

# HOUSE BILL NO. 6293

October 08, 2020, Introduced by Rep. Filler and referred to the Committee on Government Operations.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding section 16113.

## 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



1 administer COVID-19 testing services in accordance with this  
2 section.

3 (b) A qualified licensee may order a laboratory test that is  
4 classified by the United States Food and Drug Administration as  
5 moderate or high complexity for the purposes of administering  
6 COVID-19 testing services under this section.

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

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

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

22 (ii) Observing self-swabbing by an individual receiving a test  
23 for COVID-19 under this section.

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

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

28 (v) Referring an individual receiving a test for COVID-19  
29 under this section to an appropriate licensee or registrant for

1 follow-up care.

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

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

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

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

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

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

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

28 (3) A qualified licensee or other individual who is performing  
29 a task or function associated with COVID-19 testing services in

1 accordance with this section has the same rights and immunities and  
2 shall be treated in the same manner as personnel of a disaster  
3 relief force under section 11(1)(c) of the emergency management  
4 act, 1976 PA 390, MCL 30.411.

5 (4) As used in this section:

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

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

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

12 (i) A pharmacist licensed under part 177.

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

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

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

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

18 (5) This section is repealed effective January 1, 2021.

