

HOUSE BILL No. 5507

March 22, 2016, Introduced by Reps. Vaupel, Callton, Darany, Canfield, Bizon and Sheppard
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~~**BOTH**
5 of 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~~**DEPARTMENT** of ~~veterans' affairs,~~
10 **VETERANS AFFAIRS**, of not less than 4 postgraduate education
11 residency programs approved by the board under section 17031(1) for
12 not less than the 3 years immediately preceding the date of an
13 application for a limited license under section 16182(2)(c) or an
14 application for a full license under section 17031(2), ~~provided~~
15 ~~that~~**IF** at least 1 of the residency programs is in the specialty
16 area of medical practice, or in a specialty area that includes the
17 subspecialty of medical practice, in which the applicant for a
18 limited license proposes to practice or in which the applicant for
19 a full license 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 date
22 of an application for a limited license under section 16182(2)(c)
23 or an application for a full license under section 17031(2). As
24 used in this ~~subparagraph,~~**SUB-SUBPARAGRAPH**, "medical education"
25 means 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.

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

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

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

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

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

(G) ~~(d)~~—"Physician" means an individual **WHO IS** licensed under

1 this article to engage in the practice of medicine.

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

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

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

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

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

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

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

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

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

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

18 (3) For individuals applying for licensure under section
19 16186, the board shall not impose requirements on graduates of
20 medical schools located outside the United States or Canada that
21 exceed the requirements imposed on graduates of medical schools
22 located in the United States or Canada.

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

27 (a) The applicant has disclosed that a sanction is in force

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

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

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

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

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

19 (5) Except as otherwise provided in this subsection, the
20 following words, titles, or letters or a combination ~~thereof, OF~~
21 **THE WORDS, TITLES, OR LETTERS**, with or without qualifying words or
22 phrases, are restricted in use only to those individuals authorized
23 under this part to use the terms and in a way prescribed in this
24 part: "doctor of medicine", "m.d.", "physician's assistant", and
25 "p.a.", **"ANESTHESIOLOGIST ASSISTANT", AND "A.A."**. Notwithstanding
26 section 16261, an individual who was specially trained at an
27 institution of higher education in this state to assist a physician

1 in the field of orthopedics and, upon completion of training,
2 received a 2-year associate of science degree as an orthopedic
3 physician's assistant before January 1, 1977 may use the title
4 "orthopedic physician's assistant" whether or not the individual is
5 licensed under this part.

6 SEC. 17079. (1) AFTER THE EFFECTIVE DATE OF THE RULES
7 PROMULGATED BY THE BOARD UNDER SECTION 17080, AN INDIVIDUAL SHALL
8 NOT ENGAGE IN PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT UNLESS HE
9 OR SHE IS LICENSED OR OTHERWISE AUTHORIZED UNDER THIS ARTICLE AS AN
10 ANESTHESIOLOGIST ASSISTANT.

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

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

24 (A) COMPLETION OF A GRADUATE LEVEL TRAINING PROGRAM ACCREDITED
25 BY THE COMMISSION ON ACCREDITATION OF ALLIED HEALTH EDUCATION
26 PROGRAMS OR ITS SUCCESSOR AGENCY AND APPROVED BY THE DEPARTMENT.

27 (B) SUCCESSFUL COMPLETION OF A CERTIFYING EXAMINATION FOR

1 ANESTHESIOLOGIST ASSISTANTS ADMINISTERED BY THE NATIONAL COMMISSION
2 FOR CERTIFICATION OF ANESTHESIOLOGIST ASSISTANTS OR ITS SUCCESSOR
3 AGENCY AND APPROVED BY THE DEPARTMENT.

4 (C) SUCCESSFUL COMPLETION OF A COURSE IN ADVANCED CARDIAC
5 LIFE-SUPPORT TECHNIQUES OFFERED OR APPROVED BY THE AMERICAN HEART
6 ASSOCIATION, THE AMERICAN RED CROSS, OR A SIMILAR ORGANIZATION AND
7 APPROVED BY THE DEPARTMENT.

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

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

14 (B) REQUIRE IMMEDIATE AVAILABILITY OF THE SUPERVISING
15 ANESTHESIOLOGIST AT ALL TIMES.

16 (C) REQUIRE THE SUPERVISING ANESTHESIOLOGIST TO ENSURE THAT
17 ALL ACTIVITIES, FUNCTIONS, SERVICES, AND TREATMENT MEASURES
18 PERFORMED BY AN ANESTHESIOLOGIST ASSISTANT ARE PROPERLY DOCUMENTED
19 BY THE ANESTHESIOLOGIST ASSISTANT.

20 (D) REQUIRE THE ANESTHESIOLOGIST ASSISTANT TO INFORM THE
21 SUPERVISING ANESTHESIOLOGIST OF SERIOUS ADVERSE EVENTS.

22 (E) ESTABLISH AN APPROPRIATE RATIO OF SUPERVISING
23 ANESTHESIOLOGISTS TO ANESTHESIOLOGIST ASSISTANTS, EXCEPT IN
24 EMERGENCY CASES.

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

1 SEC. 17081. (1) AFTER ISSUING A LICENSE TO AN ANESTHESIOLOGIST
2 ASSISTANT, THE BOARD SHALL REGISTER THE ANESTHESIOLOGIST ASSISTANT
3 ON AN ANESTHESIOLOGIST ASSISTANTS' ROSTER. THE BOARD SHALL INCLUDE
4 ALL OF THE FOLLOWING INFORMATION ON THE ROSTER:

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

6 (B) OTHER BOARD-REQUIRED INFORMATION.

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

10 Enacting section 1. This amendatory act takes effect 90 days
11 after the date it is enacted into law.