

# HOUSE BILL NO. 6195

September 10, 2020, Introduced by Rep. Vaupel and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16215, 16284, 18802, 18805, 18811, 18812, and 18814 (MCL 333.16215, 333.16284, 333.18802, 333.18805, 333.18811, 333.18812, and 333.18814), section 16215 as amended by 2019 PA 140, section 16284 as added by 2016 PA 359, section 18802 as amended by 2000 PA 22, section 18805 as amended by 1982 PA 353, section 18811 as amended by 2006 PA 406, and section 18812 as amended by 1982 PA



337, and by adding sections 18811a, 18817, 18819, and 18829.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

13           (2) Subject to subsection (1) and except as otherwise provided  
 14 in this subsection and subsections (3) and (4), a licensee who is  
 15 an allopathic physician or osteopathic physician and surgeon shall  
 16 delegate an act, task, or function that involves the performance of  
 17 a procedure that requires the use of surgical instrumentation only  
 18 to an individual who is licensed under this article. A licensee who  
 19 is an allopathic physician or osteopathic physician and surgeon may  
 20 delegate an act, task, or function described in this subsection to  
 21 an individual who is not licensed under this article if the  
 22 unlicensed individual is 1 or more of the following and if the  
 23 procedure is directly supervised by a licensed allopathic physician  
 24 or osteopathic physician and surgeon who is physically present  
 25 during the performance of the procedure:

26           (a) A student enrolled in a school of medicine or osteopathic  
 27 medicine approved by the Michigan board of medicine or the Michigan



1 board of osteopathic medicine and surgery.

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

5 (3) 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 and who is 1 of the following:

9 (a) Performing acupuncture. This subdivision does not apply  
10 beginning 36 months after the effective date of the rules  
11 promulgated under section 16525 on the licensure of acupuncturists.

12 (b) Surgically removing only bone, skin, blood vessels,  
13 cartilage, dura mater, ligaments, tendons, pericardial tissue, or  
14 heart valves only from a deceased individual for transplantation,  
15 implantation, infusion, injection, or other medical or scientific  
16 purpose.

17 (4) Subject to subsection (1), a licensee who is an allopathic  
18 physician or osteopathic physician and surgeon may delegate an act,  
19 task, or function described in subsection (2) to an individual who  
20 is not licensed under this article if the procedure is directly  
21 supervised by a licensed allopathic physician or osteopathic  
22 physician and surgeon who is physically present during the  
23 performance of the procedure, the delegation of such procedure is  
24 not prohibited or otherwise restricted by the board or that health  
25 facility or agency, and the delegation of that act, task, or  
26 function is specifically authorized by that health facility or  
27 agency to be delegated and performed by either of the following  
28 unlicensed individuals:

29 (a) A surgical technologist who meets the qualifications



1 established by the health facility or agency with which he or she  
2 is employed or under contract.

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

6 (5) Subject to subsection (1), a veterinarian shall not  
7 delegate the performance of an act, task, or function unless both  
8 of the following are met:

9 (a) The veterinarian has established a veterinarian-client-  
10 patient relationship as that term is described in section 18817 for  
11 the patient on which the delegated act, task, or function is to be  
12 performed and has determined the need for the act, task, or  
13 function.

14 (b) The supervision required under subsection (1) includes  
15 that degree of close physical proximity necessary for the  
16 supervising veterinarian to observe and monitor the performance of  
17 the individual to whom the performance of the act, task, or  
18 function is delegated.

19 (6) ~~(5)~~—A board may promulgate rules to further prohibit or  
20 otherwise restrict delegation of specific acts, tasks, or functions  
21 to a licensed or unlicensed individual if the board determines that  
22 the delegation constitutes or may constitute a danger to the  
23 health, safety, or welfare of the patient or public.

24 (7) ~~(6)~~—To promote safe and competent practice, a board may  
25 promulgate rules to specify conditions under which, and categories  
26 and types of licensed and unlicensed individuals for whom, closer  
27 supervision may be required for acts, tasks, and functions  
28 delegated under this section.

29 (8) ~~(7)~~—An individual who performs acts, tasks, or functions



1 delegated ~~pursuant to~~**under** this section does not violate the part  
2 that regulates the scope of practice of that health profession.

3 **(9)** ~~(8)~~The amendatory act that added this subsection does not  
4 require new or additional third party reimbursement or mandated  
5 worker's compensation benefits for services rendered by an  
6 individual authorized to perform those services under subsection  
7 (4).

8 Sec. 16284. **(1)** Except as otherwise provided in ~~this section,~~  
9 **subsection (2)**, a health professional shall not provide a  
10 telehealth service without directly or indirectly obtaining consent  
11 for treatment. **If the health professional is a veterinarian, he or**  
12 **she is also subject to section 18817.**

13 **(2)** This section does not apply to a health professional who  
14 is providing a telehealth service to an inmate who is under the  
15 jurisdiction of the department of corrections and is housed in a  
16 correctional facility.

17 Sec. 18802. (1) "Abandoned by its owner" means any of the  
18 following:

19 (a) Failure of an owner to return to regain custody of an  
20 animal left in the custody of a veterinarian by its owner for  
21 treatment, boarding, or other services at the scheduled time for  
22 the animal's return or at completion of the services.

23 (b) Refusal of an owner to accept custody of an animal left in  
24 the custody of a veterinarian by its owner for treatment, boarding,  
25 or other services at the scheduled time for the animal's return or  
26 at completion of the services.

27 (c) Failure of an owner to provide payment for treatment,  
28 boarding, or other services on an animal left in the custody of a  
29 veterinarian by its owner as agreed ~~upon~~**on** by the owner and the



1 veterinarian.

2 (2) "Animal" means an animal other than a human being and  
3 includes all fowl, birds, fish, and reptiles, wild or domestic,  
4 living or dead, which may be carriers of infectious diseases.

5 (3) "Complementary, alternative, and integrative therapy"  
6 means a preventative, diagnostic, and therapeutic philosophy and  
7 practice that is not considered part of conventional, Western  
8 veterinary medicine and includes, but is not limited to, all of the  
9 following:

10 (a) Veterinary acupuncture, acuthery, and acupressure.

11 (b) Veterinary homeopathy.

12 (c) Veterinary manual or manipulative therapy.

13 (d) Veterinary nutraceutical therapy.

14 (e) Veterinary phytotherapy.

15 (4) "Direct supervision" means that degree of close physical  
16 proximity necessary for the supervising veterinarian to directly  
17 observe and monitor the performance of a student in an approved  
18 school of veterinary medicine and to ensure that the activities of  
19 the student are within the scope of the orders, assignments, or  
20 prescriptions of the veterinarian.

21 (5) ~~(3)~~ "Owner" means the actual owner of an animal, an agent  
22 of the owner of the animal, or a person with the apparent authority  
23 to act as the owner or as the agent of the owner of an animal.

24 ~~(4) "Supervision" includes that degree of close physical~~  
25 ~~proximity necessary for the supervising veterinarian to observe and~~  
26 ~~monitor the performance of a veterinary technician.~~

27 Sec. 18805. (1) "Practice as a veterinary technician" means  
28 the practice of veterinary medicine based on less comprehensive  
29 knowledge and skill than that required of a veterinarian and



1 performed under supervision of a veterinarian.

2 (2) "Practice of veterinary medicine" means:

3 (a) Prescribing or administering a drug, medicine, treatment,  
4 or method of procedure, **including, but not limited to,**  
5 **administering vaccinations;** performing an operation, **physical**  
6 **therapy,** or manipulation; **performing a dental procedure;** applying  
7 an apparatus or appliance; or giving an instruction or  
8 demonstration designed to alter ~~an animal from its normal~~ **the**  
9 **condition of an animal.**

10 (b) Curing, ameliorating, correcting, reducing, or modifying a  
11 disease, deformity, defect, wound, or injury in or to an animal.

12 (c) Diagnosing or prognosing, or both, a disease, deformity,  
13 or defect in an animal by a test, procedure, manipulation,  
14 technique, autopsy, biopsy, or other examination.

15 (d) **Providing a complementary, alternative, and integrative**  
16 **therapy.**

17 (3) **"Supervision" includes that degree of close physical**  
18 **proximity necessary for the supervising veterinarian to observe and**  
19 **monitor the performance of a veterinary technician.**

20 (4) ~~(3)~~—"Veterinarian" means an individual **who is** licensed  
21 under this article to engage in the practice of veterinary  
22 medicine.

23 Sec. 18811. (1) ~~A person~~ **An individual** shall not engage in the  
24 practice of veterinary medicine unless licensed or otherwise  
25 authorized by this article.

26 (2) ~~After July 1, 1979, an~~ **An** individual shall not practice as  
27 a veterinary technician without a license.

28 (3) A veterinary technician shall not diagnose animal  
29 diseases, prescribe medical or surgical treatment, or perform as a



1 surgeon.

2 (4) The following words, titles, or letters or a combination  
3 thereof, ~~of words, titles, or letters~~, with or without qualifying  
4 words or phrases, are restricted in use only to those persons  
5 **individuals** authorized under this part to use the terms and in a  
6 way prescribed in this part: "veterinary", "veterinarian",  
7 "veterinary doctor", "veterinary surgeon", "doctor of veterinary  
8 medicine", "v.m.d.", "d.v.m.", "animal technician", or "animal  
9 technologist".

10 **Sec. 18811a. (1) During a qualified state of emergency or to**  
11 **respond to a large-scale animal cruelty case, the board may grant a**  
12 **license to engage in the practice of veterinary medicine or**  
13 **practice as a veterinary technician for up to 90 days to an**  
14 **individual if all of the following requirements are met:**

15 (a) The individual is authorized to engage in the practice of  
16 veterinary medicine or practice as a veterinary technician in  
17 another state that maintains licensing standards substantially  
18 equivalent to those of this state.

19 (b) The applicant has established that disciplinary  
20 proceedings before a similar licensure board of any other state are  
21 not pending against the applicant.

22 (c) The applicant has established that if sanctions have been  
23 imposed against the applicant by a similar licensure board of any  
24 other state, the sanctions are not in force at the time of  
25 application.

26 (d) The applicant agrees to not receive any direct or indirect  
27 payment or compensation for any services performed under the  
28 emergency license unless he or she is receiving the payment or  
29 compensation from this state or the federal government.



1 (2) The board shall grant a license within 48 to 72 hours of  
 2 receiving a completed application under this section and shall not  
 3 charge a fee for a license under this section.

4 (3) As used in this section, "qualified state of emergency"  
 5 means a state of disaster or state of emergency declared under the  
 6 emergency management act, 1976 PA 390, MCL 30.401 to 30.421, or  
 7 1945 PA 302, MCL 10.31 to 10.33, that impacts animals.

8 Sec. 18812. (1) A limited license for practice apart from  
 9 veterinary education ~~shall~~**must** require that the individual be a  
 10 senior student in an approved school of veterinary medicine and be  
 11 under the **direct** supervision of a veterinarian licensed by this  
 12 state.

13 (2) Graduates of nonapproved veterinary education programs may  
 14 be granted a limited license under section 16182(1).

15 Sec. 18814. An individual is not engaging in the practice of  
 16 veterinary medicine in this state who **meets any of the following:**

17 (a) Administers to livestock owned by that individual, except  
 18 when the title **to the livestock** is vested in him or her for the  
 19 purpose of circumventing this act.

20 (b) Conducts experimentation and scientific research in the  
 21 development of methods, techniques, or treatments directly or  
 22 indirectly applicable to the problems of medicine and who in  
 23 connection therewith uses animals.

24 (c) Conducts routine vaccination and pullorum testing of  
 25 poultry under supervision of the ~~national poultry improvement plan~~  
 26 **National Poultry Improvement Plan** as administered by the official  
 27 state agency and the United States ~~department of~~  
 28 ~~agriculture.~~**Department of Agriculture.**

29 (d) Is a regularly employed veterinarian of the United States



1 ~~department of agriculture~~ **Department of Agriculture** or a full-time  
2 veterinary food inspector while engaged in the inspection of  
3 animals as food for human consumption.

4       **Sec. 18817. (1) Except as otherwise provided in subsection**  
5 **(3), a veterinarian shall not engage in the practice of veterinary**  
6 **medicine unless it is within the context of a veterinarian-client-**  
7 **patient relationship. All of the following requirements must be met**  
8 **for a veterinarian-client-patient relationship to exist:**

9       (a) The veterinarian must assume responsibility for making  
10 clinical judgments regarding the health of the patient and the need  
11 for medical treatment and the client must have agreed to follow the  
12 veterinarian's instructions.

13       (b) The veterinarian must have sufficient knowledge of the  
14 patient to initiate, at a minimum, a general or preliminary  
15 diagnosis of the medical condition of the patient. As used in this  
16 subdivision, "sufficient knowledge of the patient" means recently  
17 seen and be personally acquainted with the keeping and care of the  
18 patient by the client by virtue of examining the patient or by  
19 medically appropriate and timely professional visits to the  
20 location where the patient is kept. Sufficient knowledge of the  
21 patient cannot be established through telehealth.

22       (c) The veterinarian must be readily available, or must  
23 arrange for emergency coverage, for a follow-up evaluation in the  
24 event of an adverse reaction or the failure of the treatment  
25 regimen.

26       (2) A veterinarian may terminate a veterinarian-client-patient  
27 relationship by notifying the client that the veterinarian no  
28 longer wishes to serve the patient and the client. If a  
29 veterinarian terminates the veterinarian-client-patient



1 relationship under this subsection when the patient that is the  
2 subject of the relationship has an ongoing medical or surgical  
3 condition, the veterinarian shall refer the client to another  
4 veterinarian for the diagnosis, care, and treatment of the patient  
5 and shall continue to provide lifesaving support to the patient, as  
6 needed, until a new veterinarian-client-patient relationship is  
7 established.

8 (3) In an emergency and subject to section 16285, a  
9 veterinarian may engage in the practice of veterinary medicine  
10 through telehealth without a veterinarian-client-patient  
11 relationship until the patient can be seen in person by a  
12 veterinarian.

13 (4) As used in this section:

14 (a) "Client" means the owner of the animal.

15 (b) "Patient" means the animal.

16 (c) "Telehealth" means that term as defined in section 16283.

17 Sec. 18819. A veterinarian who recommends a prescription drug  
18 for an animal shall, on request of the animal's owner, issue the  
19 owner a prescription for the prescription drug instead of  
20 dispensing the prescription drug.

21 Sec. 18829. A licensee shall ensure that a facility does not  
22 represent that it provides emergency veterinary services unless all  
23 of the following requirements are met:

24 (a) The facility's primary function is receiving, treating,  
25 and monitoring animals that are emergency patients during its  
26 specific hours of operation.

27 (b) A veterinarian is in attendance during all hours of the  
28 facility's operation and sufficient staff is available to provide  
29 timely and appropriate care.



1           (c) The number of licensees, instruments, medications, and  
2 supplies is sufficient to provide animals with the appropriate  
3 level of emergency care.

4           (d) The facility is a full-services hospital or provides 1 of  
5 the following:

6           (i) Independent, after-hours emergency veterinary services.

7           (ii) Independent, 24-hour emergency veterinary services.

