

# HOUSE BILL No. 4193

February 15, 1989, Introduced by Reps. Ciaramitaro and DeMars and referred to the Committee on Public Health.

A bill to amend section 16215 of Act No. 368 of the Public Acts of 1978, entitled as amended  
"Public health code,"  
being section 333.16215 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 16215 of Act No. 368 of the Public Acts  
2 of 1978, being section 333.16215 of the Michigan Compiled Laws,  
3 is amended to read as follows:

4 Sec. 16215. (1) A licensee who holds a license other than a  
5 health profession subfield license may delegate to a licensed or  
6 unlicensed individual who is otherwise qualified by education,  
7 training, or experience the performance of selected acts, tasks,  
8 or functions where the acts, tasks, or functions fall within the  
9 scope of practice of the licensee's profession and will be  
10 performed under the licensee's supervision. An act, task, or

1 function shall not be delegated under this section which, under  
2 standards of acceptable and prevailing practice, requires the  
3 level of education, skill, and judgment required of a licensee  
4 under this article.

5 (2) A LICENSEE SHALL NOT DELEGATE AN ACT, TASK, OR FUNCTION  
6 THAT INVOLVES THE PERFORMANCE OF AN INCISIVE OR INVASIVE SURGICAL  
7 PROCEDURE THAT UTILIZES SURGICAL INSTRUMENTATION, UNLESS THE  
8 LICENSEE OR ANOTHER LICENSEE WHO IS AUTHORIZED TO INDEPENDENTLY  
9 PERFORM THAT SURGICAL PROCEDURE IS PHYSICALLY PRESENT AT THE SUR-  
10 GERY FOR DIRECT VERBAL COMMUNICATION WITH THE INDIVIDUAL PERFORM-  
11 ING THE SURGICAL PROCEDURE. THIS SUBSECTION DOES NOT APPLY IF  
12 BOTH OF THE FOLLOWING CONDITIONS ARE MET:

13 (A) THE PHYSICAL CONDITION OF THE PATIENT UPON WHOM THE SUR-  
14 GICAL PROCEDURE IS TO BE PERFORMED IS SUCH THAT HE OR SHE IS, OR  
15 MAY REASONABLY BE SUSPECTED OR KNOWN TO BE, IN IMMINENT DANGER OF  
16 LOSS OF LIFE OR SIGNIFICANT HEALTH IMPAIRMENT.

17 (B) THE LICENSEE MAKING THE DELEGATION DETERMINES THAT  
18 TRANSFERRING THE PATIENT TO ANOTHER HEALTH FACILITY BEFORE THE  
19 SURGICAL PROCEDURE IS PERFORMED WOULD INCREASE THE DANGER TO THE  
20 PATIENT OF LOSS OF LIFE OR SIGNIFICANT HEALTH IMPAIRMENT.

21 (3) ~~-(2)-~~ A board may promulgate rules to further prohibit  
22 or otherwise restrict delegation of specific acts, tasks, or  
23 functions to a licensed or unlicensed individual where the board  
24 determines that the delegation constitutes or may constitute a  
25 danger to the health, safety, or welfare of the patient or  
26 public.

1       (4) ~~-(3)-~~ To promote safe and competent practice, a board  
2 may promulgate rules to specify conditions under which, and  
3 categories and types of licensed and unlicensed individuals for  
4 whom, closer supervision may be required.

5       (5) IF AN ACT, TASK, OR FUNCTION DELEGATED TO AN INDIVIDUAL  
6 UNDER THIS SECTION INVOLVES THE PERFORMANCE OF AN INCISIVE OR  
7 INVASIVE SURGICAL PROCEDURE THAT UTILIZES SURGICAL INSTRUMENTA-  
8 TION, THE INDIVIDUAL TO WHOM THE ACT, TASK, OR FUNCTION IS DELE-  
9 GATED SHALL DISCLOSE TO THE PATIENT OR, IF THE PATIENT IS A MINOR  
10 OR IS OTHERWISE UNABLE TO GIVE CONSENT, TO THE PARENT, LEGAL  
11 GUARDIAN, OR PERSON IN LOCO PARENTIS OF THE PATIENT, BEFORE THE  
12 SURGICAL PROCEDURE IS PERFORMED, BOTH OF THE FOLLOWING:

13       (A) THE FACT THAT THE INDIVIDUAL IS NOT LICENSED IN THE SAME  
14 PROFESSION IN WHICH THE LICENSEE DELEGATING THE ACT, TASK, OR  
15 FUNCTION IS LICENSED.

16       (B) THE NAME OF THE LICENSEE WHO DELEGATED THE ACT, TASK, OR  
17 FUNCTION AND THE NAME OF THE LICENSEE WHO IS SUPERVISING THE  
18 INDIVIDUAL.

19       (6) A LICENSEE WHO DELEGATES AN ACT, TASK, OR FUNCTION THAT  
20 INVOLVES THE PERFORMANCE OF AN INCISIVE OR INVASIVE SURGICAL PRO-  
21 CEDURE THAT UTILIZES SURGICAL INSTRUMENTATION SHALL ENSURE THAT  
22 THE INDIVIDUAL TO WHOM THE ACT, TASK, OR FUNCTION IS DELEGATED  
23 COMPLIES WITH THE DISCLOSURE REQUIREMENTS OF SUBSECTION (5).

24       (7) ~~-(4)-~~ An individual who performs acts, tasks, or func-  
25 tions delegated pursuant to this section does not violate the  
26 part which regulates the scope of practice of that health  
27 profession.