

**SUBSTITUTE FOR
HOUSE BILL NO. 4316**

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, and by adding
sections 21912, 21916, 21918, and 21920.

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.
3 (2) "Certificate of registration" means a document issued by
4 the department as evidence of registration.
5 (3) "Fund" means the nurse aide ~~registry~~ **and medication aide**

1 **registration** fund created in section 21921.

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

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

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

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

20 (8) ~~(5)~~—"Nurse aide trainer" means an individual who holds a
21 **permit to provide training to a nurse aide candidate who is**
22 **enrolled in a nurse aide training program.**

23 (9) ~~(6)~~—"Nurse aide training program" means an instructional
24 **program that prepares a nurse aide candidate with the knowledge and**
25 **ability to engage in practice as a nurse aide and that is offered**
26 **by a person that holds a permit.**

27 Sec. 21905. (1) "Permit" means an authorization granted by the
28 department under this part to conduct training or instruction of
29 nurse aide **candidates under the program described in section**

21907(a) or medication aide candidates under the program described in section 21907(b) .

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

(5) ~~(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~~

1 program in this state in conformance with this part, 42 USC 1396r,
2 and 42 CFR parts 483 and 488.

3 **(b) Administer a medication aide training and permit program**
4 **as established in rules promulgated by the department under this**
5 **part. This subdivision does not apply beginning January 1, 2027.**

6 Sec. 21909. (1) An individual shall not engage in practice as
7 a nurse aide unless the individual holds a registration **to engage**
8 **in practice as a nurse aide** or is in compliance with 42 CFR 483.35.

9 (2) A person shall not offer a nurse aide training program or
10 provide training or instruction to a nurse aide candidate unless
11 the ~~individual~~**person** holds a permit **to offer that training program**
12 **or provide that training or instruction.**

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

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

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

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

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

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

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

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

29 (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.

(3) The department may grant a permit as a nurse 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,
 as provided by rules promulgated by the department under this part.

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

**Sec. 21912. 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 **a** registration to an
 applicant who is from another state **and seeking a registration to
 practice as a nurse aide** if the applicant meets ~~either~~**any** of the
 following requirements:

(a) 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) The applicant's status as a nurse aide in the other state

1 is in good standing, as verified by that state's nurse aide
2 registry, and the department determines that the other state's
3 training program is equivalent to or exceeds a nurse aide training
4 program offered in this state.

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

7 ~~(2) If a nurse aide does not renew his or her registration,~~
8 ~~the nurse aide shall not practice as a nurse aide until his or her~~
9 ~~registration is renewed by the department. If a nurse aide trainer~~
10 ~~does not renew his or her permit, the nurse trainer shall not~~
11 ~~provide training to a nurse aide candidate until his or her permit~~
12 ~~is renewed by the department. If a person does not renew its permit~~
13 ~~as a nurse aide training program, the nurse aide training program~~
14 ~~shall not provide instruction to a nurse aide candidate until the~~
15 ~~permit is renewed by the department.~~

16 (2) ~~(3)~~ A registration or permit is renewable if the applicant
17 pays the fee prescribed in ~~section 21919,~~ **this part**, submits an
18 application for renewal to the department on a form and in a manner
19 prescribed by the department, and demonstrates to the department
20 that the applicant has met the requirements for renewal in rules
21 promulgated under section 21923, **including any requirement for the**
22 **successful completion of continuing education.**

23 Sec. 21916. **If a nurse aide does not renew his or her**
24 **registration, he or she shall not engage in practice as a nurse**
25 **aide until his or her registration is renewed by the department. If**
26 **a nurse aide trainer does not renew his or her permit, he or she**
27 **shall not provide training to a nurse aide candidate until his or**
28 **her permit is renewed by the department. If a person does not renew**
29 **its permit as a nurse aide training program, the nurse aide**

1 training program shall not provide instruction to a nurse aide
2 candidate until the permit is renewed by the department.

3 Sec. 21918. The fees prescribed in this part are payable to
4 the department or the department's contractor at the time an
5 application for an initial or renewal registration or permit is
6 submitted to the department. If an application for registration or
7 permit is denied, or if a registration or permit is revoked before
8 its expiration date, the department shall not refund the fees paid
9 to the department.

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

14 (a) Nurse aide \$20.00

15 (b) Nurse aide trainer \$40.00

16 (c) Except as otherwise provided in
17 subdivision (d), nurse aide training program \$300.00, per site

18 (d) Nurse aide training program offered by
19 a secondary education institution or a skilled
20 nursing facility \$100.00, per site

21 (2) In addition to the fees prescribed in subsection (1), an
22 applicant for registration **to practice as a nurse aide** shall pay a
23 nurse aide competency examination fee of \$125.00, per examination.

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

1 ~~to the department.~~

2 Sec. 21920. (1) An individual shall not engage in practice as
3 a medication aide unless the individual holds a registration to
4 engage in practice as a medication aide.

5 (2) A person shall not offer a medication aide training
6 program or provide training or instruction to a medication aide
7 candidate unless the person holds a permit to offer that training
8 program or provide that training or instruction.

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

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

14 (b) Pays the fee prescribed in this section.

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

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

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

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

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

1 (b) Pays the fee prescribed in this section.

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

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

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

10 (b) Pays the fee prescribed in this section.

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

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

19 (6) The department may grant registration to an applicant who
20 is from another state and seeking a registration to practice as a
21 medication aide if the applicant demonstrates to the department
22 that he or she has successfully completed a medication aide
23 training program from Indiana, Ohio, or Wisconsin, and the
24 applicant passes a competency examination approved by the
25 department.

26 (7) If a medication aide does not renew his or her
27 registration, he or she shall not engage in practice as a
28 medication aide until his or her registration is renewed by the
29 department. If a medication aide trainer does not renew his or her

1 permit, he or she shall not provide training to a medication aide
 2 candidate until his or her permit is renewed by the department. If
 3 a person does not renew its permit as a medication aide training
 4 program, the medication aide training program shall not provide
 5 instruction to a medication aide candidate until the permit is
 6 renewed by the department.

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

- | | | |
|----|--------------------------------------|--------------------|
| 11 | (a) Medication aide | \$64.00 |
| 12 | (b) Medication aide trainer | \$80.00 |
| 13 | (c) Medication aide training program | \$500.00, per site |

14 (9) In addition to the fees prescribed in subsection (8), an
 15 applicant for registration to practice as a medication aide shall
 16 pay a medication aide competency examination fee of \$125.00, per
 17 examination.

18 (10) This section does not apply beginning January 1, 2027.

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

21 (2) The state treasurer shall credit the fees collected under
 22 ~~section 21919~~ **this part** to the fund and may receive money or other
 23 assets from any source for deposit into the fund. The state
 24 treasurer shall direct the investment of the fund. The state
 25 treasurer shall credit to the fund interest and earnings from fund
 26 investments.

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

29 (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~~**Notwithstanding any rule-promulgation authority that is provided in this article, the** department may **only** promulgate and enforce rules to implement this part. ~~The rules may include, but not be limited to, rules establishing requirements as~~ **provided in this part and to establish the following:**

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

(b) **Requirements for investigating** allegations against a nurse aide in a ~~health facility or agency or another setting~~**nursing home or skilled nursing facility** where a nurse aide engages in the practice as a nurse aide ~~, investigating and taking action against~~ **that nurse 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~~

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

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

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

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

(h) **Requirements for renewal.**

(i) **Requirements for surveying a medication aide training program, requirements for investigating allegations against a medication aide in a nursing home or skilled nursing facility where a medication aide engages in the practice of a medication aide and**

1 taking action against that medication aide, and requirements for
2 investigating allegations and taking action against a medication
3 aide trainer or medication aide training program. This subdivision
4 does not apply beginning January 1, 2027.

5 (2) Rules promulgated under this part that are applicable to
6 ~~health facilities or agencies~~ **nursing homes or skilled nursing**
7 **facilities** must be uniform insofar as is reasonable.

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