

HOUSE BILL NO. 6285

June 30, 2022, Introduced by Reps. Tisdell, Posthumus, Harris and Martin and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16186, 16186a, 17011, 17119, 17213, 17317,
17511, 17611, and 20961 (MCL 333.16186, 333.16186a, 333.17011,
333.17119, 333.17213, 333.17317, 333.17511, 333.17611, and
333.20961), section 16186 as amended by 2020 PA 329, section 16186a
as added by 2021 PA 25, sections 17011 and 17511 as amended by 2006
PA 398, section 17119 as added by 2016 PA 417, section 17213 as

added by 2007 PA 19, section 17317 as added by 2001 PA 139, section 17611 as added by 2008 PA 524, and section 20961 as added by 1990 PA 179.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16186. (1) ~~An~~**Except as provided in subsection (5), an**
 2 individual who is licensed to practice a health profession in
 3 another state or in a province of Canada, who is registered in
 4 another state, or who holds a health profession specialty field
 5 license or specialty certification from another state and who
 6 applies for licensure, registration, specialty certification, or a
 7 health profession specialty field license in this state ~~may~~**shall**
 8 be granted an appropriate license or registration or specialty
 9 certification or health profession specialty field license upon
 10 satisfying the board or task force to which the applicant applies
 11 as to all of the following:

12 (a) The applicant substantially meets the requirements of this
 13 article and rules promulgated under this article for licensure,
 14 registration, specialty certification, or a health profession
 15 specialty field license.

16 (b) Subject to subsection (3), the applicant is licensed,
 17 registered, specialty certified, or specialty licensed in another
 18 state or is licensed in a province in Canada that maintains
 19 standards substantially equivalent to those of this state.

20 (c) Subject to subsection (3), if the applicant is licensed to
 21 practice a health profession in a province in Canada, the applicant
 22 completed the educational requirements in Canada or in the United
 23 States for licensure in Canada or in the United States.

24 (d) If the applicant is licensed to practice a health
 25 profession in a province in Canada, that the applicant will perform

1 the professional services for which he or she bills in this state,
2 and that any resulting request for third-party reimbursement will
3 originate from the applicant's place of employment in this state.

4 (2) Before granting a license, registration, specialty
5 certification, or a health profession specialty field license to
6 the applicant, the board or task force to which the applicant
7 applies may require the applicant to appear personally before it
8 for an interview to evaluate the applicant's relevant
9 qualifications.

10 (3) An applicant who is licensed in a province in Canada who
11 meets the requirements of subsection (1)(c) and takes and passes a
12 national examination in this country that is approved by the
13 appropriate licensing board of this state, or who takes and passes
14 a Canadian national examination approved by the appropriate
15 licensing board of this state, is considered to have met the
16 requirements of subsection (1)(b). This subsection does not apply
17 if the department, in consultation with the appropriate licensing
18 board, promulgates a rule disallowing the use of this subsection
19 for an applicant licensed in a province in Canada who does not
20 substantially meet the training or educational requirements
21 expected of an applicant for the same health profession who
22 received his or her education in the United States or who is not
23 licensed in a province in Canada that maintains standards
24 substantially equivalent to those of this state.

25 (4) If the department receives an application for licensure
26 under part 187 from an individual who is licensed as a respiratory
27 therapist in Canada, the department shall consult the international
28 reciprocity agreement executed by the National Board for
29 Respiratory Care and the Canadian Society of Respiratory Therapists

1 in effect on July 1, 2004.

2 (5) This section does not prevent an applicant from being
3 granted a license or registration under another provision of this
4 article.

5 Sec. 16186a. (1) ~~Notwithstanding~~ **Except as otherwise provided**
6 **in subsection (2), notwithstanding** any other provision of this
7 article to the contrary, an applicant must be granted an initial
8 license or initial registration, without examination, if the
9 applicant meets all of the following:

10 (a) Demonstrates to the satisfaction of the department that he
11 or she is 1 of the following:

12 (i) A member of the armed forces or the uniformed services.

13 (ii) A veteran.

14 (iii) A dependent of a member of the armed forces, a member of
15 the uniformed services, or a veteran.

16 (b) Demonstrates to the satisfaction of the department that he
17 or she holds a current license or registration in good standing in
18 another state or country for the health profession for which the
19 applicant is seeking licensure or registration in this state. ~~and~~
20 ~~the department determines that the requirements for licensure or~~
21 ~~registration in the other state or country are substantially~~
22 ~~equivalent to or exceed the requirements of this article and rules~~
23 ~~promulgated by the department, in consultation with the applicable~~
24 ~~board, under this article for licensure or registration.~~

25 (c) Demonstrates to the satisfaction of the department that he
26 or she is competent in the health profession for which he or she is
27 seeking licensure or registration, as demonstrated by the
28 applicant's training or experience or by another method prescribed
29 by the department, in consultation with the applicable board.

1 ~~(d) He or she complies with section 16174(3) so that a~~
2 ~~criminal history check is conducted in the manner prescribed in~~
3 ~~that section.~~ **Satisfies the requirements of section 16174.**

4 **(2) This section does not prevent the department from granting**
5 **a temporary license or registration to a dependent under section**
6 **16181.**

7 **(3)** ~~(2)~~ As used in this section, "dependent" and "veteran"
8 mean those terms as defined in section 16303.

9 Sec. 17011. (1) An individual shall not engage in the practice
10 of medicine or practice as a physician's assistant unless licensed
11 or otherwise authorized by this article. An individual shall not
12 engage in teaching or research that requires the practice of
13 medicine unless the individual is licensed or otherwise authorized
14 by this article.

15 (2) Notwithstanding section 16145 or rules promulgated under
16 that section, the board may grant a license to an individual who
17 meets the requirements of section ~~16186 or~~ 17031(2) **or shall grant**
18 **a license to an individual who meets the requirements of section**
19 **16186** after reviewing the applicant's record of practice,
20 experience, and credentials and determining that the applicant is
21 competent to practice medicine.

22 (3) For individuals applying for licensure under section
23 16186, the board shall not impose requirements on graduates of
24 medical schools located outside the United States or Canada that
25 exceed the requirements imposed on graduates of medical schools
26 located in the United States or Canada.

27 (4) Notwithstanding section 16145 or rules promulgated under
28 that section, the board ~~may~~ **shall** grant a license in accordance
29 with section 16186 after determining that each of the following

1 conditions is satisfied:

2 (a) The applicant has disclosed that a sanction is in force
3 against him or her as described in section 16174(2)(b) and
4 considering the reasons for the sanction and the applicant's record
5 of practice, experience, credentials, and competence to engage in
6 the practice of medicine, that sanction should not prevent the
7 applicant from being granted a license in this state.

8 (b) The sanction imposed by the other state is not permanent.

9 (c) The sanction imposed by the other state was not the result
10 of a patient safety violation.

11 (d) If the applicant was required by the state that imposed
12 the sanction to participate in and complete a probationary period
13 or treatment plan as a condition of the continuation of his or her
14 licensure, the applicant did not complete the probationary period
15 or treatment plan because the applicant ceased engaging in the
16 practice of medicine in that state.

17 (e) As a condition of licensure under this subsection, the
18 applicant voluntarily agrees to complete a probationary period or
19 treatment plan, the terms of which are no less stringent than those
20 imposed by the state that imposed the sanction.

21 (5) Except as otherwise provided in this subsection, the
22 following words, titles, or letters or a combination thereof, with
23 or without qualifying words or phrases, are restricted in use only
24 to those individuals authorized under this part to use the terms
25 and in a way prescribed in this part: "doctor of medicine", "m.d.",
26 "physician's assistant", and "p.a.". Notwithstanding section 16261,
27 an individual who was specially trained at an institution of higher
28 education in this state to assist a physician in the field of
29 orthopedics and, upon completion of training, received a 2-year

1 associate of science degree as an orthopedic physician's assistant
2 before January 1, 1977 may use the title "orthopedic physician's
3 assistant" whether or not the individual is licensed under this
4 part.

5 Sec. 17119. (1) The board ~~may~~**shall** grant a license under this
6 part to an individual who is licensed as a midwife in another state
7 at the time of application if the applicant provides evidence
8 satisfactory to the board and the department that all of the
9 following are met:

10 (a) Subject to subsection (2), the applicant meets the
11 requirements described in section 17115(1) and (2).

12 (b) There are no pending disciplinary proceedings against the
13 applicant before a similar licensing agency of this or any other
14 state or country.

15 (c) If sanctions have been imposed against the applicant by a
16 similar licensing agency of this or any other state or country
17 based upon grounds that are substantially similar to those under
18 this article, as determined by the board, the sanctions are not in
19 force at the time of the application.

20 (2) If an applicant is licensed as a midwife in a state that
21 does not require completion of an educational program or pathway
22 equivalent to section 17115(1)(a) for licensure, the department may
23 determine that the applicant has met the requirements of subsection
24 (1)(a) if he or she meets all of the following:

25 (a) The requirements of this part and rules promulgated under
26 this part for licensure, except section 17115(1)(a).

27 (b) The requirements of section 17115(2), regardless of the
28 date he or she obtained the credential of certified professional
29 midwife described in section 17115(1)(b).

1 (3) The board may make an independent inquiry to determine
2 whether an applicant meets the requirements described in subsection
3 (1) (b) and (c).

4 Sec. 17213. (1) Notwithstanding section 16145 or section
5 16174(1) (c) or rules promulgated ~~pursuant to~~**under** either of those
6 sections, the board may grant a license to an applicant applying
7 for initial licensure as a registered professional nurse who is a
8 graduate of a nurse education program that is located outside of
9 the United States if he or she meets the requirements of section
10 16174 and satisfies each of the following:

11 (a) Provides verification that the nurse education program
12 from which he or she graduated is substantially equivalent to the
13 nursing education programs in this state that are approved by the
14 board.

15 (b) Has passed the requisite examination for licensure as a
16 registered professional nurse, as approved by the board.

17 (2) Notwithstanding section 16145 or section 16174(1) (c) or
18 rules promulgated ~~pursuant to~~**under** either of those sections, the
19 board ~~may~~**shall** grant a license to an applicant applying for
20 licensure as a registered professional nurse who is licensed in
21 another state or, until January 1, 2012, is licensed in a province
22 of Canada and who is a graduate of a nurse education program
23 located outside of the United States and Canada if he or she meets
24 the requirements of subsection (1) and provides verification of
25 licensure or registration in each state, country, jurisdiction,
26 territory, and province in which he or she is currently licensed or
27 registered or has been licensed or registered. If the applicant
28 seeking licensure under this subsection has, for at least 5 years
29 immediately preceding the application, maintained an active license

1 or registration in another state with no disciplinary sanctions,
 2 then the applicant does not have to provide the verification
 3 required under subsection (1)(a).

4 Sec. 17317. Subject to section 16186, the department ~~may issue~~
 5 **shall grant** a nursing home administrator's license, without
 6 examination, to an individual who holds a current license as a
 7 nursing home administrator from another state if the applicant
 8 passes an examination approved by the department and the board
 9 ~~which~~**that** tests the individual's knowledge of law relating to
 10 practice in ~~Michigan~~**this state**.

11 Sec. 17511. (1) ~~A person~~**An individual** shall not engage in the
 12 practice of osteopathic medicine and surgery or practice as a
 13 physician's assistant unless licensed or otherwise authorized by
 14 this article.

15 (2) Notwithstanding section 16145 or rules promulgated under
 16 that section, the board ~~may~~**shall** grant a license in accordance
 17 with section 16186 after determining that each of the following
 18 conditions is satisfied:

19 (a) The applicant has disclosed that a sanction is in force
 20 against him or her as described in section 16174(2)(b) and
 21 considering the reasons for the sanction and the applicant's record
 22 of practice, experience, credentials, and competence to engage in
 23 the practice of osteopathic medicine and surgery, that sanction
 24 should not prevent the applicant from being granted a license in
 25 this state.

26 (b) The sanction imposed by the other state is not permanent.

27 (c) The sanction imposed by the other state was not the result
 28 of a patient safety violation.

29 (d) If the applicant was required by the state that imposed

1 the sanction to participate in and complete a probationary period
 2 or treatment plan as a condition of the continuation of his or her
 3 licensure, the applicant did not complete the probationary period
 4 or treatment plan because the applicant ceased engaging in the
 5 practice of osteopathic medicine and surgery in that state.

6 (e) As a condition of licensure under this subsection, the
 7 applicant voluntarily agrees to complete a probationary period or
 8 treatment plan, the terms of which are no less stringent than those
 9 imposed by the state that imposed the sanction.

10 (3) Except as otherwise provided in this subsection, the
 11 following words, titles, or letters or a combination thereof, with
 12 or without qualifying words or phrases, are restricted in use only
 13 to those ~~persons~~**individuals** authorized under this part to use the
 14 terms and in a way prescribed in this part: "osteopath",
 15 "osteopathy", "osteopathic practitioner", "doctor of osteopathy",
 16 "diplomate in osteopathy", "d.o.", "physician's assistant", and
 17 "p.a.". Notwithstanding section 16261, ~~a person~~**an individual** who
 18 was specially trained at an institution of higher education in this
 19 state to assist a physician in the field of orthopedics and, upon
 20 completion of training, received a 2-year associate of science
 21 degree as an orthopedic physician's assistant before January 1,
 22 1977 may use the title "orthopedic physician's assistant" whether
 23 or not the individual is licensed under this part.

24 Sec. 17611. The department ~~may issue~~**shall grant** a license by
 25 endorsement to an applicant from another state that has licensure
 26 requirements substantially equivalent to this part, as determined
 27 by the board.

28 Sec. 20961. (1) ~~The~~**Except as otherwise provided in subsection**
 29 **(2), the** department may grant a license under this part to a person

1 ~~who~~**that** is licensed in another state at the time of application if
2 the applicant provides evidence satisfactory to the department as
3 to all of the following:

4 (a) The applicant meets the requirements of this part and
5 rules promulgated by the department for licensure.

6 (b) There are no pending disciplinary proceedings against the
7 applicant before a similar licensing agency of this or any other
8 state or country.

9 (c) If sanctions have been imposed against the applicant by a
10 similar licensing agency of this or any other state or country
11 based upon grounds that are substantially similar to those set
12 forth in section 20165 or 20958, as determined by the department,
13 the sanctions are not in force at the time of the application.

14 (d) The other state maintains licensure standards equivalent
15 to or more stringent than those of this state.

16 **(2) The department shall grant a license under this part to an**
17 **applicant who is licensed in another state at the time of**
18 **application and provides evidence satisfactory to the department as**
19 **to all of the requirements described in subsection (1), if the**
20 **applicant is applying for a license as a medical first responder,**
21 **emergency medical technician, emergency medical technician**
22 **specialist, paramedic, or emergency medical services instructor-**
23 **coordinator.**

24 **(3) ~~(2)~~**The department may make an independent inquiry to
25 determine whether an applicant **under this section** meets the
26 requirements described in subsection (1) (b) and (c).