

Legislative Analysis



COVID-19 TESTING SERVICES

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House Bill 6293 as introduced
Sponsor: Rep. Graham Filler
Committee: Government Operations
Complete to 10-13-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 6293 would amend the Public Health Code to allow certain qualified licensees and other individuals to perform COVID-19 testing services. The bill would sunset (repeal itself) on January 1, 2021.

Under the bill, notwithstanding any other provision of the code, a *qualified licensee* could administer **COVID-19 testing services** as described below.

Qualified licensee would mean any of the following licensed under the appropriate provisions of Article 15 (Occupations) of the code:

- A pharmacist.
- An advanced practice registered nurse.
- A registered professional nurse.
- A licensed practical nurse.
- A physician's assistant.

COVID-19 testing services would mean the collection of specimens from individuals to be tested for **COVID-19** by a laboratory or entity meeting the requirements described in the bill.

COVID-19 would mean coronavirus disease 2019 (COVID-19).

A qualified licensee could order a laboratory test classified by the US Food and Drug Administration (FDA) as moderate or high complexity to administer COVID-19 testing services. Provisions of Article 15 that relate to scope of practice, supervision, and delegation would not apply to a qualified licensee to the extent necessary to allow him or her to administer COVID-19 testing services.

A qualified licensee administering COVID-19 testing services under the bill would have to do all of the following:

- Ensure that an individual volunteering or working at the location where COVID-19 testing services are administered, including the qualified licensee, receives the necessary training and uses personal protective equipment when collecting specimens to be tested for COVID-19.
- Ensure that a collected specimen is tested by a laboratory or entity in accordance with federal law, that any test classified by the FDA as high complexity is tested at a laboratory that is certified under 42 CFR part 493, and that any test classified by the

FDA as waived is tested at a laboratory that holds a certificate of waiver under 42 CFR part 493.

- Comply with any reporting requirements of the Department of Health and Human Services (DHHS).
- Ensure that a collected specimen is securely stored pending retrieval by a laboratory or entity described above.
- Refer an individual receiving a test for COVID-19 under the bill to an appropriate health professional licensee or registrant for follow-up care.

An individual not licensed, registered, or otherwise authorized to engage in a health profession under Article 15 could perform a task or function associated with COVID-19 testing services if he or she was trained to perform the task or function and was supervised by a qualified licensee or a representative of a local health department who was trained to perform that supervision. These tasks or functions could include:

- Screening an individual receiving a test for COVID-19 under the bill.
- Observing self-swabbing by an individual receiving a test for COVID-19 under the bill.
- Temporarily storing a specimen pending its transmittal to a laboratory or entity described below.
- Reporting a COVID-19 test result to DHHS.
- Referring an individual receiving a test for COVID-19 under the bill to an appropriate licensee or registrant for follow-up care.

The bill would provide that a qualified licensee or other individual who performed a task or function associated with COVID-19 testing services in accordance with the above provisions has the same rights and immunities and must be treated in the same manner as personnel of a disaster relief force under section 11(1)(c) of the Emergency Management Act. That section provides for immunity from civil liability for personal injury or property damage caused by an person's act or omission in providing disaster relief services, except for an act or omission that is willful or gross negligence.

Proposed MCL 333.16113

FISCAL IMPACT:

The bill would not have a significant fiscal impact on the state or local units of government.

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