

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2020**

Introduced by Rep. Frederick

ENROLLED HOUSE BILL No. 4098

AN ACT to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending sections 21903, 21905, 21907, 21909, 21911, 21913, 21915, 21919, 21921, and 21923 (MCL 333.21903, 333.21905, 333.21907, 333.21909, 333.21911, 333.21913, 333.21915, 333.21919, 333.21921, and 333.21923), as added by 2017 PA 172.

The People of the State of Michigan enact:

Sec. 21903. (1) “Certificate of permit” means a document issued by the department as evidence of a permit.
(2) “Certificate of registration” means a document issued by the department as evidence of registration.
(3) “Fund” means the nurse aide and medication aide registration fund created in section 21921.
(4) “Medication aide” means a nurse aide who holds a registration to engage in practice as a medication aide. A medication aide is not a health professional licensed under article 15, a registered dietitian, or someone who volunteers to provide nursing or nursing-related services without pay.

(5) “Medication aide trainer” means an individual who holds a permit to provide training to a medication aide candidate who is enrolled in a medication aide training program.

(6) “Medication aide training program” means an instructional program provided at a qualified educational institution that prepares a nurse aide with the knowledge and ability to engage in practice as a medication aide and that is offered by a person who holds a permit.

(7) “Nurse aide” means an individual who holds a registration to engage in practice as a nurse aide. A nurse aide is not a health professional licensed under article 15, a registered dietitian, or someone who volunteers to provide nursing or nursing-related services without pay.

(8) “Nurse aide trainer” means an individual who holds a permit to provide training to a nurse aide candidate who is enrolled in a nurse aide training program.

(9) “Nurse aide training program” means an instructional program that prepares a nurse aide candidate with the knowledge and ability to engage in practice as a nurse aide and that is offered by a person that holds a permit.

Sec. 21905. (1) “Permit” means an authorization granted by the department under this part to conduct training or instruction of nurse aide candidates or medication aide candidates under the programs described in section 21907.

(2) “Practice as a medication aide” means administering regularly scheduled medications to residents of a nursing home or skilled nursing facility while under the supervision of a registered professional nurse licensed under article 15. Practice as a medication aide is not the practice of nursing as that term is defined in section 17201 and does not include administering controlled substances, administering medications in injectable forms, the initial administration of medications, or the administration of as needed medications including pro re nata medications.

(3) “Practice as a nurse aide” means providing nursing or nursing-related services to a patient or resident. Practice as a nurse aide is not the practice of nursing as that term is defined in section 17201.

(4) “Qualified educational institution” means a degree- or certificate-granting public or private college or university, junior college, or community college.

(5) “Registration” means an authorization granted by the department under this part granting permission to an individual to engage in practice as a nurse aide under the program described in section 21907(a) or engage in practice as a medication aide under the program described in section 21907(b).

Sec. 21907. The department shall do both of the following:

(a) Administer a nurse aide training and permit program in this state in conformance with this part, 42 USC 1396r, and 42 CFR parts 483 and 488.

(b) Administer a medication aide training and permit program as established in rules promulgated by the department under this part.

Sec. 21909. (1) An individual shall not do any of the following:

(a) Engage in practice as a nurse aide unless the individual holds a registration to engage in practice as a nurse aide or is in compliance with 42 CFR 483.35.

(b) Engage in practice as a medication aide unless the individual holds a registration to engage in practice as a medication aide.

(2) A person shall not do any of the following:

(a) Offer a nurse aide training program or provide training or instruction to a nurse aide candidate unless the person holds a permit to offer that training program or provide that training or instruction.

(b) Offer a medication aide training program or provide training or instruction to a medication aide candidate unless the person holds a permit to offer that training program or provide that training or instruction.

Sec. 21911. (1) The department may grant a registration to engage in practice as a nurse aide to an applicant who meets all of the following requirements:

(a) Submits an application on a form and in a manner prescribed by the department.

(b) Pays the fee prescribed in section 21919.

(c) Demonstrates to the department that he or she has successfully completed a nurse aide training program and a competency examination approved by the department.

(d) Meets the requirements for registration in rules promulgated under section 21923.

(2) The department may grant a registration to engage in practice as a medication aide to an applicant who meets all of the following requirements:

(a) Submits an application on a form and in a manner prescribed by the department.

(b) Pays the fee prescribed in section 21919.

(c) Demonstrates to the department that he or she holds a current registration to engage in practice as a nurse aide and that he or she has worked as a nurse aide in a nursing home or skilled nursing facility for at least 2,000 hours during the 2-year period immediately preceding the date of his or her application.

(d) Demonstrates to the department that he or she has successfully completed a medication aide training program and a competency examination approved by the department.

(e) Meets the requirements for registration in rules promulgated under section 21923.

(3) The department may grant a permit as a nurse aide trainer to an applicant who meets all of the following requirements:

(a) Submits an application on a form and in a manner prescribed by the department.

(b) Pays the fee prescribed in section 21919.

(c) Is a registered professional nurse licensed under article 15 who meets the requirements of 42 CFR 483.152(a)(5)(i) and (ii), or who meets the requirements for a permit in rules promulgated under section 21923.

(4) The department may grant a permit as a medication aide trainer to an applicant who meets all of the following requirements:

(a) Submits an application on a form and in a manner prescribed by the department.

(b) Pays the fee prescribed in section 21919.

(c) Is a registered professional nurse licensed under article 15 who meets the requirements for a permit in rules promulgated under section 21923.

(5) The department may grant a permit as a nurse aide training program or medication aide training program to an applicant that meets all of the following requirements:

(a) Submits an application on a form and in a manner prescribed by the department.

(b) Pays the fee prescribed in section 21919.

(c) Meets the requirements for a permit in rules promulgated under section 21923.

(d) Demonstrates to the department that the applicant's curriculum is consistent with other nurse aide training programs or medication aide training programs, as provided by rules promulgated by the department under this part. However, a medication aide training program must incorporate the National Council of State Boards of Nursing medication assistant-certified model curriculum.

(6) A registration or permit is not transferable. A certificate of registration or certificate of permit must state the persons to which it applies.

Sec. 21913. The department may grant registration to an applicant who is from another state if the applicant meets any of the following requirements:

(a) If the applicant is seeking a registration to practice as a nurse aide, the applicant passes a training program that the department determines is equivalent to or exceeds a nurse aide training program offered in this state and the applicant passes a competency examination approved by the department.

(b) If the applicant is seeking a registration to practice as a nurse aide, the applicant's status as a nurse aide in the other state is in good standing, as verified by that state's nurse aide registry, and the department determines that the other state's training program is equivalent to or exceeds a nurse aide training program offered in this state.

(c) If the applicant is seeking a registration to practice as a medication aide, the applicant demonstrates to the department that he or she has successfully completed a medication aide training program from Indiana, Ohio, or Wisconsin, and the applicant passes a competency examination approved by the department.

Sec. 21915. (1) A registration or permit is effective for no longer than 2 years after the date it was granted.

(2) If a nurse aide or medication aide does not renew his or her registration, he or she shall not engage in practice as a nurse aide or practice as a medication aide until his or her registration is renewed by the department. If a nurse aide trainer or medication aide trainer does not renew his or her permit, he or she shall not provide training to a nurse aide candidate or medication aide candidate until his or her permit is renewed by the department. If a person does not renew its permit as a nurse aide training program, the nurse aide training program or medication aide training program shall not provide instruction to a nurse aide candidate or medication aide candidate until the permit is renewed by the department.

(3) A registration or permit is renewable if the applicant pays the fee prescribed in section 21919, submits an application for renewal to the department on a form and in a manner prescribed by the department, and demonstrates to the department that the applicant has met the requirements for renewal in rules promulgated under section 21923, including any requirement for the successful completion of continuing education.

Sec. 21919. (1) An applicant for registration to practice as a nurse aide or a permit to conduct training or instruction of a nurse aide candidate, or renewal of the registration or permit, shall pay the following biennial fees:

(a) Nurse aide	\$20.00
(b) Nurse aide trainer	\$40.00
(c) Except as otherwise provided in subdivision (d), nurse aid training program	\$300.00, per site
(d) Nurse aide training program offered by a secondary education institution or a skilled nursing facility	\$100.00, per site

(2) An applicant for registration to practice as a medication aide or a permit to conduct training or instruction of a medication aide candidate, or renewal of the registration or permit, shall pay the following annual fees:

(a) Medication aide	\$64.00
(b) Medication aide trainer	\$80.00
(c) Medication aide training program	\$500, per site

(3) In addition to the fees prescribed in subsection (1) or (2), an applicant for registration shall pay a nurse aide or medication aide competency examination fee of \$125.00, per examination.

(4) The fees prescribed in this section are payable to the department or the department's contractor at the time an application for an initial or renewal registration or permit is submitted to the department. If an application for registration or permit is denied, or if registration or permit is revoked before its expiration date, the department shall not refund the fees paid to the department.

Sec. 21921. (1) The nurse aide and medication aide registration fund is created within the state treasury.

(2) The state treasurer shall credit the fees collected under section 21919 to the fund and may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year must remain in the fund and does not lapse to the general fund.

(4) The department is the administrator of the fund for auditing purposes.

(5) The department shall expend money from the fund, upon appropriation, only to implement the programs described in section 21907.

Sec. 21923. (1) Notwithstanding any rule-promulgation authority that is provided in this article, the department may only promulgate rules as provided in this part and to establish the following:

(a) Requirements for surveying a nurse aide training program or medication aide training program. The requirements for surveying a medication aide training program must not exceed the standards established by the National Council of State Boards of Nursing medication assistant-certified model curriculum.

(b) Requirements for investigating allegations against a nurse aide or medication aide in a nursing home or skilled nursing facility where a nurse aide engages in the practice as a nurse aide or a medication aide engages in the practice of a medication aide and taking action against that nurse aide or medication aide.

(c) Requirements for investigating allegations and taking action against a nurse aide trainer, nurse aide training program, medication aide trainer, or medication aide training program.

(d) Requirements for enforcing this part.

(e) Eligibility requirements to grant and renew a registration or permit under this part.

(f) Competency requirements.

(g) Examination requirements for registration.

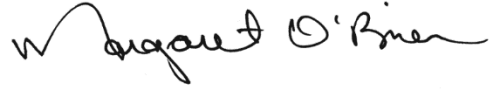
(h) Requirements for renewal.

(2) Rules promulgated under this part that are applicable to nursing homes or skilled nursing facilities must be uniform insofar as is reasonable.

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



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor