

# SENATE BILL No. 1201

July 18, 2012, Introduced by Senator SCHUITMAKER and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16182, 16325, 17001, and 17031 (MCL 333.16182, 333.16325, 333.17001, and 333.17031), section 16182 as amended and section 16325 as added by 1993 PA 80, section 17001 as amended by 2006 PA 161, and section 17031 as amended by 2002 PA 643, and by adding section 17030a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 16182. (1) A board may grant a limited license to an  
2 individual if the board determines that the limitation is  
3 consistent with the ability of the individual to practice the  
4 health profession in a safe and competent manner, is necessary to  
5 protect the health and safety of patients or clients, or is  
6 appropriate to promote the efficient and effective delivery of

1 health care services.

2 (2) In addition to the licenses issued under subsection (1),  
3 a board may grant the following types of limited licenses, ~~upon~~  
4 **BASED ON AN** application **SUBMITTED** by an individual or ~~upon~~**ON** its  
5 own determination:

6 (a) Educational, to an individual engaged in postgraduate  
7 education.

8 (b) Nonclinical, to an individual who functions only in a  
9 nonclinical academic, research, or administrative setting and who  
10 does not hold himself or herself out to the public as being  
11 actively engaged in the practice of the health profession, or  
12 otherwise directly solicit patients or clients.

13 (c) Clinical academic, to an individual who practices the  
14 health profession only as part of an academic institution and  
15 only in connection with his or her employment or other  
16 contractual relationship with that academic institution. For an  
17 individual applying for a limited license under this subdivision  
18 to engage in the practice of medicine under part 170, "academic  
19 institution" means that term as defined in section 17001.

20 **(D) SUPERVISED PHYSICIAN, UNDER SECTION 17030A.**

21 Sec. 16325. Fees for a person licensed or seeking licensure  
22 to engage in the practice of medicine under part 170 are as  
23 follows:

- 24 (a) Application processing fee..... \$ 50.00
- 25 (b) License fee, per year..... 90.00
- 26 (c) Temporary license fee..... 25.00
- 27 **(D) SUPERVISED PHYSICIAN LIMITED LICENSE**

1	<b>FEE, PER YEAR.....</b>	<b>30.00</b>
2	(E) <del>(d) Limited license fee,</del> <b>FEE FOR OTHER</b>	
3	<b>LIMITED LICENSES, per year.....</b>	<b>30.00</b>

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

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

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

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

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

23 (B) Has spent not less than \$2,000,000.00 for medical  
24 education during each of the 3 years immediately preceding the  
25 date of an application for a limited license under section  
26 16182(2)(c) or an application for a full license under section  
27 17031(2). As used in this subparagraph, "medical education" means

1 the education of physicians and candidates for degrees or  
2 licenses to become physicians, including, but not limited to,  
3 physician staff, residents, interns, and medical students.

4 (b) "Electrodiagnostic studies" means the testing of  
5 neuromuscular functions utilizing nerve conduction tests and  
6 needle electromyography. It does not include the use of surface  
7 electromyography.

8 (c) "Medical care services" means those services within the  
9 scope of practice of physicians licensed by the board, except  
10 those services that the board determines shall not be delegated  
11 by a physician without endangering the health and safety of  
12 patients as provided for in section 17048(3).

13 (d) "Physician" means an individual licensed under this  
14 article to engage in the practice of medicine.

15 **(E) FOR PURPOSES OF SUBDIVISION (I) AND SECTIONS 17011(5),**  
16 **17015, 17048, 17049, 17050, 17066, 17072(4), 17074, 17076, AND**  
17 **17078, "PHYSICIAN'S ASSISTANT" INCLUDES AN INDIVIDUAL WHO HOLDS A**  
18 **SUPERVISED PHYSICIAN LIMITED LICENSE UNDER SECTION 17030A.**

19 **(F) ~~(e)~~**"Podiatrist" means an individual licensed under this  
20 article to engage in the practice of podiatric medicine and  
21 surgery.

22 **(G) ~~(f)~~**"Practice of medicine" means the diagnosis,  
23 treatment, prevention, cure, or relieving of a human disease,  
24 ailment, defect, complaint, or other physical or mental  
25 condition, by attendance, advice, device, diagnostic test, or  
26 other means, or offering, undertaking, attempting to do, or  
27 holding oneself out as able to do, any of these acts.

1           (H) ~~(g)~~—"Practice as a physician's assistant" means the  
2 practice of medicine, osteopathic medicine and surgery, or  
3 podiatric medicine and surgery performed under the supervision of  
4 a physician or podiatrist licensed under this article.

5           (I) ~~(h)~~—"Supervision" means that term as defined in section  
6 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           (J) ~~(i)~~—"Task force" means the joint task force created in  
12 section 17025.

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. 17030A. (1) THE BOARD SHALL GRANT A SUPERVISED**  
18 **PHYSICIAN LIMITED LICENSE FOR THE PRACTICE OF MEDICINE TO AN**  
19 **APPLICANT WHO THE DEPARTMENT DETERMINES MEETS EITHER OF THE**  
20 **FOLLOWING:**

21           (A) HE OR SHE MEETS ALL OF THE REQUIREMENTS FOR LICENSURE AS  
22 A PHYSICIAN UNDER THIS PART EXCEPT THE POSTGRADUATE EDUCATION  
23 REQUIREMENTS DESCRIBED IN SECTION 17031.

24           (B) HE OR SHE HAS SUCCESSFULLY COMPLETED ALL 3 STEPS OF THE  
25 UNITED STATES MEDICAL LICENSING EXAMINATION SPONSORED BY THE  
26 FEDERATION OF STATE MEDICAL BOARDS AND THE NATIONAL BOARD OF  
27 MEDICAL EXAMINERS, AND HE OR SHE IS A GRADUATE OF A MEDICAL

1 SCHOOL LOCATED IN THE UNITED STATES OR CANADA OR HAS RECEIVED A  
2 CERTIFICATION FROM THE EDUCATIONAL COMMISSION FOR FOREIGN MEDICAL  
3 GRADUATES.

4 (2) ALL OF THE FOLLOWING APPLY TO A SUPERVISED PHYSICIAN  
5 LIMITED LICENSE GRANTED UNDER THIS SECTION:

6 (A) UNDER THE SUPERVISION OF A PHYSICIAN WHO HOLDS A FULL  
7 LICENSE TO PRACTICE MEDICINE UNDER THIS PART, AN INDIVIDUAL WHO  
8 HOLDS A SUPERVISED PHYSICIAN LIMITED LICENSE MAY ENGAGE IN THE  
9 ACTIVITIES AND PERFORM THE FUNCTIONS INCLUDED IN PRACTICE AS A  
10 PHYSICIAN'S ASSISTANT UNDER THIS PART AND ANY OTHER ACTIVITIES OR  
11 FUNCTIONS THAT HIS OR HER SUPERVISING PHYSICIAN DETERMINES ARE  
12 WITHIN HIS OR HER CAPABILITIES AS AN INDIVIDUAL WHO HOLDS A  
13 SUPERVISED PHYSICIAN LIMITED LICENSE.

14 (B) A SUPERVISED PHYSICIAN LIMITED LICENSE IS RENEWABLE  
15 ANNUALLY, BUT AN INDIVIDUAL SHALL NOT ENGAGE IN THE PRACTICE OF  
16 MEDICINE UNDER A SUPERVISED PHYSICIAN LIMITED LICENSE FOR MORE  
17 THAN 10 YEARS.

18 (3) THE BOARD SHALL GRANT A FULL LICENSE TO PRACTICE  
19 MEDICINE UNDER THIS PART TO AN INDIVIDUAL WHO MEETS ALL OF THE  
20 FOLLOWING:

21 (A) FOR AT LEAST 5 YEARS, HAS HELD A SUPERVISED PHYSICIAN  
22 LIMITED LICENSE UNDER THIS SECTION AND ENGAGED IN THE ACTIVITIES  
23 AND FUNCTIONS DESCRIBED IN SUBSECTION (2) (A) .

24 (B) HAS APPLIED FOR AND BEEN REFUSED ADMISSION TO A  
25 POSTGRADUATE MEDICAL PROGRAM AT LEAST 10 TIMES.

26 (4) WITHIN 1 YEAR AFTER THE EFFECTIVE DATE OF THIS  
27 AMENDATORY ACT, THE DEPARTMENT SHALL REVIEW ANY RULES PROMULGATED

1 UNDER THIS PART AND BEGIN THE PROCESS OF AMENDING ANY RULES THAT  
2 CONFLICT WITH THIS SECTION. UNTIL THOSE AMENDED RULES ARE  
3 PROMULGATED, THE DEPARTMENT SHALL NOT ENFORCE ANY RULES THAT  
4 CONFLICT WITH THIS SECTION.

5 Sec. 17031. (1) Except as provided in subsection (2) **AND**  
6 **SECTION 17030A(3)**, an applicant, in addition to completing the  
7 requirements for the degree in medicine, ~~shall~~ **MUST** complete a  
8 period of postgraduate education to attain proficiency in the  
9 practice of the profession, as prescribed by the board in rules,  
10 as a condition for more than limited licensure.

11 (2) The board may grant a full license to practice medicine  
12 to an applicant who has completed the requirements for a degree  
13 in medicine at a medical school located outside the United States  
14 or Canada, **AND SHALL GRANT A FULL LICENSE TO PRACTICE MEDICINE TO**  
15 **AN APPLICANT WHO MEETS THE REQUIREMENTS OF SECTION 17030A(3)**, if  
16 the applicant demonstrates to the board all of the following:

17 (a) That the applicant has engaged in the practice of  
18 medicine for not less than 10 years after completing the  
19 requirements for a degree in medicine.

20 (b) That the applicant has completed not less than 3 years  
21 of postgraduate clinical training in an institution that has an  
22 affiliation with a medical school that is listed in a directory  
23 of medical schools published by the world health organization as  
24 approved by the board.

25 (c) That the applicant has achieved a score determined by  
26 the board to be a passing score on an initial medical licensure  
27 examination approved by the board.

1 (d) That the applicant has safely and competently practiced  
2 medicine under a clinical academic limited license granted by the  
3 board under this article for 1 or more academic institutions  
4 located in this state for not less than the 2 years immediately  
5 preceding the date of application for a license under this  
6 subsection, during which time the applicant functioned not less  
7 than 800 hours per year in the observation and treatment of  
8 patients.

9 (3) An applicant under subsection (2) shall file with the  
10 board a written statement from each academic institution upon  
11 which the applicant relies to satisfy subsection (2)(d). The  
12 statement shall indicate, at a minimum, that the applicant  
13 functioned for the academic institution in the observation and  
14 treatment of patients not less than 800 hours per year and that  
15 in so doing the applicant practiced medicine safely and  
16 competently. ~~A person~~ **AN INDIVIDUAL** who in good faith makes a  
17 written statement that is filed under this subsection is not  
18 civilly or criminally liable for that statement. There is a  
19 rebuttable presumption that ~~a person~~ **AN INDIVIDUAL** who makes a  
20 written statement that is filed under this subsection has done so  
21 in good faith.