

SUBSTITUTE FOR
SENATE BILL NO. 935

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 17001 and 17021 (MCL 333.17001 and
333.17021), section 17001 as amended by 2006 PA 161 and section
17021 as amended by 1993 PA 79, and by adding sections 16326,
17091, 17092, 17093, 17094, 17095, and 17096.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 16326. FEES FOR AN INDIVIDUAL LICENSED OR SEEKING
2 LICENSURE TO ENGAGE IN THE PRACTICE OF GENETIC COUNSELING UNDER
3 PART 170 ARE AS FOLLOWS:

4	(A) APPLICATION PROCESSING FEE.....	\$ 55.00
5	(B) LICENSE FEE, PER YEAR.....	95.00
6	(C) TEMPORARY LICENSE FEE, PER YEAR.....	50.00

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
5 the following requirements:

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

20 (B) Has spent not less than \$2,000,000.00 for medical
21 education during each of the 3 years immediately preceding the
22 date of an application for a limited license under section
23 16182(2)(c) or an application for a full license under section
24 17031(2). As used in this ~~subparagraph~~, **SUB-SUBPARAGRAPH**,
25 "medical education" means the education of physicians and
26 candidates for degrees or licenses to become physicians,

1 including, but not limited to, physician staff, residents,
2 interns, and medical students.

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

7 (C) "GENETIC COUNSELOR" MEANS AN INDIVIDUAL LICENSED UNDER
8 THIS PART TO ENGAGE IN THE PRACTICE OF GENETIC COUNSELING.

9 (D) ~~(e)~~—"Medical care services" means those services within
10 the scope of practice of physicians licensed by the board, except
11 those services that the board determines shall not be delegated
12 by a physician ~~without endangering~~ **BECAUSE A DELEGATION WOULD**
13 **ENDANGER** the health and safety of patients, as provided for in
14 section 17048(3).

15 (E) ~~(d)~~—"Physician" means an individual licensed under this
16 article to engage in the practice of medicine.

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

20 (G) "PRACTICE OF GENETIC COUNSELING" MEANS PROVISION OF ANY
21 OF THE FOLLOWING SERVICES:

22 (i) OBTAINING AND EVALUATING INDIVIDUAL, FAMILY, AND MEDICAL
23 HISTORIES TO DETERMINE THE GENETIC RISK FOR GENETIC OR MEDICAL
24 CONDITIONS OR DISEASES IN A CLIENT, THE CLIENT'S DESCENDANTS, OR
25 OTHER FAMILY MEMBERS OF THE CLIENT.

26 (ii) DISCUSSING WITH A CLIENT THE FEATURES, NATURAL HISTORY,
27 MEANS OF DIAGNOSIS, GENETIC AND ENVIRONMENTAL FACTORS, AND

1 MANAGEMENT OF THE GENETIC RISKS OF GENETIC OR MEDICAL CONDITIONS
2 OR DISEASES.

3 (iii) IDENTIFYING AND COORDINATING APPROPRIATE GENETIC
4 LABORATORY TESTS AND OTHER DIAGNOSTIC STUDIES FOR GENETIC
5 ASSESSMENT OF A CLIENT.

6 (iv) INTEGRATING GENETIC LABORATORY TEST RESULTS AND OTHER
7 DIAGNOSTIC STUDIES WITH PERSONAL AND FAMILY MEDICAL HISTORY TO
8 ASSESS AND COMMUNICATE A CLIENT'S RISK FACTORS FOR GENETIC OR
9 MEDICAL CONDITIONS OR DISEASES.

10 (v) EXPLAINING TO A CLIENT THE CLINICAL IMPLICATIONS OF
11 GENETIC LABORATORY TESTS AND OTHER DIAGNOSTIC STUDIES AND THEIR
12 RESULTS.

13 (vi) EVALUATING THE RESPONSES OF A CLIENT AND THE CLIENT'S
14 FAMILY TO A GENETIC OR MEDICAL CONDITION OR DISEASE OR TO THE
15 RISK OF RECURRENCE OF THAT CONDITION OR DISEASE AND PROVIDING
16 CLIENT-CENTERED COUNSELING AND ANTICIPATORY GUIDANCE.

17 (vii) IDENTIFYING AND UTILIZING COMMUNITY RESOURCES THAT
18 PROVIDE MEDICAL, EDUCATIONAL, FINANCIAL, AND PSYCHOSOCIAL SUPPORT
19 AND ADVOCACY TO A CLIENT.

20 (viii) PROVIDING WRITTEN DOCUMENTATION OF MEDICAL, GENETIC,
21 AND COUNSELING INFORMATION FOR FAMILIES OF AND HEALTH CARE
22 PROFESSIONALS OF A CLIENT.

23 (H) ~~(f)~~—"Practice of medicine" means the diagnosis,
24 treatment, prevention, cure, or relieving of a human disease,
25 ailment, defect, complaint, or other physical or mental
26 condition, by attendance, advice, device, diagnostic test, or
27 other means, or offering, undertaking, attempting to do, or

1 holding oneself out as able to do, any of these acts.

2 (I) ~~(g)~~—"Practice as a physician's assistant" means the
3 practice of medicine, **PRACTICE OF** osteopathic medicine and
4 surgery, or **PRACTICE OF** podiatric medicine and surgery performed
5 under the supervision of a physician, ~~or a podiatrist,~~ **OR AN**
6 **OSTEOPATHIC PHYSICIAN** licensed under this article.

7 (J) **"QUALIFIED SUPERVISOR" MEANS AN INDIVIDUAL WHO IS A**
8 **GENETIC COUNSELOR AND WHO HOLDS A LICENSE UNDER THIS PART OTHER**
9 **THAN A TEMPORARY OR LIMITED LICENSE.**

10 (K) ~~(h)~~—"Supervision" means that term as defined in section
11 16109, except that it also includes the existence of a
12 predetermined plan for emergency situations, including, but not
13 limited to, the designation of a physician to supervise a
14 physician's assistant in the absence of the primary supervising
15 physician.

16 (L) ~~(i)~~—"Task force" means the joint task force created in
17 section 17025.

18 (M) **"TEMPORARY LICENSED GENETIC COUNSELOR" MEANS A GENETIC**
19 **COUNSELOR WHO HAS BEEN ISSUED A TEMPORARY LICENSE UNDER THIS**
20 **ARTICLE.**

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

25 Sec. 17021. (1) The Michigan board of medicine is created in
26 the department and ~~shall consist~~ **CONSISTS** of the following 19
27 voting members who ~~shall meet~~ the requirements of part 161: ~~10~~

(A) TEN physicians. ~~7-1~~

(B) ONE physician's assistant. ~~7-and-8~~

(C) ONE GENETIC COUNSELOR. HOWEVER, THE GOVERNOR SHALL NOT APPOINT A GENETIC COUNSELOR MEMBER TO THE BOARD UNTIL THERE ARE ONLY 7 PUBLIC MEMBERS OF THE BOARD UNDER SUBDIVISION (D).

(D) SEVEN public members. HOWEVER, IF THERE ARE 8 PUBLIC MEMBERS OF THE BOARD ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SENTENCE, EACH PUBLIC MEMBER OF THE BOARD MAY CONTINUE IN OFFICE UNTIL HE OR SHE RESIGNS OR OTHERWISE VACATES THE OFFICE OR UNTIL THE EXPIRATION OF HIS OR HER TERM.

~~—— (2) The requirement of section 16135(d) that a board member shall have practiced that profession for 2 years immediately before appointment is waived until September 30, 1980 for members of the board licensed in a health profession subfield created by this part.~~

(2) ~~(3)~~ The board of medicine shall ~~shall~~ DOES not have the powers and duties vested in the task force by sections 17060 to 17084.

SEC. 17091. (1) THE DEPARTMENT, IN CONSULTATION WITH THE BOARD, SHALL PROMULGATE RULES THAT SPECIFY THE MINIMUM STANDARDS FOR LICENSURE, TEMPORARY LICENSURE, AND LICENSE RENEWAL OF GENETIC COUNSELORS.

(2) IN ADDITION TO ANY OTHER REQUIREMENTS OF THIS ARTICLE, THE BOARD SHALL PERFORM OTHER FUNCTIONS AND DUTIES AS NECESSARY TO CARRY OUT THE REGULATION OF GENETIC COUNSELORS UNDER THIS PART.

SEC. 17092. TO BE LICENSED AS A GENETIC COUNSELOR UNDER THIS PART, AN INDIVIDUAL SHALL DO ALL OF THE FOLLOWING:

1 (A) SUBMIT AN APPLICATION PRESCRIBED BY THE BOARD.

2 (B) PAY THE FEE PRESCRIBED IN SECTION 16326.

3 (C) PROVIDE SATISFACTORY EVIDENCE OF HAVING CURRENT
4 CERTIFICATION THROUGH A NATIONALLY RECOGNIZED CERTIFYING AGENCY
5 FOR GENETIC COUNSELORS OR MEDICAL GENETICISTS APPROVED BY THE
6 BOARD.

7 SEC. 17093. BEGINNING 1 YEAR AFTER THE EFFECTIVE DATE OF THE
8 RULES PROMULGATED UNDER SECTION 17091, AN INDIVIDUAL SHALL NOT
9 ENGAGE IN THE PRACTICE OF GENETIC COUNSELING UNLESS HE OR SHE IS
10 LICENSED AS A GENETIC COUNSELOR UNDER THIS PART.

11 SEC. 17094. A TEMPORARY LICENSED GENETIC COUNSELOR SHALL
12 WORK UNDER THE SUPERVISION OF A QUALIFIED SUPERVISOR AT ALL TIMES
13 DURING WHICH THE TEMPORARY LICENSED GENETIC COUNSELOR ENGAGES IN
14 THE PRACTICE OF GENETIC COUNSELING.

15 SEC. 17095. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
16 (2), AN INDIVIDUAL WHO IS NOT LICENSED AS A GENETIC COUNSELOR
17 UNDER THIS PART SHALL NOT USE IN CONNECTION WITH HIS OR HER NAME
18 OR PLACE OF BUSINESS, THE TITLE "GENETIC COUNSELOR", "LICENSED
19 GENETIC COUNSELOR", "GENE COUNSELOR", "GENETIC CONSULTANT",
20 "GENETIC ASSOCIATE" OR ANY WORDS, LETTERS, ABBREVIATIONS, OR
21 INSIGNIA INDICATING OR IMPLYING A PERSON HOLDS A LICENSE TO
22 ENGAGE IN THE PRACTICE OF GENETIC COUNSELING UNDER THIS PART.

23 (2) SECTIONS 17091 TO 17096 DO NOT APPLY TO AN INDIVIDUAL
24 LICENSED BY THIS STATE TO ENGAGE IN THE PRACTICE OF A HEALTH
25 PROFESSION OTHER THAN THE PRACTICE OF GENETIC COUNSELING WHEN
26 ACTING WITHIN THE SCOPE OF THE INDIVIDUAL'S HEALTH PROFESSION AND
27 DOING WORK OF A NATURE CONSISTENT WITH THE PERSON'S EDUCATION AND

1 TRAINING.

2 SEC. 17096. TO OBTAIN A LICENSE RENEWAL AS A GENETIC
3 COUNSELOR UNDER THIS PART, A LICENSEE SHALL PRESENT SATISFACTORY
4 EVIDENCE TO THE BOARD THAT IN THE PERIOD SINCE THE LICENSE WAS
5 ISSUED OR LAST RENEWED THE LICENSEE HAS MAINTAINED CERTIFICATION
6 THROUGH A NATIONALLY RECOGNIZED CERTIFYING AGENCY FOR GENETIC
7 COUNSELORS OR MEDICAL GENETICISTS APPROVED BY THE BOARD.