

HOUSE BILL NO. 4316

February 23, 2021, 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 provided at a qualified educational institution that
15 prepares a nurse aide with the knowledge and ability to engage in
16 practice as a medication aide and that is offered by a person who
17 holds a permit.

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

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

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

1 Sec. 21905. (1) "Permit" means an authorization granted by the
2 department under this part to conduct training or instruction of
3 nurse aide **candidates or medication aide** candidates under the
4 ~~program.~~**programs described in section 21907.**

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

15 (3) ~~(2)~~—"Practice as a nurse aide" means providing nursing or
16 nursing-related services to a patient or resident. Practice as a
17 nurse aide is not the practice of nursing as that term is defined
18 in section 17201.

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

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

24 (5) ~~(4)~~—"Registration" means an authorization granted by the
25 department under this part granting permission to an individual to
26 **engage in** practice as a nurse aide under the program **described in**
27 **section 21907(a) or engage in practice as a medication aide under**
28 **the program described in section 21907(b) .**

29 Sec. 21907. The department shall ~~administer~~**do both of the**

1 following:

2 (a) **Administer** a nurse aide training and ~~registration-permit~~
3 program in this state in conformance with this part, 42 USC 1396r,
4 and 42 CFR parts 483 and 488.

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

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

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

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

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

17 (a) **Offer** a nurse aide training program or provide training or
18 instruction to a nurse aide candidate unless the ~~individual~~**person**
19 holds a permit **to offer that training program or provide that**
20 training or instruction.

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

25 Sec. 21911. (1) The department may grant a registration **to**
26 **engage in practice** as a nurse aide to an applicant who meets all of
27 the following 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 section 21919.

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

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

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

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

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

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

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

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

23 **(3) ~~(2)~~—The department may grant a permit as a nurse aide**
24 **trainer to an applicant who meets all of the following**
25 **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

1 15 who meets the requirements of 42 CFR 483.152(a)(5)(i) and (ii),
2 or who meets the requirements for a permit in rules promulgated
3 under section 21923.

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

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

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

10 (c) Is a registered professional nurse licensed under article
11 15 who meets the requirements for a permit in rules promulgated
12 under section 21923.

13 (5) ~~(3)~~—The department may grant a permit as a nurse aide
14 **training program or medication aide** training program to an
15 applicant that meets all of 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) Meets the requirements for a permit in rules promulgated
20 under section 21923.

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

27 (6) ~~(4)~~—A registration or permit is not transferable. A
28 certificate of registration or certificate of permit must state the
29 persons to which it applies.

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

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

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

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

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

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

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

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

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

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

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

28	(a) Medication aide	\$64.00
29	(b) Medication aide trainer	\$80.00

1 (c) **Medication aide training program** **\$500, per site**

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

6 (4) ~~(3)~~—The fees prescribed in this section are payable to the
7 department or the department's contractor at the time an
8 application for an initial or renewal registration or permit is
9 submitted to the department. If an application for registration or
10 permit is denied, or if registration or permit is revoked before
11 its expiration date, the department shall not refund the fees paid
12 to the department.

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

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

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

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

24 (5) The department shall expend money from the fund, upon
25 appropriation, only to implement the ~~program~~**programs described in**
26 **section 21907.**

27 Sec. 21923. (1) ~~The~~**Notwithstanding any rule-promulgation**
28 **authority that is provided in this article, the** department may **only**
29 ~~promulgate and enforce rules to implement this part. The rules may~~

1 ~~include, but not be limited to, rules establishing requirements as~~
 2 **provided in this part and to establish the following:**

3 (a) **Requirements** for surveying a nurse aide training program ~~7~~
 4 ~~investigating or medication aide training program.~~

5 (b) **Requirements for investigating** allegations against a nurse
 6 aide ~~or medication aide in a health facility or agency or another~~
 7 ~~setting nursing home or skilled nursing facility~~ where a nurse aide
 8 engages in the practice as a nurse aide ~~, investigating or a~~
 9 **medication aide engages in the practice of a medication aide and**
 10 **taking action against that nurse aide or medication aide.**

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

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

17 (e) **Eligibility** requirements to **grant and** renew a registration
 18 or permit under this part. ~~7 competency~~

19 (f) **Competency** requirements. ~~7 and examination~~

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

21 (h) **Requirements for renewal.**

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

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