

HOUSE BILL No. 6056

May 23, 2018, Introduced by Reps. Farrington, Marino, Canfield, Yaroach, Sabo, Wentworth, Frederick, LaFave and Kesto and referred to the Committee on Military and Veterans Affairs.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 16215 (MCL 333.16215), as amended by 2005 PA
211, and by adding section 16215a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16215. (1) Subject to subsections (2) to (6) **AND SECTION**
2 **16215A**, a licensee who holds a license other than a health
3 profession subfield license may delegate to a licensed or
4 unlicensed individual who is otherwise qualified by education,
5 training, or experience the performance of selected acts, tasks, or
6 functions where the acts, tasks, or functions fall within the scope
7 of practice of the licensee's profession and will be performed
8 under the licensee's supervision. A licensee shall not delegate an
9 act, task, or function under this section if the act, task, or
10 function, under standards of acceptable and prevailing practice,

1 requires the level of education, skill, and judgment required of
2 the licensee under this article.

3 (2) Subject to subsection (1) and except as otherwise provided
4 in this subsection and subsections (3) and (4), a licensee who is
5 an allopathic physician or osteopathic physician and surgeon shall
6 delegate an act, task, or function that involves the performance of
7 a procedure that requires the use of surgical instrumentation only
8 to an individual who is licensed under this article. A licensee who
9 is an allopathic physician or osteopathic physician and surgeon may
10 delegate an act, task, or function described in this subsection to
11 an individual who is not licensed under this article if the
12 unlicensed individual is 1 or more of the following and if the
13 procedure is directly supervised by a licensed allopathic physician
14 or osteopathic physician and surgeon who is physically present
15 during the performance of the procedure:

16 (a) A student enrolled in a school of medicine or osteopathic
17 medicine approved by the Michigan board of medicine or the Michigan
18 board of osteopathic medicine and surgery.

19 (b) A student enrolled in a physician's assistant training
20 program approved by the joint physician's assistant task force
21 created under part 170.

22 (3) Subject to subsection (1), a licensee who is an allopathic
23 physician or osteopathic physician and surgeon may delegate an act,
24 task, or function described in subsection (2) to an individual who
25 is not licensed under this article and who is 1 of the following:

26 (a) Performing acupuncture.

27 (b) Surgically removing only bone, skin, blood vessels,

1 cartilage, dura mater, ligaments, tendons, pericardial tissue, or
2 heart valves only from a deceased individual for transplantation,
3 implantation, infusion, injection, or other medical or scientific
4 purpose.

5 (4) Subject to subsection (1), a licensee who is an allopathic
6 physician or osteopathic physician and surgeon may delegate an act,
7 task, or function described in subsection (2) to an individual who
8 is not licensed under this article if the procedure is directly
9 supervised by a licensed allopathic physician or osteopathic
10 physician and surgeon who is physically present during the
11 performance of the procedure, the delegation of such procedure is
12 not prohibited or otherwise restricted by the board or that health
13 facility or agency, and the delegation of that act, task, or
14 function is specifically authorized by that health facility or
15 agency to be delegated and performed by either of the following
16 unlicensed individuals:

17 (a) A surgical technologist who meets the qualifications
18 established by the health facility or agency with which he or she
19 is employed or under contract with.

20 (b) A surgical first assistant who meets the qualifications
21 established by the health facility or agency with which he or she
22 is employed or under contract with.

23 (5) A board may promulgate rules to further prohibit or
24 otherwise restrict delegation of specific acts, tasks, or functions
25 to a licensed or unlicensed individual if the board determines that
26 the delegation constitutes or may constitute a danger to the
27 health, safety, or welfare of the patient or public.

1 (6) To promote safe and competent practice, a board may
2 promulgate rules to specify conditions under which, and categories
3 and types of licensed and unlicensed individuals for whom, closer
4 supervision may be required for acts, tasks, and functions
5 delegated under this section.

6 (7) An individual who performs acts, tasks, or functions
7 delegated pursuant to this section does not violate the part that
8 regulates the scope of practice of that health profession.

9 (8) The amendatory act that added this subsection does not
10 require new or additional third party reimbursement or mandated
11 worker's compensation benefits for services rendered by an
12 individual authorized to perform those services under subsection
13 (4).

14 **SEC. 16215A. (1) SUBJECT TO SECTION 16215(1), A PHYSICIAN OR**
15 **PODIATRIST MAY DELEGATE AN ACT, TASK, OR FUNCTION TO MILITARY**
16 **MEDICAL PERSONNEL WHILE THAT INDIVIDUAL IS PARTICIPATING IN THE**
17 **PILOT PROGRAM DESCRIBED IN SUBSECTION (2).**

18 **(2) THE DEPARTMENT, IN COLLABORATION WITH THE DEPARTMENT OF**
19 **MILITARY AND VETERANS AFFAIRS, SHALL ESTABLISH A PILOT PROGRAM IN**
20 **WHICH MILITARY MEDICAL PERSONNEL MAY PRACTICE AND PERFORM CERTAIN**
21 **DELEGATED ACTS, TASKS, OR FUNCTIONS UNDER THE SUPERVISION OF A**
22 **PHYSICIAN OR PODIATRIST WHO IS LICENSED UNDER THIS ARTICLE. ALL OF**
23 **THE FOLLOWING APPLY TO THE PILOT PROGRAM DESCRIBED IN THIS**
24 **SUBSECTION:**

25 **(A) THE DELEGATION OF AN ACT, TASK, OR FUNCTION TO MILITARY**
26 **MEDICAL PERSONNEL MUST REFLECT HIS OR HER LEVEL OF TRAINING AND**
27 **EXPERIENCE.**

1 (B) THE SUPERVISING PHYSICIAN OR PODIATRIST RETAINS
2 RESPONSIBILITY FOR THE CARE OF THE PATIENT.

3 (C) ANY LICENSED PHYSICIAN OR PODIATRIST, A PROFESSIONAL
4 CORPORATION, PROFESSIONAL LIMITED LIABILITY COMPANY, OR PARTNERSHIP
5 OF A LICENSED PHYSICIAN OR PODIATRIST, ANY HOSPITAL THAT IS
6 LICENSED UNDER ARTICLE 17, OR ANY COMMERCIAL ENTERPRISE THAT HAS
7 MEDICAL FACILITIES FOR ITS EMPLOYEES THAT ARE SUPERVISED BY 1 OR
8 MORE PHYSICIANS OR PODIATRISTS MAY PARTICIPATE IN THE PILOT
9 PROGRAM.

10 (D) THE DEPARTMENT, IN COLLABORATION WITH THE DEPARTMENT OF
11 MILITARY AND VETERANS AFFAIRS, SHALL ESTABLISH GENERAL REQUIREMENTS
12 FOR PARTICIPATING MILITARY MEDICAL PERSONNEL, LICENSEES, AND
13 EMPLOYERS.

14 (3) AS USED IN THIS SECTION:

15 (A) "MILITARY MEDICAL PERSONNEL" MEANS AN INDIVIDUAL WHO HAS
16 RECENTLY SERVED AS A MEDIC IN THE UNITED STATES ARMY, MEDICAL
17 TECHNICIAN IN THE UNITED STATES AIR FORCE, OR CORPSMAN IN THE
18 UNITED STATES NAVY OR THE UNITED STATES COAST GUARD AND WHO WAS
19 DISCHARGED OR RELEASED FROM THAT SERVICE UNDER CONDITIONS OTHER
20 THAN DISHONORABLE.

21 (B) "PHYSICIAN" MEANS AN INDIVIDUAL WHO IS LICENSED AS A
22 PHYSICIAN UNDER PART 170 OR PART 175.

23 (C) "PODIATRIST" MEANS AN INDIVIDUAL WHO IS LICENSED AS A
24 PODIATRIST UNDER PART 180.

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