERFORMS LABORATORY TESTING AS DESCRIBED  
19 IN SUBDIVISION (E) WHILE ENGAGED IN THE PRACTICE OF PERFUSION AS A  
20 STUDENT IN A PERFUSION TRAINING PROGRAM APPROVED BY THE DEPARTMENT  
21 AND ACCREDITED BY THE COMMISSION ON ACCREDITATION OF ALLIED HEALTH  
22 EDUCATION PROGRAMS OR ITS SUCCESSOR ORGANIZATION, IF DURING THE  
23 PERFORMANCE OF LABORATORY TESTING THE INDIVIDUAL IS UNDER THE  
24 DIRECT PHYSICAL SUPERVISION OF A PERFUSIONIST WHO MEETS THE  
25 REQUIREMENTS OF SUBDIVISION (E)(i) OR (ii).

26 (G) A RESPIRATORY CARE PRACTITIONER LICENSED UNDER THIS  
27 ARTICLE WHO PERFORMS LABORATORY TESTING WHILE ENGAGED IN THE

1 PRACTICE OF RESPIRATORY CARE.

2 SEC. 18759. (1) THE MICHIGAN BOARD OF LABORATORY TESTING IS  
3 CREATED WITHIN THE DEPARTMENT. THE BOARD SHALL COMPLY WITH PART 161  
4 AND SHALL CONSIST OF THE FOLLOWING 7 MEMBERS:

5 (A) FIVE MEMBERS WHO ARE LICENSED UNDER THIS PART.

6 (B) TWO PUBLIC MEMBERS.

7 (2) THE BOARD MEMBERS APPOINTED UNDER SUBSECTION (1)(A) SHALL  
8 HAVE AMONG THEM ANATOMICAL AND CLINICAL PATHOLOGICAL TESTING  
9 EXPERIENCE AND SHALL MEET THE REQUIREMENTS OF SECTION 16135(2).

10 (3) THE BOARD SHALL SUBMIT RULES TO IMPLEMENT THIS PART FOR  
11 PUBLIC HEARING PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF  
12 1969 WITHIN 180 DAYS AFTER THE EFFECTIVE DATE OF THIS PART.

13 SEC. 18761. (1) THE DEPARTMENT MAY ISSUE A LICENSE UNDER THIS  
14 PART AS FOLLOWS:

15 (A) TO ENGAGE IN THE PRACTICE OF LABORATORY TESTING AT THE  
16 CLINICAL LABORATORY ASSISTANT/MEDICAL LABORATORY ASSISTANT LEVEL TO  
17 AN INDIVIDUAL WHO THE BOARD DETERMINES HAS SUFFICIENT KNOWLEDGE  
18 ESSENTIAL TO THE SAFE AND COMPETENT PRACTICE OF HIS OR HER  
19 PROFESSION AND WHO HAS SUCCESSFULLY COMPLETED HIGH SCHOOL OR ITS  
20 EQUIVALENT AND EITHER OF THE FOLLOWING:

21 (i) AN ACCREDITED EDUCATIONAL PROGRAM APPROVED BY THE BOARD  
22 INCLUDING, BUT NOT LIMITED TO, PROGRAMS AT THE CLINICAL LABORATORY  
23 ASSISTANT/MEDICAL LABORATORY ASSISTANT LEVEL OR AT AN EQUIVALENT  
24 LEVEL THAT IS APPROVED BY THE BOARD.

25 (ii) ONE YEAR OF FULL-TIME LABORATORY EXPERIENCE WITHIN THE 3-  
26 YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF APPLICATION IN A  
27 LABORATORY ACTIVITY APPROVED BY THE BOARD AND UNDER THE SUPERVISION

1 OF A CLINICAL LABORATORY SCIENTIST/MEDICAL TECHNOLOGIST, A CLINICAL  
2 LABORATORY TECHNICIAN/MEDICAL LABORATORY TECHNICIAN, CLINICAL  
3 LABORATORY ASSISTANT/MEDICAL LABORATORY ASSISTANT, OR AN INDIVIDUAL  
4 DESCRIBED IN SECTION 18769.

5 (B) TO ENGAGE IN THE PRACTICE OF LABORATORY TESTING AT THE  
6 CLINICAL LABORATORY TECHNICIAN/MEDICAL LABORATORY TECHNICIAN LEVEL  
7 TO AN INDIVIDUAL WHO THE BOARD DETERMINES HAS SUFFICIENT KNOWLEDGE  
8 ESSENTIAL TO THE SAFE AND COMPETENT PRACTICE OF HIS OR HER  
9 PROFESSION AND WHO HAS SUCCESSFULLY COMPLETED OR ATTAINED AN  
10 ASSOCIATE'S DEGREE FROM AN ACCREDITED COLLEGE OR UNIVERSITY  
11 APPROVED BY THE BOARD, INCLUDING COURSE WORK APPROVED BY THE BOARD,  
12 AND 1 OR MORE OF THE FOLLOWING:

13 (i) AN ACCREDITED EDUCATIONAL PROGRAM APPROVED BY THE BOARD,  
14 INCLUDING, BUT NOT LIMITED TO, PROGRAMS AT THE CLINICAL LABORATORY  
15 TECHNICIAN/MEDICAL LABORATORY TECHNICIAN OR HISTOTECHNICIAN LEVEL.

16 (ii) TWO YEARS OF FULL-TIME LABORATORY EXPERIENCE ATTAINED  
17 WITHIN THE 3 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION IN  
18 A LABORATORY ACTIVITY APPROVED BY THE BOARD AND UNDER THE  
19 SUPERVISION OF A CLINICAL LABORATORY SCIENTIST/MEDICAL  
20 TECHNOLOGIST, CLINICAL LABORATORY SCIENTIST/MEDICAL LABORATORY  
21 TECHNOLOGIST, OR AN INDIVIDUAL DESCRIBED IN SECTION 18769.

22 (C) TO ENGAGE IN THE PRACTICE OF LABORATORY TESTING AT THE  
23 CLINICAL LABORATORY SCIENTIST/MEDICAL TECHNOLOGIST LEVEL TO AN  
24 INDIVIDUAL WHO THE BOARD DETERMINES HAS SUFFICIENT KNOWLEDGE  
25 ESSENTIAL TO THE SAFE AND COMPETENT PRACTICE OF HIS OR HER  
26 PROFESSION AND WHO HAS SUCCESSFULLY COMPLETED OR ATTAINED A  
27 BACCALAUREATE DEGREE FROM AN ACCREDITED COLLEGE OR UNIVERSITY



1 APPROVED BY THE BOARD, INCLUDING COURSE WORK APPROVED BY THE BOARD,  
2 AND 1 OR MORE OF THE FOLLOWING:

3 (i) AN ACCREDITED EDUCATIONAL PROGRAM APPROVED BY THE BOARD  
4 INCLUDING, BUT NOT LIMITED TO, PROGRAMS AT THE CYTOTECHNOLOGIST,  
5 CLINICAL LABORATORY SCIENTIST/MEDICAL TECHNOLOGIST,  
6 HISTOTECHNOLOGIST, CYTOGENETIC TECHNOLOGIST, OR DIAGNOSTIC  
7 MOLECULAR SCIENTIST LEVEL.

8 (ii) TWO YEARS OF FULL-TIME LABORATORY EXPERIENCE ATTAINED  
9 WITHIN THE 4-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF  
10 APPLICATION IN A LABORATORY ACTIVITY APPROVED BY THE BOARD AND  
11 UNDER THE SUPERVISION OF A CLINICAL LABORATORY SCIENTIST/MEDICAL  
12 TECHNOLOGIST OR AN INDIVIDUAL DESCRIBED IN SECTION 18769.

13 (2) THE DEPARTMENT MAY ACCEPT A PERSON'S CERTIFICATION BY A  
14 NATIONAL ORGANIZATION APPROVED BY THE BOARD AS EVIDENCE THAT THE  
15 PERSON HAS SUFFICIENT KNOWLEDGE ESSENTIAL TO THE SAFE AND COMPETENT  
16 PRACTICE OF HIS OR HER PROFESSION. THE BOARD SHALL NOT ACCEPT  
17 CERTIFICATION OF A PERSON AS DESCRIBED IN THIS SUBSECTION UNLESS  
18 THE CERTIFYING NATIONAL ORGANIZATION REQUIRES SUCCESSFUL PASSAGE OF  
19 A COMPETENCY BASED EXAMINATION VALIDATED BY THAT ORGANIZATION.

20 SEC. 18763. (1) IF A PERSON APPLIES FOR LICENSURE AT A LEVEL  
21 DESCRIBED IN SECTION 18751(1)(K), (L), OR (M) WITHIN 1 YEAR AFTER  
22 THE EFFECTIVE DATE OF THIS PART AND THAT PERSON IS TRAINED IN  
23 LABORATORY TESTING AT THAT LEVEL AND CERTIFIED BY A NATIONAL  
24 CERTIFYING AGENCY APPROVED BY THE BOARD, OR HAS ENGAGED IN THE  
25 PRACTICE OF LABORATORY TESTING AT THAT LEVEL IN A LABORATORY FOR A  
26 PERIOD OF AT LEAST 1 YEAR OR NOT LESS THAN 1,500 CLOCK HOURS IN THE  
27 IMMEDIATELY PRECEDING YEAR, THE DEPARTMENT SHALL ISSUE TO THAT

1 PERSON A LICENSE FOR THAT LEVEL.

2 (2) THE DEPARTMENT SHALL REQUIRE EACH INDIVIDUAL WHO APPLIES  
3 FOR RENEWAL OF A LICENSE GRANTED UNDER THIS SECTION TO MEET  
4 APPLICABLE CONTINUING EDUCATION REQUIREMENTS OF SECTION 18765.

5 SEC. 18765. (1) IN ADDITION TO THE REQUIREMENTS OF PART 161,  
6 THE DEPARTMENT SHALL REQUIRE A CLINICAL LABORATORY  
7 SCIENTIST/MEDICAL TECHNOLOGIST OR CLINICAL LABORATORY  
8 TECHNICIAN/MEDICAL LABORATORY TECHNICIAN SEEKING RENEWAL OF A  
9 LICENSE TO FURNISH EVIDENCE OF EITHER OF THE FOLLOWING:

10 (A) THE LICENSEE'S SUCCESSFUL COMPLETION, DURING THE 3 YEARS  
11 IMMEDIATELY PRECEDING APPLICATION FOR RENEWAL, OF AT LEAST 30 CLOCK  
12 HOURS OF CONTINUING EDUCATION COURSES, CLINICS, LECTURES, TRAINING  
13 PROGRAMS, SEMINARS, OR OTHER PROGRAMS RELATED TO LABORATORY TESTING  
14 THAT ARE APPROVED BY THE BOARD.

15 (B) PROOF OF RECERTIFICATION BY A NATIONAL CERTIFICATION  
16 AGENCY APPROVED BY THE BOARD.

17 (2) THE DEPARTMENT SHALL REQUIRE A CLINICAL LABORATORY  
18 ASSISTANT/MEDICAL LABORATORY ASSISTANT SEEKING RENEWAL OF A LICENSE  
19 TO FURNISH EVIDENCE OF EITHER OF THE FOLLOWING:

20 (A) THAT PERSON'S SUCCESSFUL COMPLETION, DURING THE 3 YEARS  
21 IMMEDIATELY PRECEDING APPLICATION FOR RENEWAL, OF AT LEAST 10 CLOCK  
22 HOURS OF CONTINUING EDUCATION COURSES, CLINICS, LECTURES, TRAINING  
23 PROGRAMS, SEMINARS, OR OTHER PROGRAMS APPROVED BY THE BOARD.

24 (B) PROOF OF RECERTIFICATION BY A NATIONAL CERTIFYING AGENCY  
25 APPROVED BY THE BOARD.

26 SEC. 18767. (1) A LICENSE ISSUED UNDER THIS PART IS EFFECTIVE  
27 FOR 3 YEARS.

1           (2) A LICENSEE SHALL NOT PERFORM AN ACT, TASK, OR FUNCTION  
2     WITHIN THE PRACTICE OF LABORATORY TESTING FOR WHICH HE OR SHE IS  
3     NOT TRAINED.

4           SEC. 18769. THE SUPERVISION DESCRIBED IN SECTION 18755 MAY BE  
5     PROVIDED BY AN ALLOPATHIC OR OSTEOPATHIC PHYSICIAN LICENSED UNDER  
6     THIS ARTICLE.

7           SEC. 18771. A COMMUNICATION BETWEEN A LICENSEE AND A CLIENT  
8     AND A CLIENT'S LABORATORY TEST RESULTS ARE CONFIDENTIAL AND SHALL  
9     NOT BE DISCLOSED TO A THIRD PARTY BY THE LICENSEE WITHOUT THE  
10    CONSENT OF THE CLIENT OR EXCEPT AS OTHERWISE PROVIDED BY LAW. FOR  
11    PURPOSES OF THIS SECTION, "THIRD PARTY" DOES NOT INCLUDE A HEALTH  
12    CARE PROFESSIONAL LICENSED UNDER THIS ARTICLE WHO REQUESTED THE  
13    LABORATORY TEST ON BEHALF OF THE CLIENT.