

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5842

(As amended December 18, 2014)

<<A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16135, 16216, 16245, 16247, 16248, 16249, 17711,
17748, 17768, 20920, and 20921 (MCL 333.16135, 333.16216, 333.16245,
333.16247, 333.16248, 333.16249, 333.17711, 333.17748, 333.17768,
333.20920, and 333.20921), section 16135 as amended by 1993 PA 80,
section 16216 as amended by 2014 PA 98, sections 16245 and 17768 as
amended by 2013 PA 268, sections 16247, 16248, and 16249 as amended
by 1993 PA 79, section 17711 as amended by 2014 PA 285, section 17748
as amended by 2014 PA 280, and sections 20920 and 20921 as amended by
2004 PA 200, and by adding sections 16245a and 20921a; and to repeal acts
and parts of acts.>>

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 16135. (1) Except as otherwise provided in subsection
- 2 (2), a member of a board, the committee, or a task force created by
- 3 this article ~~shall~~**MUST** meet all of the following requirements:
- 4 (a) Be 18 or more years of age.
- 5 (b) Be of good moral character.

(c) Be a resident of this state for not less than the 6 months immediately preceding appointment and remain a resident of this state throughout the term of the appointment.

(d) Be currently licensed or registered in this state ~~where~~ **IF** licensure or registration in a health profession is a requirement for membership. The member ~~shall~~ **MUST** have actively practiced that profession or taught in an approved educational institution that prepares applicants for licensure or registration in that profession, or a combination of both, in any state for not less than the 2 years immediately preceding appointment.

(E) NOT BE A SPOUSE, PARENT, CHILD, OR SIBLING OF ANOTHER MEMBER OF THE BOARD, COMMITTEE, OR TASK FORCE AND MEET THIS REQUIREMENT THROUGHOUT THE TERM OF THE APPOINTMENT.

(F) NOT PROVIDE SUPERVISION OVER OR BE UNDER THE SUPERVISION OF ANOTHER MEMBER OF THE BOARD, COMMITTEE, OR TASK FORCE AND MEET THIS REQUIREMENT THROUGHOUT THE TERM OF THE APPOINTMENT.

(2) Subject to subsection (3), ~~for a board created on or after January 1, 1989, the governor may appoint as the members~~ **A MEMBER** of ~~the~~ **A** board who ~~are~~ **IS** required to be licensed or registered under subsection (1)(d) ~~individuals~~ **AN INDIVIDUAL** who ~~meet~~ **MEETS** either or both of the following requirements:

(a) ~~Are~~ **IS** certified or otherwise approved by a national organization that certifies or otherwise approves individuals in the profession to be licensed or registered by the board.

(b) ~~Have~~ **HAS** actively practiced the profession licensed or registered by the board or taught in an educational institution that prepares applicants for licensure or registration in that

1 profession, or a combination of both, for not less than the 2 years
2 immediately preceding ~~their~~**HIS OR HER** appointment.

3 (3) ~~Each~~**AN** individual appointed under subsection (2) ~~shall~~
4 **MUST** be licensed or registered under this article in the profession
5 licensed or registered by that board within 3 years after the
6 effective date of the amendatory act that created the board.

7 Sec. 16216. (1) The chair of each board or task force shall
8 appoint 1 or more disciplinary subcommittees for that board or task
9 force. A disciplinary subcommittee for a board or task force shall
10 consist of 2 public members and 3 professional members from the
11 board or task force. ~~The chair of a board or task force shall not~~
12 ~~serve as a member of a disciplinary subcommittee.~~

13 (2) A final decision of ~~the~~**A** disciplinary subcommittee
14 finding a violation of this article, article 7, or article 8 ~~shall~~
15 ~~be by~~**REQUIRES** a majority vote of the members appointed and serving
16 on the disciplinary subcommittee.

17 (3) A final decision of ~~the~~**A** disciplinary subcommittee
18 imposing a sanction under this article, article 7, or article 8 or
19 a final decision of ~~the~~**A** disciplinary subcommittee other than a
20 final decision described in subsection (2) requires a majority vote
21 of the members appointed and serving on the disciplinary
22 subcommittee with an affirmative vote by at least 1 public member.

23 (4) ~~The chairperson of each disciplinary subcommittee shall be~~
24 ~~a public member and shall be appointed by the chair of the~~**A** board
25 or task force **SHALL APPOINT A PUBLIC MEMBER OF THE DISCIPLINARY**
26 **SUBCOMMITTEE OF THAT BOARD OR TASK FORCE AS THE CHAIRPERSON OF THAT**
27 **DISCIPLINARY SUBCOMMITTEE. THE CHAIR OF A BOARD OR TASK FORCE SHALL**

1 NOT SERVE AS A MEMBER OF THE DISCIPLINARY SUBCOMMITTEE OF THAT
2 BOARD OR TASK FORCE.

3 (5) The department may review a final decision of ~~the-A~~
4 disciplinary subcommittee within 30 days after the date of the
5 disciplinary subcommittee's decision. If the department determines
6 that the action taken by ~~the-A~~ disciplinary subcommittee does not
7 protect the health, safety, and welfare of the public, the
8 department, with the approval of the board chair, may set aside the
9 decision of the disciplinary subcommittee and issue a different
10 final action. The final action of the department ~~shall serve~~ **SERVES**
11 as the final action on the matter and is subject to judicial review
12 in the same manner as the final decision of the disciplinary
13 subcommittee.

14 (6) Beginning January 1, 2015, the department shall include on
15 its public licensing and registration website each final decision
16 ~~where~~ **THAT IMPOSES** disciplinary action ~~is taken~~ against a licensee,
17 including the reason for and description of that disciplinary
18 action.

19 Sec. 16245. (1) Except as otherwise provided in this section
20 **OR SECTION 16245A**, an individual whose license is limited,
21 suspended, or revoked under this part may apply to his or her board
22 or task force for a reinstatement of a revoked or suspended license
23 or reclassification of a limited license pursuant to section 16247
24 or 16249.

25 (2) Except as otherwise provided in this section **OR SECTION**
26 **16245A**, an individual whose registration is suspended or revoked
27 under this part may apply to his or her board for a reinstatement

1 of a suspended or revoked registration pursuant to section 16248.

2 (3) A board or task force shall reinstate a license or
3 registration suspended for grounds stated in section 16221(j) upon
4 payment of the installment.

5 (4) Except as otherwise provided in this ~~subsection,~~ **SECTION**
6 **OR SECTION 16245A**, in case of a revoked license or registration, an
7 applicant shall not apply for reinstatement before the expiration
8 of 3 years after the effective date of the revocation. ~~In-EXCEPT AS~~
9 **OTHERWISE PROVIDED IN THIS SECTION OR SECTION 16245A, IN** the case
10 of a license or registration that was revoked for a violation of
11 section 16221(b) (vii) or (xiii), a violation of section 16221(c) (iv)
12 consisting of a felony conviction, any other felony conviction
13 involving a controlled substance, or a violation of section
14 16221(q), an applicant shall not apply for reinstatement before the
15 expiration of 5 years after the effective date of the revocation.
16 ~~In the case of a license or registration that was permanently~~
17 ~~revoked for a violation of section 16221(b) (xiii), the former~~
18 ~~licensee or registrant is ineligible for reinstatement. The~~
19 department shall return an application for reinstatement received
20 before the expiration of the applicable time period under this
21 subsection. ~~or if the applicant is ineligible for reinstatement~~
22 ~~under this subsection.~~

23 (5) The department shall provide an opportunity for a hearing
24 before final rejection of an application for reinstatement unless
25 the application is returned because the applicant is ineligible for
26 reinstatement under subsection (4) **OR (9)**.

27 (6) Based upon the recommendation of the disciplinary

1 subcommittee for each health profession, the department shall adopt
2 guidelines to establish specific criteria to be met by an applicant
3 for reinstatement under this article, article 7, or article 8. The
4 criteria may include corrective measures or remedial education as a
5 condition of reinstatement. If a board or task force, in
6 reinstating a license or registration, deviates from the guidelines
7 adopted under this subsection, the board or task force shall state
8 the reason for the deviation on the record.

9 (7) An individual who seeks reinstatement or reclassification
10 of a license or registration ~~pursuant to~~ **UNDER** this section shall
11 pay the application processing fee as a reinstatement or
12 reclassification fee. If approved for reinstatement or
13 reclassification, the individual shall pay the per year license or
14 registration fee for the applicable license or registration period.

15 (8) An individual who seeks reinstatement of a revoked or
16 suspended license or reclassification of a limited license under
17 this section shall have a criminal history check conducted in
18 accordance with section 16174 and submit a copy of the results of
19 the criminal history check to the board with his or her application
20 for reinstatement or reclassification.

21 (9) **AN INDIVIDUAL WHOSE LICENSE IS PERMANENTLY REVOKED UNDER**
22 **SECTION 16221 IS INELIGIBLE FOR REINSTATEMENT. THE DEPARTMENT SHALL**
23 **RETURN AN APPLICATION FOR REINSTATEMENT RECEIVED IF THE APPLICANT**
24 **IS INELIGIBLE FOR REINSTATEMENT UNDER THIS SUBSECTION.**

25 **SEC. 16245A. (1) IN ADDITION TO ANY OTHER PENALTY, REMEDY, OR**
26 **SANCTION UNDER THIS ACT, AN INDIVIDUAL WHOSE LICENSE, REGISTRATION,**
27 **OR AUTHORIZATION TO ENGAGE IN THE PRACTICE OF A HEALTH PROFESSION**

1 HAS BEEN PERMANENTLY REVOKED UNDER THIS ARTICLE IS PERMANENTLY
2 INELIGIBLE FOR A LICENSE, REGISTRATION, OR AUTHORIZATION TO ENGAGE
3 IN THE PRACTICE OF A HEALTH PROFESSION UNDER THIS ARTICLE BY THE
4 DEPARTMENT OR A BOARD OR TASK FORCE.

5 (2) THE DEPARTMENT OR A BOARD OR TASK FORCE SHALL NOT ISSUE A
6 LICENSE OR REGISTRATION TO AN INDIVIDUAL WHOSE LICENSE,
7 REGISTRATION, OR AUTHORIZATION TO ENGAGE IN THE PRACTICE OF A
8 HEALTH PROFESSION HAS BEEN PERMANENTLY REVOKED UNDER THIS ARTICLE.
9 THE DEPARTMENT OR A BOARD OR TASK FORCE SHALL NOT OTHERWISE
10 AUTHORIZE AN INDIVIDUAL TO ENGAGE IN THE PRACTICE OF A HEALTH
11 PROFESSION UNDER THIS ARTICLE IF THAT INDIVIDUAL'S LICENSE,
12 REGISTRATION, OR AUTHORIZATION TO ENGAGE IN THE PRACTICE OF A
13 HEALTH PROFESSION HAS BEEN PERMANENTLY REVOKED UNDER THIS ARTICLE.

14 Sec. 16247. (1) ~~A-EXCEPT AS OTHERWISE PROVIDED IN THIS~~
15 ~~SECTION, A~~ board or task force may reinstate a license or issue a
16 limited license to an individual whose license has been suspended
17 or revoked under this part if after a hearing the board or task
18 force is satisfied by clear and convincing evidence that the
19 applicant is of good moral character, is able to practice the
20 profession with reasonable skill and safety to patients, has met
21 the criteria in the ~~rules promulgated~~ **GUIDELINES ADOPTED** under
22 section 16245(6), and should be permitted in the public interest to
23 practice. Pursuant to the ~~rules promulgated~~ **GUIDELINES ADOPTED**
24 under section 16245(6), as a condition of reinstatement, a
25 disciplinary subcommittee, upon the recommendation of a board or
26 task force, may impose a disciplinary or corrective measure
27 authorized under this part and require that the licensee attend a

1 school or program selected by the board or task force to take
2 designated courses or training to become competent or proficient in
3 those areas of practice in which the board or task force finds the
4 licensee to be deficient. The board or task force may require a
5 statement on a form approved by it from the chief administrator of
6 the school or program attended or the person responsible for the
7 training certifying that the licensee has achieved the required
8 competency or proficiency.

9 (2) As a condition of reinstatement, a board or task force
10 shall place the licensee on probation for 1 year under conditions
11 set by the board or task force. If a licensee whose license has
12 been revoked cannot apply for reinstatement for 5 years after the
13 date of revocation, then, as a condition of reinstatement, the
14 board or task force shall require the licensee to take and pass the
15 current licensure examination.

16 (3) A board or task force shall not reinstate a license
17 suspended or revoked for grounds stated in section 16221(b) (i),
18 (iii), or (iv) until it finds that the licensee is mentally or
19 physically able to practice with reasonable skill and safety to
20 patients. The board or task force may require further examination
21 of the licensee, at the licensee's expense, necessary to verify
22 that the licensee is mentally or physically able. ~~A-**THE BOARD OR**~~
23 ~~**TASK FORCE SHALL GIVE A**~~ licensee affected by ~~DESCRIBED IN~~ this
24 section ~~shall be afforded~~ the opportunity at reasonable intervals
25 to demonstrate that he or she can resume competent practice in
26 accordance with standards of acceptable and prevailing practice.

27 (4) **A BOARD OR TASK FORCE SHALL NOT REINSTATE A LICENSE OR**

1 **ISSUE A LIMITED LICENSE TO AN INDIVIDUAL WHOSE LICENSE HAS BEEN**
2 **PERMANENTLY REVOKED UNDER SECTION 16221.**

3 Sec. 16248. (1) ~~A—EXCEPT AS OTHERWISE PROVIDED IN THIS~~
4 **SECTION, A** registration board may reinstate a registration revoked
5 or suspended under this part if, after a hearing, the board is
6 satisfied by clear and convincing evidence that the individual is
7 of good moral character, has the education and experience as
8 required in this article, has met the criteria in the ~~rules~~
9 ~~promulgated~~ **GUIDELINES ADOPTED** under section 16245(6), and will use
10 the title lawfully and act in accordance with this article.

11 (2) **A BOARD OR TASK FORCE SHALL NOT REINSTATE A REGISTRATION**
12 **OR ISSUE A LIMITED REGISTRATION TO AN INDIVIDUAL WHOSE LICENSE HAS**
13 **BEEN PERMANENTLY REVOKED UNDER SECTION 16221.**

14 Sec. 16249. ~~A—EXCEPT AS OTHERWISE PROVIDED IN SECTION 16245A,~~
15 **A** disciplinary subcommittee may reclassify a license limited under
16 this part to alter or remove the limitations if, after a hearing,
17 it is satisfied that the applicant will practice the profession
18 safely and competently within the area of practice and under
19 conditions stipulated by the disciplinary subcommittee, and should
20 be permitted in the public interest to so practice. The
21 disciplinary subcommittee may require the submission of information
22 necessary to make the determination required for reclassification.
23 As a condition of reclassification, the disciplinary subcommittee
24 may require that the licensee take an examination or attend a
25 school or program selected by the disciplinary subcommittee to take
26 designated courses or training to become competent in those areas
27 of practice the disciplinary subcommittee determines necessary for

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1 reclassification. The disciplinary subcommittee may require a
 2 statement on a form approved by it from the chief administrator of
 3 the school or program attended or the person responsible for the
 4 training certifying that the licensee has achieved the required
 5 competency.

<<Sec. 17711. (1) ~~A person~~ **AN INDIVIDUAL** shall not engage in the practice of pharmacy ~~or serve as a pharmacy technician~~ unless licensed or otherwise authorized by this article. **BEGINNING JUNE 30, 2015, AN INDIVIDUAL SHALL NOT SERVE AS A PHARMACY TECHNICIAN UNLESS LICENSED OR OTHERWISE AUTHORIZED BY THIS ARTICLE.**

(2) The following words, titles, or letters or a combination of words, titles, or letters, with or without qualifying words or phrases, are restricted in use only to those persons authorized under this part to use the terms and in a way prescribed in this part: "pharmacy", "pharmacist", "Pharm.D", "doctor of pharmacy", "pharmacy intern", "pharmacy technician", "licensed pharmacy technician", "certified pharmacy technician", "CPhT", "apothecary", "dispensary", "drugstore", "druggist", "medicine store", "prescriptions", and "r.ph.".

<<Sec. 17748. (1) To do business in this state, a pharmacy, manufacturer, or wholesale distributor, whether or not located in this state, must be licensed under this part. To do business in this state, a person that provides compounding services must be licensed as a pharmacy or manufacturer under this part and, if a pharmacy, authorized to provide compounding services under this section and sections 17748a and 17748b. To do business in this state, an outsourcing facility must be licensed as a pharmacy under this part. Licenses are renewable biennially.

(2) A pharmacy shall designate a pharmacist licensed in this state as the pharmacist in charge for the pharmacy. ~~A~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A** manufacturer ~~or wholesale distributor~~ shall designate a pharmacist licensed in or outside of this state as the pharmacist in charge for the manufacturer. ~~or~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A** wholesale distributor **SHALL DESIGNATE A PHARMACIST LICENSED IN OR OUTSIDE OF THIS STATE AS THE PHARMACIST IN CHARGE FOR THE WHOLESALE DISTRIBUTOR OR SHALL DESIGNATE AN EMPLOYEE WITH THE APPROPRIATE EDUCATION OR EXPERIENCE, OR BOTH, TO ASSUME RESPONSIBILITY FOR COMPLIANCE WITH LICENSING REQUIREMENTS AS FACILITY MANAGER FOR THE WHOLESALE DISTRIBUTOR.** The pharmacy, manufacturer, or wholesale distributor and the individual designated as the **PIC OR FACILITY MANAGER** under this subsection are jointly responsible for the pharmacy's, manufacturer's, or wholesale distributor's compliance with this part and rules promulgated under this part. **A PERSON THAT IS A MANUFACTURER OR WHOLESALE DISTRIBUTOR WITH RESPECT TO A DEVICE SALABLE ON PRESCRIPTION ONLY BUT NOT WITH RESPECT TO ANY DRUG SALABLE ON PRESCRIPTION ONLY IS EXEMPT FROM THIS SUBSECTION.**

(3) Subject to this subsection, a pharmacist may be designated as the PIC for more than 1 pharmacy. A PIC described in this subsection shall work an average of at least 8 hours per week at each pharmacy for which he or she is the PIC. The pharmacy and the PIC shall maintain appropriate records and demonstrate compliance with this subsection upon the request of the board or its designee.

(4) A pharmacy, manufacturer, or wholesale distributor shall

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report to the department a change in ownership, management, location, or **ITS PIC OR FACILITY MANAGER** designated ~~PIC-UNDER SUBSECTION (2)~~ not later than 30 days after the change occurs.

(5) A pharmacist ~~in-charge-DESIGNATED AS THE PIC FOR A PHARMACY~~ shall supervise the practice of pharmacy for the pharmacy. ~~in which he or she has been designated the PIC.~~ The duties of the PIC include, but are not limited to, the following:

(a) Supervision of all activities of pharmacy employees as they relate to the practice of pharmacy including the purchasing, storage, compounding, repackaging, dispensing, and distribution of drugs and devices to ensure that those activities are performed in compliance with this part and the rules promulgated under this part.

(b) Enforcement and oversight of policies and procedures applicable to the employees of the pharmacy for the procurement, storage, compounding, and dispensing of drugs and the communication of information to the patient in relation to drug therapy.

(c) Establishment and supervision of the method and manner for storage and safekeeping of pharmaceuticals, including maintenance of security provisions to be used when the pharmacy is closed.

(d) Establishment and supervision of the record-keeping system for the purchase, sale, delivery, possession, storage, and safekeeping of drugs and devices.

(e) Establishment of policies and procedures for individuals who are delegated responsibilities for any of the tasks described in this subsection by the PIC.

(6) Except as otherwise provided in this subsection, an applicant for a new pharmacy, manufacturer, or wholesale distributor license under this part who is not a health professional licensed or otherwise authorized to engage in a health profession under this article or who is a health professional but was licensed or otherwise authorized to engage in his or her health profession under this article before October 1, 2008 shall submit fingerprints in the same manner as required in section 16174 for the purpose of a criminal history check. The board, department, and department of state police shall comply with section 16174 for the purpose of a criminal history check on an applicant described in this subsection. This subsection does not apply if a criminal history check that meets the requirements of section 16174 ~~has been~~ **WAS** obtained for the applicant within the 2 years preceding the date of the application. To qualify for the exception under this subsection, the applicant shall submit proof of the previous criminal history check with his or her application for a new pharmacy, manufacturer, or wholesale distributor license under this part. If the department or board determines that the criminal history check does not meet the requirements of section 16174 or was not obtained within the time period prescribed, the applicant shall ~~comply with this subsection.~~ **SUBMIT FINGERPRINTS IN THE SAME MANNER AS REQUIRED IN SECTION 16174.**

(7) If, as authorized or required under this article, the department inspects or investigates an applicant for a new pharmacy license for a pharmacy that will provide compounding services or a compounding pharmacy, ~~which-AND THE~~ applicant or compounding pharmacy is located outside of this state, the applicant or compounding pharmacy shall reimburse the department for its expenses incurred in carrying out its authority or duty to inspect or investigate the applicant or licensee under this article.

Sec. 17768. (1) In a manner consistent with part 161, the

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disciplinary subcommittee may fine, reprimand, or place on probation ~~—~~a person licensed under this part, ~~or MAY~~ deny, limit, suspend, or revoke a person's license, or **MAY** order restitution or community service for a violation of this part or rules promulgated under this part.

(2) In addition to the grounds set forth in subsection (1), and in a manner consistent with part 161, the board may fine, reprimand, or place on probation a person licensed under this part, ~~or MAY~~ deny, limit, suspend, or revoke a license issued under this part, or **MAY** order restitution or community service if the board finds that any of the following ~~categories~~ apply to an applicant; ~~or~~ a partner, officer, or member of the board of directors of a pharmacy, manufacturer, or wholesale distributor licensed under this part; ~~or~~ a stockholder of a pharmacy, manufacturer, or wholesale distributor ~~which~~ **THAT** is a privately held corporation licensed under this part; **OR A FACILITY MANAGER FOR A WHOLESALE DISTRIBUTOR DESIGNATED UNDER SECTION 17748(2) :**

(a) The applicant or other person described in this subsection lacks good moral character.

(b) Subject to subsection (3), the applicant or other person described in this subsection has been convicted of a misdemeanor or a felony under a state or federal law relating to a controlled substance or the practice of pharmacy.

(c) The applicant or other person described in this subsection has furnished false or fraudulent material information or has knowingly omitted material information in an application filed under this part.

(d) The applicant or other person described in this subsection has ~~previously~~ maintained a financial interest in a pharmacy, manufacturer, or wholesale distributor ~~which~~ **THAT** has been denied a license or federal registration, has had its license or federal registration limited, suspended, or revoked, or **HAS** been subject to any other criminal, civil, or administrative penalty.

(e) The applicant or other person described in this subsection is not in compliance with article 7 or article 8 or the rules promulgated under article 7 or article 8.

(F) THE APPLICANT OR OTHER PERSON DESCRIBED IN THIS SUBSECTION HAS VIOLATED SECTION 17748.

(3) Except for a conviction for a misdemeanor under section 7404(2)(d) or a local ordinance that is substantially similar to section 7404(2)(d), the reference to a misdemeanor in subsection (2)(b) applies only to a conviction for a misdemeanor that is directly related to the manufacture, delivery, possession, possession with intent to manufacture or deliver, use, distribution, prescription, or dispensing of a controlled substance. Subsection (2)(b) does not apply to a conviction for a misdemeanor based upon an unintentional error or omission involving a clerical or record-keeping function.

Sec. 20920. (1) A person shall not establish, operate, or cause to be operated an ambulance operation unless the ambulance operation is licensed under this section.

(2) Upon proper application and payment of a \$100.00 fee, the department shall issue a license as an ambulance operation to a person who meets the requirements of this part and the rules promulgated under this part.

(3) An applicant shall specify in the application each ambulance to be operated.

(4) An ambulance operation license shall specify the ambulances

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licensed to be operated.

(5) An ambulance operation license shall state the highest level of life support the ambulance operation is licensed to provide. An ambulance operation shall operate in accordance with this part, rules promulgated under this part, and approved medical control authority protocols and, **EXCEPT AS PROVIDED IN SECTION 20921A(2)**, shall not provide life support at a level that exceeds its license and available licensed personnel or violates approved medical control authority protocols.

(6) An ambulance operation license may be renewed annually upon application to the department and payment of a \$100.00 renewal fee. Before issuing a renewal license, the department shall determine that the ambulance operation is in compliance with this part, the rules promulgated under this part, and medical control authority protocols.

(7) Beginning on July 22, 1997, an ambulance operation that meets all of the following requirements may apply for an ambulance operation upgrade license under subsection (8):

(a) On or before July 22, 1997, holds an ambulance operation license that designates the ambulance operation either as a transporting basic life support service or as a transporting limited advanced life support service.

(b) Is a transporting basic life support service, that is able to staff and equip 1 or more ambulances for the transport of emergency patients at a life support level higher than basic life support, or is a transporting limited advanced life support service, that is able to staff and equip 1 or more ambulances for the transport of emergency patients at the life support level of advanced life support.

(c) Is owned or operated by or under contract to a local unit of government and providing first-line emergency medical response to that local unit of government on or before July 22, 1997.

(d) Will provide the services described in subdivision (b) only to the local unit of government described in subdivision (c), and only in response to a 911 call or other call for emergency transport.

(8) An ambulance operation meeting the requirements of subsection (7) that applies for an ambulance operation upgrade license shall include all of the following information in the application provided by the department:

(a) Verification of all of the requirements of subsection (7) including, but not limited to, a description of the staffing and equipment to be used in providing the higher level of life support services.

(b) If the applicant is a transporting basic life support service, a plan of action to upgrade from providing basic life support to providing limited advanced life support or advanced life support to take place over a period of not more than 2 years. If the applicant is a transporting limited advanced life support service, a plan of action to upgrade from providing limited advanced life support to providing advanced life support to take place over a period of not more than 2 years.

(c) The medical control authority protocols for the ambulance operation upgrade license, along with a recommendation from the medical control authority under which the ambulance operation operates that the ambulance operation upgrade license be issued by the department.

(d) Other information required by the department.

(9) The statewide emergency medical services coordination committee shall review the information described in subsection (8)(c) and make a recommendation to the department as to whether or not an ambulance operation upgrade license should be granted to the applicant.

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(10) Upon receipt of a completed application as required under subsection (8), a positive recommendation under subsection (9), and payment of a \$100.00 fee, the department shall issue to the applicant an ambulance operation upgrade license. Subject to subsection (12), the license is valid for 2 years from the date of issuance and is renewable for 1 additional 2-year period. An application for renewal of an ambulance operation upgrade license shall contain documentation of the progress made on the plan of action described in subsection (8)(b). In addition, the medical control authority under which the ambulance operation operates shall annually file with the statewide emergency medical services coordination committee a written report on the progress made by the ambulance operation on the plan of action described in subsection (8)(b), including, but not limited to, information on training, equipment, and personnel.

(11) If an ambulance operation is designated by its regular license as providing basic life support services, then an ambulance operation upgrade license issued under this section allows the ambulance operation to provide limited advanced life support services or advanced life support services when the ambulance operation is able to staff and equip 1 or more ambulances to provide services at the higher levels. If an ambulance operation is designated by its regular license as providing limited advanced life support services, then an ambulance operation upgrade license issued under this section allows the ambulance operation to provide advanced life support services when the ambulance operation is able to staff and equip 1 or more ambulances to provide services at the higher level. An ambulance operation shall not provide services under an ambulance operation upgrade license unless the medical control authority under which the ambulance operation operates has adopted protocols for the ambulance operation upgrade license regarding quality monitoring procedures, use and protection of equipment, and patient care.

(12) The department may revoke or fail to renew an ambulance operation upgrade license for a violation of this part or a rule promulgated under this part or for failure to comply with the plan of action filed under subsection (8)(b). An ambulance operation that obtains an ambulance operation upgrade license must annually renew its regular license under subsections (2) to (6). An ambulance operation's regular license is not affected by the following:

(a) The fact that the ambulance operation has obtained or renewed an ambulance operation upgrade license.

(b) The fact that an ambulance operation's ambulance operation upgrade license is revoked or is not renewed under this subsection.

(c) The fact that the ambulance operation's ambulance operation upgrade license expires at the end of the second 2-year period prescribed by subsection (10).

~~(13) By July 22, 2000, the department shall file a written report to the legislature. The department shall include all of the following information in the report:~~

~~(a) The number of ambulance operations that were qualified under subsection (7) to apply for an ambulance operation upgrade license under subsection (8) during the 3 year period.~~

~~(b) The number of ambulance operations that in fact applied for an ambulance operation upgrade license during the 3 year period.~~

~~(c) The number of ambulance operations that successfully upgraded from being a transporting basic life support service to a transporting limited advanced service or a transporting advanced life support service or that successfully upgraded from being a transporting limited advanced life support service to a transporting advanced life support service~~

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~~under an ambulance operation upgrade license.~~

~~(d) The number of ambulance operations that failed to successfully upgrade, as described in subdivision (c), under an ambulance operation upgrade license, but that improved their services during the 3-year period.~~

~~(e) The number of ambulance operations that failed to successfully upgrade, as described in subdivision (c), under an ambulance operation upgrade license, and that showed no improvement or a decline in their services.~~

~~(f) The effect of the amendatory act that added this subsection on the delivery of emergency medical services in this state.~~

Sec. 20921. (1) An ambulance operation shall do all of the following:

(a) ~~Provide~~ **EXCEPT AS PROVIDED IN SECTION 20921A, PROVIDE** at least 1 ambulance available for response to requests for emergency assistance on a 24-hour-a-day, 7-day-a-week basis in accordance with local medical control authority protocols.

(b) Respond or ensure that a response is provided to each request for emergency assistance originating from within the bounds of its service area.

(c) Operate under the direction of a medical control authority or the medical control authorities with jurisdiction over the ambulance operation.

(d) Notify the department immediately of a change that would alter the information contained on its application for an ambulance operation license or renewal.

(e) Subject to section 20920(7) to (12) **AND SECTION 20921A**, provide life support consistent with its license and approved local medical control authority protocols to each emergency patient without prior inquiry into ability to pay or source of payment.

(2) An ambulance operation shall not do ~~1 or more~~ **ANY** of the following:

(a) Knowingly provide a person with false or misleading information concerning the time at which an emergency response will be initiated or the location from which the response is being initiated.

(b) Induce or seek to induce any person engaging an ambulance to patronize a long-term care facility, mortuary, or hospital.

(c) Advertise, or permit advertising of, within or on the premises of the ambulance operation or within or on an ambulance, the name or the services of an attorney, accident investigator, nurse, physician, long-term care facility, mortuary, or hospital. If 1 of those persons or facilities owns or operates an ambulance operation, the person or facility may use its business name in the name of the ambulance operation and may display the name of the ambulance operation within or on the premises of the ambulance operation or within or on an ambulance.

(d) Advertise or disseminate information for the purpose of obtaining contracts under a name other than the name of the person holding an ambulance operation license or the trade or assumed name of the ambulance operation.

(e) If the ambulance operation is operating under an ambulance operation upgrade license issued under section 20920(7) to (12), advertise or otherwise hold itself out as a full-time transporting limited advanced life support service or a full-time transporting advanced life support service unless the ambulance operation actually provides those services on a 24-hour-per-day, 7-day-a-week

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basis.

(3) Except as provided in subsection (4) **AND SECTION 20921A**, an ambulance operation shall not operate, attend, or permit an ambulance to be operated while transporting a patient unless the ambulance is, at a minimum, staffed as follows:

(a) If designated as providing basic life support, with at least 1 emergency medical technician and 1 medical first responder.

(b) If designated as providing limited advanced life support, with at least 1 emergency medical technician specialist and 1 emergency medical technician.

(c) If designated as providing advanced life support, with at least 1 paramedic and 1 emergency medical technician.

(4) An ambulance operation that is licensed to provide advanced life support and has more than 1 ambulance licensed under its operation may operate an ambulance licensed to provide basic life support or limited advanced life support at a higher level of life support if all of the following are met:

(a) The ambulance operation has at least 1 ambulance under its operation that is properly staffed and available to provide advanced life support on a 24-hour-a-day, 7-day-a-week basis.

(b) The licensed personnel required to operate at that higher level of life support are available at the scene and in the ambulance during the patient transport to provide life support to that patient at that higher level.

(c) The ambulance meets all equipment and communication requirements to operate at that higher level of life support.

(d) The ambulance operation that is unable to respond to a request for emergency assistance immediately requests assistance pursuant to protocols established by the local medical control authority and approved by the department under this part.

(5) Except as provided in subsection (6), an ambulance operation shall ensure that an emergency medical technician, an emergency medical technician specialist, or a paramedic is in the patient compartment of an ambulance while transporting an emergency patient.

(6) Subsection (5) does not apply to the transportation of a patient by an ambulance if the patient is accompanied in the patient compartment of the ambulance by an appropriate licensed health professional designated by a physician and after a physician-patient relationship has been established as prescribed in this part or the rules promulgated by the department under this part.

SEC. 20921A. (1) A LIMITED OR ADVANCED AMBULANCE OPERATION WHOSE PRIMARY SERVICE AREA IS IN A COUNTY OR MICROPOLITAN AREA WITH A POPULATION OF 10,000 OR LESS AND WHOSE PRIMARY SERVICE AREA HAS A POPULATION DENSITY OF LESS THAN 7 PEOPLE PER SQUARE MILE MAY HAVE AN AMBULANCE AVAILABLE AT LESS THAN THE LIMITED OR ADVANCED LEVEL OF LICENSURE IF BOTH OF THE FOLLOWING CONDITIONS ARE MET:

(A) THE MEDICAL CONTROL AUTHORITY UNDER WHICH THE AMBULANCE OPERATION OPERATES AUTHORIZES THE LESSER AVAILABILITY.

(B) THE ADVANCED AMBULANCE OPERATION HAS DEPARTMENT-APPROVED LOCAL MEDICAL CONTROL AUTHORITY PROTOCOLS IN PLACE.

(2) A BASIC AMBULANCE OPERATION WHOSE PRIMARY SERVICE AREA IS IN A COUNTY OR MICROPOLITAN AREA WITH A POPULATION OF 10,000 OR LESS AND WHOSE PRIMARY SERVICE AREA HAS A POPULATION DENSITY OF LESS THAN 7 PEOPLE PER SQUARE MILE MAY OPERATE AT AN INCREASED LEVEL OF LICENSURE WHEN STAFFED WITH AN EMT-SPECIALIST OR EMT-PARAMEDIC, IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

(A) THE BASIC AMBULANCE IS EQUIPPED AT THE GREATER LICENSURE LEVEL.

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(B) THE MEDICAL CONTROL AUTHORITY UNDER WHICH THE AMBULANCE OPERATION OPERATES AUTHORIZES THE CONDITIONAL INCREASED LEVEL OF LICENSURE.

(C) THE BASIC AMBULANCE OPERATION HAS DEPARTMENT-APPROVED LOCAL MEDICAL CONTROL AUTHORITY PROTOCOLS IN PLACE.

(3) AS USED IN THIS SECTION, "MICROPOLITAN AREA" MEANS A MICROPOLITAN STATISTICAL AREA AS MOST RECENTLY DELINEATED BY THE UNITED STATES OFFICE OF MANAGEMENT AND BUDGET.

Enacting section 1. Section 20921a of the public health code, 1978 PA 368, MCL 333.20921a, is repealed effective January 1, 2018.>>

Enacting section <<2>>. This amendatory act takes effect 90 days after the date it is enacted into law.

Enacting section <<3>>. This amendatory act does not take effect unless all of the following bills of the 97th Legislature are enacted into law:

(a) House Bill No. 5839.

(b) House Bill No. 5840.

(c) House Bill No. 5841.