



**House
Legislative
Analysis
Section**

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HEALTH CARE SPECIALTY LICENSES

**House Bill 4176 (Substitute H-1)
First Analysis (11-27-90)**

**Sponsor: Rep. Michael J. Bennane
Committee: Public Health**

THE APPARENT PROBLEM:

The Public Health Code regulates health care professions through a system of licensure and registration (which includes specialty certification). Licensure protects scope of practice as well as the use of specified titles (so that, for example, it not only is illegal to call oneself, say, a medical doctor unless so licensed, but it also is illegal to practice what the code defines as medicine without the requisite license). Registration, in contrast, protects only specified titles, and includes "specialty certification" of licensed health care professionals in specialties within their profession. Currently, only the boards of dentistry and of nursing issue certificate of registration for specialty fields. The specialty fields in dentistry are: prosthodontics (dentures, crowns and bridges), endodontics (root canals), oral and maxillofacial surgery (surgery of the face and jaw), orthodontics (braces), pediatric dentistry (children), periodontics (gum disease), and oral pathology. The three nursing specialties are nurse midwifery, nurse anesthetists, and nurse practitioners.

The health code explicitly prohibits licensed health care professionals who are not certified in a recognized specialty in their field from holding themselves out to the public as limiting their practice to, "as being specially qualified in, or as giving particular attention to" a health profession specialty field for which specialty certification is required. At the same time, however, a dentist's license is unrestricted, authorizing the licensee to engage in any practice falling under the dental scope of practice. In other words, general dentists may perform any of the services provided by dental specialists. In fact, the majority of some specialty services may be provided, not by dental specialists, but by general dentists. For example, reportedly 80 percent of root canals (which makes up the dental specialty known as endodontics) are done by general dentists rather than by endodontists.

Despite the prohibition against non-certified professionals advertising as specialists, however, some certified dental specialists believe that some general dentists engage in advertising which may mislead the public to believe that the general dentist has specialty certification in one or more of the dental specialties when in fact he or she does not. Legislation has been requested that would address this problem.

THE CONTENT OF THE BILL:

The bill would amend the Public Health Code to delete reference to specialty certification and instead allow licensing boards to issue "health profession specialty field licenses" to qualified health care practitioners licensed by the board (the requirements for specialty field licensure would remain the same as those now required for specialty certification). A specialty field license would not fall under the code's definition of "license."

The bill would keep the current definition of "specialty certification" as the definition of "health profession specialty field license," adding to it a "grandparenting" clause

(specifically, the definition would say that someone holding a specialty certification when the bill took effect would be considered to hold a health profession specialty field license and could renew his or her field specialty license when his or her specialty certification expired).

Specifically with regard to dentists and nurses, the bill would allow the boards of dentistry and of nursing to issue health profession specialty field licenses, instead of specialty certification, to their licensees who qualified for their respective specialty fields.

In addition, the bill would specify that licensed dentists without specialty field licenses (that is, general dentists) would not be prohibited from performing services in any of the dental specialty fields, and would "grandparent" in dentists who held specialty certificates when the bill took effect.

MCL 333.16105 et al.

FISCAL IMPLICATIONS:

The Department of Licensing and Regulation says that the bill has no fiscal implications for the state. (11-20-90)

ARGUMENTS:

For:

Prior to the 1978 revision of the Public Health Code, dental specialists were licensed rather than certified. The 1978 revision reclassified specialty licenses as specialty certificates, which some certified dental specialists believe has confused the general public. Since there are many private sources of certification, a general dentist could claim to be (and, in fact, could be) "certified" in one of the six dental specialties and yet still not be state certified (and, therefore, not meet the state certification requirements). By reinstating a licensure system, the bill would eliminate the possibility that someone could become certified in a dental specialty simply through participation in a weekend workshop and then engage in misleading advertising regarding their skill in that specialty.

Response: Even if there have been advertising abuses by general dentists, the bill would neither restrict the current practice of general dentists nor address the problem of possibly misleading advertising regarding specialty certification. If anything, the bill could create more confusion by introducing a license (a "health profession specialty field license") which yet was not, under the health code, a true license because it would not protect a specialty scope of practice. If confusion exists regarding a licensed dentist's status with regard to state certification, there would seem to be a number of simple approaches that could be taken to distinguish state certified dental specialists from licensed general dentists. State certified dental specialists could indicate this fact in their advertising, for example, or the state could indicate on the license of a dental specialist his or her status as a state certified dental specialist.

OVER

POSITIONS:

The Michigan Dental Association supports the bill. (11-19-90)

The Council of Michigan Dental Specialty Presidents supports the bill. (11-19-90)

The Department of Licensing and Regulation does not have a position on the bill. (11-20-90)