

# HOUSE BILL NO. 4098

January 29, 2019, Introduced by Rep. Frederick and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
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:**

**1**           Sec. 21903. (1) "Certificate of permit" means a document  
**2**           issued by the department as evidence of a permit.

1           (2) "Certificate of registration" means a document issued by  
2 the department as evidence of registration.

3           (3) "Fund" means the nurse aide ~~registry~~ **and medication aide**  
4 **registration** fund created in section 21921.

5           (4) "**Medication aide**" means a nurse aide who holds a  
6 registration to engage in practice as a medication aide. A  
7 medication aide is not a health professional licensed under article  
8 15, a registered dietitian, or someone who volunteers to provide  
9 nursing or nursing-related services without pay.

10          (5) "**Medication aide trainer**" means an individual who holds a  
11 permit to provide training to a medication aide candidate who is  
12 enrolled in a medication aide training program.

13          (6) "**Medication aide training program**" means an instructional  
14 program that prepares a nurse aide with the knowledge and ability  
15 to engage in practice as a medication aide and that is offered by a  
16 person who holds a permit.

17          (7) ~~(4)~~—"Nurse aide" means an individual who holds a  
18 registration **to engage in practice as a nurse aide**. A nurse aide is  
19 not a health professional licensed under article 15, a registered  
20 dietitian, or someone who volunteers to provide nursing or nursing-  
21 related services without pay.

22          (8) ~~(5)~~—"Nurse aide trainer" means an individual who holds a  
23 permit to provide training to a nurse aide candidate who is  
24 enrolled in a nurse aide training program.

25          (9) ~~(6)~~—"Nurse aide training program" means an instructional  
26 program that prepares a nurse aide candidate with the knowledge and  
27 ability to **engage in** practice as a nurse aide and that is offered  
28 by a person that holds a permit.

29          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 ~~program.~~**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 or licensed practical nurse licensed under article 15. Practice as a medication aide does not include administering controlled substances or medications in injectable forms or the initial administration of medications.

(3) ~~(2)~~—"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.

~~(3) "Program" means the nurse aide training and registration program described in section 21907.~~

(4) "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 ~~administer~~**do both of the following:**

(a) **Administer** a nurse aide training and ~~registration~~**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.**

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

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

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

9           **(2)** A person shall not ~~offer~~**do any of the following:**

10          **(a) Offer** a nurse aide training program or provide training or  
11 instruction to a nurse aide candidate unless the ~~individual~~**person**  
12 holds a permit **to offer that training program or provide that**  
13 **training or instruction.**

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

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

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

23          **(b)** Pays the fee prescribed in section 21919.

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

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

29          **(2) The department may grant a registration to engage in**

1 practice as a medication aide to an applicant who meets all of the  
2 following requirements:

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

5 (b) Pays the fee prescribed in section 21919.

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

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

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

16 (3) ~~(2)~~—The department may grant a permit as a nurse aide  
17 trainer to an applicant who meets all of the following  
18 requirements:

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

21 (b) Pays the fee prescribed in section 21919.

22 (c) Is a registered professional nurse licensed under article  
23 15 who meets the requirements of 42 CFR 483.152(a)(5)(i) and (ii),  
24 or who meets the requirements for a permit in rules promulgated  
25 under section 21923.

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

29 (a) Submits an application on a form and in a manner

1     prescribed by the department.

2             (b) Pays the fee prescribed in section 21919.

3             (c) Is a registered professional nurse licensed under article  
4     15 who meets the requirements for a permit in rules promulgated  
5     under section 21923.

6             (5) ~~(3)~~—The department may grant a permit as a nurse aide  
7     **training program or medication aide** training program to an  
8     applicant that meets all of the following requirements:

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

11            (b) Pays the fee prescribed in section 21919.

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

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

20            (6) ~~(4)~~—A registration or permit is not transferable. A  
21     certificate of registration or certificate of permit must state the  
22     persons to which it applies.

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

26            (a) The applicant passes a training program that the  
27     department determines is equivalent to or exceeds a nurse aide  
28     **training program or medication aide** training program offered in  
29     this state and the applicant passes a competency examination

1 approved by the department.

2 (b) The applicant's status as a nurse aide **or medication aide**  
3 in the other state is in good standing, as verified by that state's  
4 nurse aide **registry or medication aide** registry, and the department  
5 determines that the other state's training program is equivalent to  
6 or exceeds a nurse aide **training program or medication aide**  
7 training program offered in this state.

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

10 (2) If a nurse aide **or medication aide** does not renew his or  
11 her registration, ~~the nurse aide~~ **he or she** shall not **engage in**  
12 practice as a nurse aide **or practice as a medication aide** until his  
13 or her registration is renewed by the department. If a nurse aide  
14 **trainer or medication aide** trainer does not renew his or her  
15 permit, ~~the nurse trainer~~ **he or she** shall not provide training to a  
16 nurse aide **candidate or medication aide** candidate until his or her  
17 permit is renewed by the department. If a person does not renew its  
18 permit as a nurse aide training program, the nurse aide **training**  
19 **program or medication aide** training program shall not provide  
20 instruction to a nurse aide **candidate or medication aide** candidate  
21 until the permit is renewed by the department.

22 (3) A registration or permit is renewable if the applicant  
23 pays the fee prescribed in section 21919, submits an application  
24 for renewal to the department on a form and in a manner prescribed  
25 by the department, and demonstrates to the department that the  
26 applicant has met the requirements for renewal in rules promulgated  
27 under section 21923.

28 Sec. 21919. (1) An applicant for registration or a permit, or  
29 renewal of a registration or a permit, shall pay the following

1 biennial fees:

2 (a) Nurse aide \$20.00

3 **(b) Medication aide \$20.00**

4 **(c) ~~(b)~~ Nurse aide trainer or medication**

5 **aide** trainer \$40.00

6 **(d) ~~(c)~~ Except as otherwise provided in**  
 7 **subdivision ~~(d)~~, ~~(e)~~, nurse aide training program**

8 **or medication aide** training program \$300.00, per site

9 **(e) ~~(d)~~ Nurse aide training program or**

10 **medication aide** training program offered by a  
 11 secondary education institution or a skilled  
 12 nursing facility \$100.00, per site

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

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

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

25 (2) The state treasurer shall credit the fees collected under  
 26 section 21919 to the fund and may receive money or other assets  
 27 from any source for deposit into the fund. The state treasurer  
 28 shall direct the investment of the fund. The state treasurer shall  
 29 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 ~~program~~ **programs described in section 21907.**

Sec. 21923. (1) The department may promulgate and enforce rules to implement this part. The rules may include, but not be limited to, rules establishing ~~requirements~~ **the following:**

(a) **Requirements** for surveying a nurse aide training program ~~investigating or medication aide training program.~~

(b) **Requirements for investigating** allegations against a nurse aide ~~or medication aide in a health facility or agency nursing home, a skilled nursing facility,~~ or another setting where a nurse aide engages in the practice as a nurse aide ~~, investigating or medication aid engages in the practice of a medication aide.~~

(c) **Requirements for investigating** allegations **and taking action** against a nurse aide trainer, ~~or nurse aide training program, and enforcing this part. The rules may also establish eligibility~~ **medication aide trainer, or medication aide training program.**

(d) **Requirements for enforcing this part.**

(e) **Eligibility** requirements to renew a registration or permit under this part. ~~, competency~~

(f) **Competency** requirements. ~~, and examination~~

(g) **Examination** requirements for registration.

(h) **Requirements for renewal.**

(2) Rules promulgated under this part that are applicable to

1 ~~health facilities or agencies~~ **nursing homes or skilled nursing**  
2 **facilities** must be uniform insofar as is reasonable.

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