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BILL ANALYSIS

Senate Fiscal Agency

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(517) 373-5883

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Senate Bill 558 (as reported with amendment)
Sponsor: Senator James A. Barcia
Committee: Health Policy

Date Completed: 10-31-89

RATIONALE

Currently under the Public Health Code, a licensing board may grant a nonrenewable, temporary license to an applicant who has completed all requirements for licensure except for examination or another evaluation procedure. A temporary license is valid for one year or until the results of the next scheduled examination are available and a reasonable time elapses for issuance of the certificate of licensure, or until the next scheduled examination date, if the applicant does not take the exam, whichever is sooner. Thus, for example, if a person is issued a temporary license in January, and two exams are scheduled for that year—one in March and another in November—this person must either take the exam in March or lose the temporary license, because the law states that the license is good only until the next scheduled examination date. For most people this would not be a problem, but some people contend this provision could be problematic in an emergency situation. For example, there reportedly was a case in which a nurse employed at Bay Medical Center, in Saginaw, had earned her nursing degree and received her temporary license. While employed at the medical center, she contracted hepatitis and had to be hospitalized. Since the date for the licensing examination occurred during the hospitalization, the nurse's physician recommended she not take the test. Because there were no options under the law, this person had to choose between leaving the hospital, despite her illness and doctor's recommendation, and foregoing the test and losing the temporary license. If she did not take the exam, this nurse, who previously had

been dependent on public assistance, would have lost her job because the temporary licensure automatically would have been revoked. In this case, the nurse left the hospital and traveled to Lansing to take the examination. Some people believe that the law should be more flexible to accommodate this type of situation.

CONTENT

The bill would amend the Public Health Code to delete the provisions under which a temporary license is valid for one year or until the results of the next scheduled examination or evaluation procedure are available, or until the examination date, if the applicant does not take the exam. The bill provides, instead, that a temporary license would be valid for one year, but would have to be revoked automatically if the applicant failed the examination or other required evaluation procedure. The bill also would prohibit the issuance of a nonrenewable, temporary license to a person who previously had failed an examination or other required evaluation procedure for licensure. In addition, the bill provides that the holder of a temporary license could practice only under the supervision of a licensee who holds a license, other than a health profession subfield license, in the same health profession. The holder of a temporary license could not be supervised by a licensee who holds a limited or temporary license.

MCL 333.16181

S.B. 558 (10-31-89)

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

ARGUMENTS

Supporting Argument

Under the law, the Department of Licensing and Regulation does not have the flexibility to extend a temporary license under any circumstance, including legitimate emergency situations that prevent licensure applicants from taking the examination for which they have been scheduled. In addition, the Department notes that foreign applicants, who are unable to obtain visas to enter the United States until they have been granted temporary licenses, often find that their temporary licenses have expired by the time their visas are issued. These circumstances only worsen the critical personnel shortages in the nursing and physical therapy professions. As long as the holder of a temporary license is properly supervised, the duration of the temporary license should not be a concern. Furthermore, a one-year maximum limitation on a temporary license as the bill would provide should give the applicant ample time to appear for a licensure examination.

Legislative Analyst: L. Arasim
Fiscal Analyst: P. Graham

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