

HOUSE BILL No. 4176

February 15, 1989, Introduced by Rep. Bennane and referred to the Committee on Public Health.

A bill to amend sections 16106, 16109, 16128, 16163, 16186, 16608, and 16624 of Act No. 368 of the Public Acts of 1978, entitled as amended

"Public health code,"

section 16186 as amended by Act No. 81 of the Public Acts of 1988 and sections 16608 and 16624 as amended by Act No. 182 of the Public Acts of 1987, being sections 333.16106, 333.16109, 333.16128, 333.16163, 333.16186, 333.16608, and 333.16624 of the Michigan Compiled Laws; and to add section 16609.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1, Section 1. Sections 16106, 16109, 16128, 16163, 16186,
2 16608, and 16624 of Act No. 368 of the Public Acts of 1978, sec-
3 tion 16186 as amended by Act No. 81 of the Public Acts of 1988
4 and sections 16608 and 16624 as amended by Act No. 182 of the
5 Public Acts of 1987, being sections 333.16106, 333.16109,

1 333.16128, 333.16163, 333.16186, 333.16608, and 333.16624 of the
2 Michigan Compiled Laws, are amended and section 16609 is added to
3 read as follows:

4 Sec. 16106. (1) "Incompetence" means a departure from, or
5 failure to conform to, minimal standards of acceptable and pre-
6 vailing practice for the health profession, whether or not actual
7 injury to an individual occurs.

8 (2) "License" means an authorization issued under this arti-
9 cle to practice where practice would otherwise be unlawful. It
10 includes an authorization to use a designated title which use
11 would otherwise be prohibited under this article and may be used
12 to refer to A HEALTH PROFESSION SPECIALTY FIELD LICENSE, a health
13 profession subfield license, limited license, or a temporary
14 license.

15 (3) "Licensee" as used in a part that regulates a specific
16 health profession means a person to whom a license is issued
17 under that part, and as used in this part means each licensee
18 regulated by this article.

19 (4) "Limitation" means an action by which a board imposes
20 restrictions or conditions, or both, on a license.

21 (5) "Limited license" means a license to which restrictions
22 or conditions, or both, as to scope of practice, place of prac-
23 tice, supervision of practice, duration of licensed status, or
24 type or condition of patient or client served are imposed by a
25 board.

26 Sec. 16109. (1) "Specialty certification" means an
27 authorization to use a title by a licensee who has met

1 qualifications established by a board for registration in a
2 health profession specialty field.

3 (2) "SPECIALTY LICENSE" MEANS AN AUTHORIZATION TO USE A
4 TITLE BY A LICENSEE WHO HAS MET QUALIFICATIONS ESTABLISHED BY A
5 BOARD FOR LICENSURE IN A HEALTH PROFESSION SPECIALTY FIELD.

6 (3) ~~(2)~~ "Supervision" means the overseeing of or partici-
7 pation in the work of another individual by a health professional
8 licensed under this article in circumstances where at least all
9 of the following conditions exist:

10 (a) The continuous availability of direct communication in
11 person or by radio, telephone, or telecommunication between the
12 supervised individual and a licensed health professional.

13 (b) The availability of a licensed health professional on a
14 regularly scheduled basis to review the practice of the super-
15 vised individual, to provide consultation to the supervised indi-
16 vidual, to review records, and to further educate the supervised
17 individual in the performance of the individual's functions.

18 (c) The provision by the licensed supervising health profes-
19 sional of predetermined procedures and drug protocol.

20 (4) ~~(3)~~ "Task force" means a task force created by this
21 article.

22 (5) ~~(4)~~ "Temporary license" means a license of limited
23 duration granted to an applicant who has completed all require-
24 ments for licensure except an examination or other required eval-
25 uation procedure.

26 Sec. 16128. (1) A health profession subfield task force
27 shall be composed of a majority of members licensed in the

1 subfields of the health profession which are created by this
2 article and shall include at least 1 licensed member from each of
3 the subfields of the health profession which is created by this
4 article. A health profession subfield task force shall include
5 at least 1 public member and 1 member of that profession who
6 holds a license other than a subfield license in that health
7 profession.

8 (2) A health profession specialty field task force shall be
9 composed of a majority of members certified OR LICENSED in the
10 specialty fields of the health profession which are created by
11 this article. A health profession specialty field task force
12 shall include at least 1 public member and 1 member of that
13 health profession who is a member of the board.

14 Sec. 16163. A task force shall recommend to the board as
15 to:

16 (a) Determination of standards of education, training, and
17 experience required for practice in a health profession subfield
18 or for certification OR LICENSURE in a health profession spe-
19 cialty field, and where appropriate, guidelines for approval of
20 educational programs for the subfield or specialty field.

21 (b) Qualifications required of applicants for licensure in
22 health profession subfields or for certification OR LICENSURE in
23 health profession specialty fields.

24 (c) Evaluation of qualifications for initial and continuing
25 licensure of practitioners in health profession subfields or spe-
26 cialty fields. The evaluation may cover assessment of

1 educational credentials, work experience and related training,
2 and administration of tests and examinations.

3 (d) Guidelines for utilization of, and standards of practice
4 for, licensees in health profession subfields or specialty
5 fields.

6 Sec. 16186. (1) An individual who is licensed to practice a
7 health profession in another state or who is registered in
8 another state or who holds A specialty certification OR LICENSE
9 from another state and who applies for licensure, registration,
10 or specialty certification OR LICENSURE in this state may be
11 granted an appropriate license or registration upon satisfying
12 the board as to all of the following:

13 (a) The applicant substantially meets the requirements of
14 this article and rules promulgated by a board for licensure, reg-
15 istration, or specialty certification OR LICENSURE.

16 (b) Disciplinary proceedings before a similar licensing,
17 registration, or specialty certification OR LICENSURE board of
18 this or any other state or country are not pending against the
19 applicant.

20 (c) That if sanctions have been imposed against the appli-
21 cant by a similar licensing or registration board of this or any
22 other state or country based upon grounds which are substantially
23 similar to those set forth in section 16221, as determined by the
24 board, the sanctions are not in force at the time of
25 application.

1 (d) The applicant is licensed, registered, or certified in
2 another state which maintains standards substantially equivalent
3 to those of this state.

4 (2) Before licensing, registering, or certifying the appli-
5 cant, the board may require the applicant to appear personally
6 before it for an interview to evaluate the applicant's relevant
7 qualifications.

8 (3) Before licensing, registering, or certifying an appli-
9 cant under this section, the board shall do 1 of the following:

10 (a) Make an independent inquiry into the requirements
11 described in subsection (1)(b) and (c).

12 (b) Require the applicant to secure from a national associa-
13 tion or federation of state professional licensing boards certi-
14 fication of the requirements described in subsection (1)(b) and
15 (c).

16 (4) An applicant for licensure, registration, or specialty
17 certification OR LICENSURE who is or has been licensed, regis-
18 tered, or certified in any profession by another state or country
19 shall disclose that fact on the application form.

20 Sec. 16608. (1) The board may issue a health profession
21 specialty ~~certification~~ LICENSE to a licensed dentist who has
22 advanced training beyond that required for initial licensure and
23 who has demonstrated competency through examination or other
24 evaluative processes in 1 or more of the following specialty
25 fields: prosthodontics, endodontics, oral and maxillofacial sur-
26 gery, orthodontics, pediatric dentistry, or periodontics.

1 (2) A health profession specialty ~~certification~~ LICENSE
2 issued pursuant to subsection (1) shall be renewed concurrently
3 with the license to practice dentistry.

4 (3) THIS SECTION DOES NOT PROHIBIT A LICENSED DENTIST WHO
5 HAS NOT BEEN ISSUED A SPECIALTY LICENSE UNDER SUBSECTION (1) FROM
6 PERFORMING SERVICES IN 1 OF THE SPECIALTY FIELDS LISTED IN SUB-
7 SECTION (1), SUBJECT TO SECTION 16609.

8 SEC. 16609. (1) A DENTIST WHO ADVERTISES THAT HE OR SHE
9 RENDERS SERVICES IN A SPECIALTY FIELD LISTED IN SECTION 16608(1),
10 BUT HAS NOT BEEN ISSUED A HEALTH PROFESSION SPECIALTY LICENSE BY
11 THE BOARD IN THAT SPECIALTY FIELD, SHALL INCLUDE IN THE ADVER-
12 TISEMENT THE FOLLOWING STATEMENT:

13 "NOT LICENSED AS A SPECIALIST BY THE MICHIGAN BOARD OF
14 DENTISTRY".

15 (2) THE BOARD MAY PROMULGATE RULES TO IMPLEMENT THIS
16 SECTION.

17 Sec. 16624. A task force to advise the board is created for
18 health profession specialty fields ~~certified~~ LICENSED under
19 this part. The task force shall consist of the following 8 mem-
20 bers, who shall meet the requirements of part 161; 1 dentist who
21 is not a specialist, 1 prosthodontist, 1 endodontist, 1 oral and
22 maxillofacial surgeon, 1 orthodontist, 1 pediatric dentist, and 1
23 periodontist who shall be ~~certified~~ LICENSED as dentists spe-
24 cializing in their respective fields by the board not later than
25 1 year after the effective date of this article or if not so
26 ~~certified~~ LICENSED, their terms shall terminate at the end of
27 that year, and 1 public member.