

SENATE BILL No. 439

June 19, 2013, 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 17001 and 17011 (MCL 333.17001 and 333.17011), section 17001 as amended by 2006 PA 161 and section 17011 as amended by 2006 PA 398, and by adding sections 16326, 17079, 17080, and 17081.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

- 4 (A) APPLICATION PROCESSING FEE..... \$ 20.00**
- 5 (B) LICENSE FEE, PER YEAR..... 50.00**
- 6 (C) EDUCATIONAL LIMITED LICENSE..... 25.00**

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' affairs, of not less
10 than 4 postgraduate education residency programs approved by the
11 board under section 17031(1) for not less than the 3 years
12 immediately preceding the date of an application for a limited
13 license under section 16182(2)(c) or an application for a full
14 license under section 17031(2), ~~provided that~~ **IF** at least 1 of
15 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, "medical education" means
25 the education of physicians and candidates for degrees or
26 licenses to become physicians, including, but not limited to,
27 physician staff, residents, interns, and medical students.

1 (B) "ANESTHESIOLOGIST" MEANS A PHYSICIAN WHO HAS BEEN
2 TRAINED IN THE SPECIALTY OF ANESTHESIOLOGY BY COMPLETING A
3 RESIDENCY IN ANESTHESIOLOGY APPROVED BY THE AMERICAN BOARD OF
4 ANESTHESIOLOGY OR THE AMERICAN OSTEOPATHIC BOARD OF
5 ANESTHESIOLOGY OR BY COMPLETING ANOTHER RESIDENCY IN
6 ANESTHESIOLOGY OR OTHER TRAINING PROGRAM, WHICH RESIDENCY OR
7 PROGRAM IS APPROVED BY THE BOARD.

8 (C) "ANESTHESIOLOGIST ASSISTANT" MEANS AN INDIVIDUAL WHO IS
9 LICENSED UNDER THIS PART TO ENGAGE IN PRACTICE AS AN
10 ANESTHESIOLOGIST ASSISTANT.

11 (D) ~~(b)~~-"Electrodiagnostic studies" means the testing of
12 neuromuscular functions utilizing nerve conduction tests and
13 needle electromyography. It does not include the use of surface
14 electromyography.

15 (E) "IMMEDIATELY AVAILABLE", AS IT RELATES TO ENGAGING IN
16 PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT, MEANS THAT A MEDICALLY
17 DIRECTING ANESTHESIOLOGIST IS IN THE PHYSICAL PROXIMITY OF AN
18 ANESTHESIOLOGIST ASSISTANT THAT ALLOWS THE ANESTHESIOLOGIST TO
19 RETURN AND REESTABLISH DIRECT CONTACT WITH THE PATIENT TO MEET
20 THE PATIENT'S MEDICAL NEEDS AND ADDRESS ANY OF THE PATIENT'S
21 URGENT OR EMERGENT CLINICAL PROBLEMS.

22 (F) ~~(e)~~-"Medical care services" means those services within
23 the scope of practice of physicians licensed by the board, except
24 those services that the board determines shall not be delegated
25 by a physician ~~without endangering~~ **BECAUSE A DELEGATION WOULD**
26 **ENDANGER** the health and safety of patients, as provided for in
27 section 17048(3).

1 (G) ~~(d)~~—"Physician" means an individual licensed under this
2 article to engage in the practice of medicine.

3 (H) ~~(e)~~—"Podiatrist" means an individual licensed under this
4 article to engage in the practice of podiatric medicine and
5 surgery.

6 (I) **"PRACTICE OF ANESTHESIOLOGY" MEANS ENGAGING IN THE**
7 **PRACTICE OF MEDICINE AS AN ANESTHESIOLOGIST.**

8 (J) ~~(f)~~—"Practice of medicine" means the diagnosis,
9 treatment, prevention, cure, or relieving of a human disease,
10 ailment, defect, complaint, or other physical or mental
11 condition, by attendance, advice, device, diagnostic test, or
12 other means, or offering, undertaking, attempting to do, or
13 holding oneself out as able to do, any of these acts.

14 (K) **"PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT" MEANS THE**
15 **PRACTICE OF ANESTHESIOLOGY PERFORMED UNDER THE SUPERVISION OF AN**
16 **ANESTHESIOLOGIST.**

17 (L) ~~(g)~~—"Practice as a physician's assistant" means the
18 practice of medicine, osteopathic medicine and surgery, or
19 podiatric medicine and surgery performed under the supervision of
20 a physician or podiatrist licensed under this article.

21 (M) ~~(h)~~—"Supervision" means that term as defined in section
22 16109, except that it also includes the existence of a
23 predetermined plan for emergency situations, including, but not
24 limited to, the designation of a physician to supervise a
25 physician's assistant in the absence of the primary supervising
26 physician **OR THE DESIGNATION OF AN ANESTHESIOLOGIST TO SUPERVISE**
27 **AN ANESTHESIOLOGIST ASSISTANT IN THE ABSENCE OF THE PRIMARY**

1 **SUPERVISING ANESTHESIOLOGIST.**

2 (N) ~~(i)~~—"Task force" means the joint task force created in
3 section 17025.

4 (2) In addition to the definitions in this part, article 1
5 contains definitions and principles of construction applicable to
6 all articles in this code and part 161 contains definitions
7 applicable to this part.

8 Sec. 17011. (1) An individual shall not engage in the
9 practice of medicine or practice as a physician's assistant
10 unless licensed or otherwise authorized by this article. An
11 individual shall not engage in teaching or research that requires
12 the practice of medicine unless the individual is licensed or
13 otherwise authorized by this article.

14 (2) Notwithstanding section 16145 or rules promulgated under
15 that section, the board may grant a license to an individual who
16 meets the requirements of section 16186 or 17031(2) after
17 reviewing the applicant's record of practice, experience, and
18 credentials and determining that the applicant is competent to
19 practice medicine.

20 (3) For individuals applying for licensure under section
21 16186, the board shall not impose requirements on graduates of
22 medical schools located outside the United States or Canada that
23 exceed the requirements imposed on graduates of medical schools
24 located in the United States or Canada.

25 (4) Notwithstanding section 16145 or rules promulgated under
26 that section, the board may grant a license in accordance with
27 section 16186 after determining that each of the following

1 conditions is satisfied:

2 (a) The applicant has disclosed that a sanction is in force
3 against him or her as described in section 16174(2)(b) and
4 considering the reasons for the sanction and the applicant's
5 record of practice, experience, credentials, and competence to
6 engage in the practice of medicine, that sanction should not
7 prevent the applicant from being granted a license in this state.

8 (b) The sanction imposed by the other state is not
9 permanent.

10 (c) The sanction imposed by the other state was not the
11 result of a patient safety violation.

12 (d) If the applicant was required by the state that imposed
13 the sanction to participate in and complete a probationary period
14 or treatment plan as a condition of the continuation of his or
15 her licensure, the applicant did not complete the probationary
16 period or treatment plan because the applicant ceased engaging in
17 the practice of medicine in that state.

18 (e) As a condition of licensure under this subsection, the
19 applicant voluntarily agrees to complete a probationary period or
20 treatment plan, the terms of which are no less stringent than
21 those imposed by the state that imposed the sanction.

22 (5) Except as otherwise provided in this subsection, the
23 following words, titles, or letters or a combination ~~thereof,~~ **OF**
24 **THE WORDS, TITLES, OR LETTERS,** with or without qualifying words
25 or phrases, are restricted in use only to those individuals
26 authorized under this part to use the terms and in a way
27 prescribed in this part: "doctor of medicine", "m.d.",

1 "physician's assistant", and ~~"p.a."~~, "ANESTHESIOLOGIST
2 ASSISTANT", AND "A.A.". Notwithstanding section 16261, an
3 individual who was specially trained at an institution of higher
4 education in this state to assist a physician in the field of
5 orthopedics and, upon completion of training, received a 2-year
6 associate of science degree as an orthopedic physician's
7 assistant before January 1, 1977 may use the title "orthopedic
8 physician's assistant" whether or not the individual is licensed
9 under this part.

10 SEC. 17079. (1) AFTER THE EFFECTIVE DATE OF THE RULES
11 PROMULGATED BY THE DEPARTMENT UNDER SECTION 17080, AN INDIVIDUAL
12 SHALL NOT ENGAGE IN PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT
13 UNLESS HE OR SHE IS LICENSED OR OTHERWISE AUTHORIZED UNDER THIS
14 ARTICLE AS AN ANESTHESIOLOGIST ASSISTANT.

15 (2) THE BOARD MAY ISSUE AN EDUCATIONAL LIMITED LICENSE UNDER
16 SECTION 16182(2)(A) TO AN INDIVIDUAL WHO PROVIDES SATISFACTORY
17 EVIDENCE TO THE BOARD THAT HE OR SHE MEETS ALL REQUIREMENTS FOR
18 LICENSURE EXCEPT THE CERTIFYING EXAMINATION. AN EDUCATIONAL
19 LIMITED LICENSE ISSUED UNDER THIS SECTION IS VALID UNTIL THE
20 EXPIRATION OF A PERIOD DETERMINED BY THE BOARD THAT DOES NOT
21 EXCEED 1 YEAR OR UNTIL THE RESULTS OF THE REQUIRED CERTIFYING
22 EXAMINATION ARE MADE AVAILABLE, WHICHEVER IS EARLIER.

23 SEC. 17080. (1) THE BOARD, IN CONSULTATION WITH THE
24 DEPARTMENT, SHALL PROMULGATE RULES THAT SPECIFY THE STANDARDS AND
25 QUALIFICATIONS FOR LICENSURE AS AN ANESTHESIOLOGIST ASSISTANT.
26 THE BOARD SHALL REQUIRE AT LEAST ALL OF THE FOLLOWING IN THE
27 RULES FOR LICENSURE:

1 (A) COMPLETION OF A GRADUATE LEVEL TRAINING PROGRAM
2 ACCREDITED BY THE COMMISSION ON ACCREDITATION OF ALLIED HEALTH
3 EDUCATION PROGRAMS OR ITS SUCCESSOR AGENCY AND APPROVED BY THE
4 DEPARTMENT.

5 (B) SUCCESSFUL COMPLETION OF A CERTIFYING EXAMINATION FOR
6 ANESTHESIOLOGIST ASSISTANTS ADMINISTERED BY THE NATIONAL
7 COMMISSION FOR CERTIFICATION OF ANESTHESIOLOGIST ASSISTANTS OR
8 ITS SUCCESSOR AGENCY AND APPROVED BY THE DEPARTMENT.

9 (C) SUCCESSFUL COMPLETION OF A COURSE IN ADVANCED CARDIAC
10 LIFE-SUPPORT TECHNIQUES OFFERED OR APPROVED BY THE AMERICAN HEART
11 ASSOCIATION, THE AMERICAN RED CROSS, OR A SIMILAR ORGANIZATION
12 AND APPROVED BY THE DEPARTMENT.

13 (2) IN ADDITION TO THE RULES PROMULGATED UNDER SUBSECTION
14 (1), THE BOARD, IN CONSULTATION WITH THE DEPARTMENT, SHALL
15 PROMULGATE RULES TO DO ALL OF THE FOLLOWING:

16 (A) ESTABLISH AND, WHERE APPROPRIATE, LIMIT THE DUTIES AND
17 ACTIVITIES RELATED TO THE PRACTICE OF ANESTHESIOLOGY THAT MAY BE
18 PERFORMED BY ANESTHESIOLOGY ASSISTANTS.

19 (B) REQUIRE IMMEDIATE AVAILABILITY OF THE SUPERVISING
20 ANESTHESIOLOGIST AT ALL TIMES.

21 (C) REQUIRE THE SUPERVISING ANESTHESIOLOGIST TO ENSURE THAT
22 ALL ACTIVITIES, FUNCTIONS, SERVICES, AND TREATMENT MEASURES
23 PERFORMED BY AN ANESTHESIOLOGIST ASSISTANT ARE PROPERLY
24 DOCUMENTED BY THE ANESTHESIOLOGIST ASSISTANT.

25 (D) REQUIRE THE ANESTHESIOLOGIST ASSISTANT TO INFORM THE
26 SUPERVISING ANESTHESIOLOGIST OF SERIOUS ADVERSE EVENTS.

27 (E) ESTABLISH AN APPROPRIATE RATIO OF SUPERVISING

1 ANESTHESIOLOGISTS TO ANESTHESIOLOGIST ASSISTANTS, EXCEPT IN
2 EMERGENCY CASES.

3 (3) SUBJECT TO SECTION 16204, THE BOARD SHALL BY RULE
4 PRESCRIBE CONTINUING EDUCATION REQUIREMENTS AS A CONDITION FOR
5 THE RENEWAL OF AN ANESTHESIOLOGIST ASSISTANT LICENSE.

6 SEC. 17081. (1) AFTER ISSUING A LICENSE TO AN
7 ANESTHESIOLOGIST ASSISTANT, THE BOARD SHALL REGISTER THE
8 ANESTHESIOLOGIST ASSISTANT ON AN ANESTHESIOLOGIST ASSISTANTS'
9 ROSTER. THE BOARD SHALL INCLUDE ALL OF THE FOLLOWING INFORMATION
10 ON THE ROSTER:

11 (A) THE ANESTHESIOLOGIST ASSISTANT'S NAME AND ADDRESS.

12 (B) OTHER BOARD-REQUIRED INFORMATION.

13 (2) EVERY 2 YEARS, EACH ANESTHESIOLOGIST ASSISTANT IN THIS
14 STATE SHALL SUBMIT TO THE BOARD PROOF OF COMPLETION OF BOARD-
15 REQUIRED CONTINUING EDUCATION.