

HOUSE BILL No. 5394

February 23, 2016, Introduced by Reps. Canfield, Schor, Kelly, Bizon, Kivela, Potvin, Irwin, Phelps, Yanez, Darany, Sarah Roberts, Faris, Dianda, Vaupel, Bumstead, McBroom, LaVoy, Glenn, Muxlow, Johnson, Kesto, Webber, Cochran, Pettalia, Chatfield, Hooker, Pagel, Rendon, Leutheuser, Yonker, Franz, Graves, Cole, Inman, Sheppard, Jenkins, Townsend, Geiss, Liberati, Plawecki, Brunner, Aaron Miller, Lucido, Victory, Santana, Lauwers, Neeley, Singh, Cox, Banks and Gay-Dagnogo and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 17031 and 17531 (MCL 333.17031 and 333.17531),
section 17031 as amended by 2002 PA 643, and by adding sections
17032 and 17532; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17031. (1) Except as provided in subsection (2), **AND**
2 **SUBJECT TO SECTION 17032**, an applicant, in addition to completing
3 the requirements for the degree in medicine, shall complete a
4 period of postgraduate education to attain proficiency in the
5 practice of the profession, as prescribed by the board in rules, as
6 a condition for more than limited licensure.

7 (2) The board may grant a full license to practice medicine to
8 an applicant who has completed the requirements for a degree in

1 medicine at a medical school **THAT IS** located outside the United
2 States or Canada if the applicant demonstrates to the board all of
3 the following:

4 (a) That the applicant has engaged in the practice of medicine
5 for not less than 10 years after completing the requirements for a
6 degree in medicine.

7 (b) That the applicant has completed not less than 3 years of
8 postgraduate clinical training in an institution that has an
9 affiliation with a medical school that is listed in a directory of
10 medical schools published by the ~~world health organization~~ **WORLD**
11 **HEALTH ORGANIZATION** as approved by the board.

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

15 (d) That the applicant has safely and competently practiced
16 medicine under a clinical academic limited license granted by the
17 board under this article for 1 or more academic institutions
18 located in this state for not less than the 2 years immediately
19 preceding the date of application for a license under this
20 subsection, during which time the applicant functioned not less
21 than 800 hours per year in the observation and treatment of
22 patients.

23 (3) An applicant under subsection (2) shall file with the
24 board a written statement from each academic institution ~~upon~~ **ON**
25 which the applicant relies to satisfy subsection (2)(d). The
26 statement shall indicate, at a minimum, that the applicant
27 functioned for the academic institution in the observation and

1 treatment of patients not less than 800 hours per year and that in
2 so doing the applicant practiced medicine safely and competently. A
3 ~~person~~**AN INDIVIDUAL** who in good faith makes a written statement
4 that is filed under this subsection is not civilly or criminally
5 liable for that statement. There is a rebuttable presumption that a
6 ~~person~~**AN INDIVIDUAL** who makes a written statement that is filed
7 under this subsection has done so in good faith.

8 **SEC. 17032. (1) AN EARLY PRIMARY CARE PROGRAM IS CREATED TO**
9 **FACILITATE THE PLACEMENT OF PHYSICIANS IN MEDICALLY UNDERSERVED**
10 **AREAS IN THIS STATE.**

11 **(2) THE BOARD SHALL GRANT A FULL LICENSE TO ENGAGE IN THE**
12 **PRACTICE OF MEDICINE UNDER THIS PART TO AN APPLICANT IF THE BOARD**
13 **DETERMINES THAT ALL OF THE FOLLOWING ARE MET:**

14 **(A) THE APPLICANT HAS COMPLETED THE REQUIREMENTS FOR THE**
15 **DEGREE IN MEDICINE AT A MEDICAL SCHOOL THAT IS LOCATED IN THE**
16 **UNITED STATES OR CANADA AND MEETS ALL OF THE REQUIREMENTS FOR**
17 **LICENSURE AS A PHYSICIAN UNDER THIS PART EXCEPT THE POSTGRADUATE**
18 **EDUCATION REQUIREMENTS DESCRIBED IN SECTION 17031.**

19 **(B) THE APPLICANT HAS COMPLETED AT LEAST 1 YEAR OF**
20 **POSTGRADUATE EDUCATION.**

21 **(C) THE APPLICANT HAS RECEIVED A PASSING SCORE IN STEP 1, STEP**
22 **2, AND STEP 3 OF THE UNITED STATES MEDICAL LICENSING BOARD**
23 **EXAMINATION.**

24 **(D) THE APPLICANT ENTERS INTO A WRITTEN EMPLOYMENT AGREEMENT**
25 **WITH AN EMPLOYER THAT IS A FOR-PROFIT OR NONPROFIT ENTITY THAT**
26 **INCLUDES ALL OF THE FOLLOWING REQUIREMENTS:**

27 **(i) HIS OR HER AGREEMENT TO WORK AS A PHYSICIAN FOR AT LEAST 2**

1 YEARS, BEGINNING ON THE DATE HE OR SHE ENTERS THE PROGRAM.

2 (ii) DURING THE TIME PERIOD DESCRIBED IN SUBPARAGRAPH (i), HE
3 OR SHE AGREES TO ENGAGE IN THE FULL-TIME PRACTICE OF MEDICINE IN A
4 MEDICALLY UNDERSERVED AREA IN THIS STATE.

5 (E) HE OR SHE IS NOT IN VIOLATION OF THE AGREEMENT DESCRIBED
6 IN SUBDIVISION (D) AT THE TIME HE OR SHE APPLIES FOR A LICENSE
7 UNDER THIS SECTION.

8 (3) WITHIN 180 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY
9 ACT THAT ADDED THIS SECTION, THE DEPARTMENT SHALL REVIEW ANY RULES
10 PROMULGATED UNDER THIS PART AND BEGIN THE PROCESS OF AMENDING THOSE
11 RULES SO THAT THE RULES ARE CONSISTENT WITH THIS SECTION.

12 (4) AS USED IN THIS SECTION:

13 (A) "MEDICALLY UNDERSERVED AREA" MEANS AN URBAN OR RURAL AREA
14 IN THIS STATE THAT IS DESIGNATED BY THE SECRETARY OF THE UNITED
15 STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES AS AN AREA WITH A
16 SHORTAGE OF PERSONAL HEALTH SERVICES OR AS OTHERWISE DESIGNATED BY
17 THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

18 (B) "PROGRAM" MEANS THE EARLY PRIMARY CARE PROGRAM CREATED IN
19 SUBSECTION (1) AND DESCRIBED IN THIS SECTION.

20 (5) THIS SECTION IS REPEALED DECEMBER 31, 2022.

21 Sec. 17531. ~~An applicant, in~~ IN addition to completing the
22 requirements for the degree in osteopathic medicine and surgery AT
23 A MEDICAL SCHOOL THAT IS LOCATED IN THE UNITED STATES OR CANADA,
24 AND SUBJECT TO SECTION 17532, AN APPLICANT shall complete a period
25 of postgraduate education to attain proficiency in the practice of
26 the profession as prescribed by the board in rules as a condition
27 for more than limited licensure.

1 SEC. 17532. (1) AN EARLY PRIMARY CARE PROGRAM IS CREATED TO
2 FACILITATE THE PLACEMENT OF PHYSICIANS IN MEDICALLY UNDERSERVED
3 AREAS IN THIS STATE.

4 (2) THE BOARD SHALL GRANT A FULL LICENSE TO ENGAGE IN THE
5 PRACTICE OF OSTEOPATHIC MEDICINE AND SURGERY UNDER THIS PART TO AN
6 APPLICANT IF THE BOARD DETERMINES THAT ALL OF THE FOLLOWING ARE
7 MET:

8 (A) THE APPLICANT HAS COMPLETED THE REQUIREMENTS FOR THE
9 DEGREE IN OSTEOPATHIC MEDICINE AND SURGERY AND MEETS ALL OF THE
10 REQUIREMENTS FOR LICENSURE AS A PHYSICIAN UNDER THIS PART EXCEPT
11 THE POSTGRADUATE EDUCATION REQUIREMENTS DESCRIBED IN SECTION 17531.

12 (B) THE APPLICANT HAS COMPLETED AT LEAST 1 YEAR OF
13 POSTGRADUATE EDUCATION.

14 (C) THE APPLICANT HAS RECEIVED A PASSING SCORE IN STEP 1, STEP
15 2, AND STEP 3 OF THE COMPREHENSIVE OSTEOPATHIC MEDICAL LICENSING
16 EXAMINATION.

17 (D) THE APPLICANT ENTERS INTO A WRITTEN EMPLOYMENT AGREEMENT
18 WITH AN EMPLOYER THAT IS A FOR-PROFIT OR NONPROFIT ENTITY THAT
19 INCLUDES ALL OF THE FOLLOWING REQUIREMENTS:

20 (i) HIS OR HER AGREEMENT TO WORK AS A PHYSICIAN FOR AT LEAST 2
21 YEARS, BEGINNING ON THE DATE HE OR SHE ENTERS THE PROGRAM.

22 (ii) DURING THE TIME PERIOD DESCRIBED IN SUBPARAGRAPH (i), HE
23 OR SHE AGREES TO WORK AS A PHYSICIAN IN A MEDICALLY UNDERSERVED
24 AREA IN THIS STATE.

25 (E) HE OR SHE IS NOT IN VIOLATION OF THE AGREEMENT DESCRIBED
26 IN SUBDIVISION (D) AT THE TIME HE OR SHE APPLIES FOR A LICENSE
27 UNDER THIS SECTION.

1 (3) WITHIN 180 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY
2 ACT THAT ADDED THIS SECTION, THE DEPARTMENT SHALL REVIEW ANY RULES
3 PROMULGATED UNDER THIS PART AND BEGIN THE PROCESS OF AMENDING THOSE
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7 IN THIS STATE THAT IS DESIGNATED BY THE SECRETARY OF THE UNITED
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9 SHORTAGE OF PERSONAL HEALTH SERVICES OR AS OTHERWISE DESIGNATED BY
10 THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

11 (B) "PROGRAM" MEANS THE EARLY PRIMARY CARE PROGRAM CREATED IN
12 SUBSECTION (1) AND DESCRIBED IN THIS SECTION.

13 (5) THIS SECTION IS REPEALED DECEMBER 31, 2022.

14 Enacting section 1. This amendatory act takes effect January
15 1, 2017.