

SUBSTITUTE FOR
HOUSE BILL NO. 6293

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 16113; and to repeal
acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16113. (1) Notwithstanding any provision of this code to
2 the contrary, all of the following apply to a qualified licensee or
3 other individual:

4 (a) Subject to subsection (2), a qualified licensee may
5 administer COVID-19 testing services in accordance with this
6 section.

7 (b) A qualified licensee may order a laboratory test that is
8 classified by the United States Food and Drug Administration as



1 moderate or high complexity for the purposes of administering
2 COVID-19 testing services under this section.

3 (c) The provisions of this article that relate to scope of
4 practice, supervision, and delegation do not apply to a qualified
5 licensee but only to the extent necessary to allow the qualified
6 licensee to administer COVID-19 testing services in accordance with
7 this section.

8 (d) An individual who is not licensed, registered, or
9 otherwise authorized to engage in a health profession under this
10 article may perform a task or function associated with COVID-19
11 testing services, including, but not limited to, any of the
12 following, if the individual has been trained to perform the task
13 or function and is supervised by a qualified licensee or a
14 representative of a local health department who has been trained to
15 supervise the performance of the task or function:

16 (i) Screening an individual receiving a test for COVID-19 under
17 this section.

18 (ii) Observing self-collection of a saliva sample or self-
19 swabbing by an individual receiving a test for COVID-19 under this
20 section.

21 (iii) Temporarily storing a specimen pending its transmittal to
22 a laboratory or entity described in subsection (2).

23 (iv) Reporting a COVID-19 test result to the department of
24 health and human services.

25 (v) Referring an individual receiving a test for COVID-19
26 under this section to an appropriate licensee or registrant for
27 follow-up care.

28 (2) A qualified licensee administering COVID-19 testing
29 services under this section shall do all of the following:



1 (a) Ensure that an individual volunteering or working at the
2 location at which COVID-19 testing services are administered,
3 including the qualified licensee, receives the training necessary
4 to administer COVID-19 testing services.

5 (b) Ensure that an individual volunteering or working at the
6 location at which COVID-19 testing services are administered,
7 including the qualified licensee, uses personal protective
8 equipment when collecting specimens to be tested for COVID-19.

9 (c) Ensure that a specimen collected from an individual under
10 this section is tested by a laboratory or entity in accordance with
11 federal law, that any test classified by the United States Food and
12 Drug Administration as high complexity is tested at a laboratory
13 that is certified under 42 CFR part 493, and that any test
14 classified by the United States Food and Drug Administration as
15 waived is tested at a laboratory that holds a certificate of waiver
16 under 42 CFR part 493.

17 (d) Comply with any reporting requirements of the department
18 of health and human services.

19 (e) Ensure that a specimen collected under this section is
20 securely stored pending retrieval by a laboratory or entity
21 described in subdivision (c).

22 (f) Refer an individual receiving a test for COVID-19 under
23 this section to an appropriate licensee or registrant for follow-up
24 care.

25 (3) A qualified licensee or other individual who is performing
26 a task or function associated with COVID-19 testing services in
27 accordance with this section has the same rights and immunities and
28 shall be treated in the same manner as personnel of a disaster
29 relief force under section 11(1)(c) of the emergency management



1 act, 1976 PA 390, MCL 30.411.

2 (4) As used in this section:

3 (a) "COVID-19" means coronavirus disease 2019 (COVID-19).

4 (b) "COVID-19 testing services" means the collection of
5 specimens from individuals to be tested for COVID-19 by a
6 laboratory or entity meeting the requirements described in
7 subsection (2).

8 (c) "Qualified licensee" means any of the following:

9 (i) A pharmacist licensed under part 177.

10 (ii) An advanced practice registered nurse as that term is
11 defined in section 17201.

12 (iii) A registered professional nurse licensed under part 172.

13 (iv) A licensed practical nurse licensed under part 172.

14 (v) A physician's assistant licensed under part 170 or 175.

15 (5) This section is repealed effective June 30, 2021.

