

SENATE BILL No. 28

January 27, 2009, Introduced by Senator STAMAS and referred to the Committee on Health Policy.

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending sections 902 and 904 (MCL 450.4902 and 450.4904), section 902 as amended by 1997 PA 52 and section 904 as amended by 2000 PA 333.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 902. As used in this article:

2 (a) "Licensed person" means an individual who is licensed or
3 otherwise legally authorized to practice a professional service by
4 a court, department, board, commission, or an agency of this state
5 or another jurisdiction, any corporation or professional services
6 corporation all of whose shareholders are licensed persons, any
7 partnership all of whose partners are licensed persons, or any
8 limited liability company all of whose members and managers are
9 licensed persons.

1 (b) "Professional service" means a type of personal service to
2 the public that requires as a condition precedent to the rendering
3 of the service the obtaining of a license or other legal
4 authorization. Professional service includes, but is not limited
5 to, services rendered by a certified or other public accountant,
6 chiropractor, dentist, optometrist, veterinarian, osteopathic
7 physician, physician, surgeon, podiatrist, chiropodist, **PHYSICIAN'S**
8 **ASSISTANT**, architect, professional engineer, land surveyor, ~~and OR~~
9 attorney-at-law.

10 (c) "Professional services corporation" means a corporation
11 formed under the professional service corporation act, 1962 PA 192,
12 MCL 450.221 to 450.235.

13 Sec. 904. (1) Except as ~~otherwise~~ provided in this section or
14 otherwise prohibited, a professional limited liability company may
15 render 1 or more professional services, and each member and manager
16 ~~shall~~ **MUST** be a licensed person in 1 or more of the professional
17 services rendered by the company.

18 (2) ~~If the~~ **EXCEPT AS PROVIDED IN SUBSECTION (3) OR (4), IF A**
19 professional limited liability company renders a professional
20 service that is included within the public health code, 1978 PA
21 368, MCL 333.1101 to 333.25211, then all members and managers of
22 the company ~~shall~~ **MUST** be licensed or legally authorized in this
23 state to render the same professional service.

24 (3) **ONE OR MORE PHYSICIANS MAY ORGANIZE A PROFESSIONAL**
25 **LIABILITY COMPANY UNDER THIS ARTICLE WITH 1 OR MORE PHYSICIANS**
26 **LICENSED UNDER DIFFERENT PROVISIONS OF ARTICLE 15 OF THE PUBLIC**
27 **HEALTH CODE, 1978 PA 368, MCL 333.16101 TO 333.18838.**

1 (4) ONE OR MORE PHYSICIANS MAY ORGANIZE A PROFESSIONAL LIMITED
2 LIABILITY COMPANY UNDER THIS ARTICLE WITH 1 OR MORE PHYSICIAN'S
3 ASSISTANTS LICENSED UNDER ARTICLE 15 OF THE PUBLIC HEALTH CODE,
4 1978 PA 368, MCL 333.16101 TO 333.18838. BEGINNING MAY 1, 2008, 1
5 OR MORE PHYSICIAN'S ASSISTANTS MAY NOT ORGANIZE A PROFESSIONAL
6 CORPORATION UNDER THIS ACT THAT WILL HAVE ONLY PHYSICIAN'S
7 ASSISTANTS AS SHAREHOLDERS.

8 (5) ~~(3)~~A licensed person of another jurisdiction may become a
9 member, manager, employee, or agent of ~~the~~A professional limited
10 liability company, but shall not render any professional services
11 in this state until the person is licensed or otherwise legally
12 authorized to render the professional service in this state.

13 (6) ~~(4)~~A limited liability company may engage in the practice
14 of architecture, professional engineering, or professional
15 surveying in this state if not less than 2/3 of the members or
16 managers of the limited liability company are licensed in this
17 state to render 1 or more of the professional services offered. A
18 professional limited liability company organized under this article
19 may engage in the practice of architecture, professional
20 engineering, or professional surveying in this state if all of the
21 members and managers of the professional limited liability company
22 organized under this article are licensed in this state to render 1
23 or more of the professional services offered.

24 (7) AS USED IN THIS SECTION, "PHYSICIAN" MEANS AN INDIVIDUAL
25 LICENSED TO ENGAGE IN THE PRACTICE OF MEDICINE, THE PRACTICE OF
26 OSTEOPATHIC MEDICINE AND SURGERY, OR THE PRACTICE OF PODIATRIC
27 MEDICINE AND SURGERY UNDER ARTICLE 15 OF THE PUBLIC HEALTH CODE,

1 1978 PA 368, MCL 333.16101 TO 333.18838.

2 Enacting section 1. This amendatory act does not take effect
3 unless all of the following bills of the 95th Legislature are
4 enacted into law:

5 (a) Senate Bill No. 26.

6

7 (b) Senate Bill No. 27.

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