

# HOUSE BILL No. 5702

May 1, 1990, Introduced by Rep. Bennane and referred to the Committee on Public Health.

A bill to amend sections 17001, 17048, 17050, 17501, 17548, and 17550 of Act No. 368 of the Public Acts of 1978, entitled as amended

"Public health code,"

section 17048 as amended by Act No. 174 of the Public Acts of 1986 and section 17548 as amended by Act No. 462 of the Public Acts of 1988, being sections 333.17001, 333.17048, 333.17050, 333.17501, 333.17548, and 333.17550 of the Michigan Compiled Laws; to add sections 17049 and 17549; and to repeal certain parts of this act.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 17001, 17048, 17050, 17501, 17548, and  
2 17550 of Act No. 368 of the Public Acts of 1978, section 17048 as  
3 amended by Act No. 174 of the Public Acts of 1986 and section  
4 17548 as amended by Act No. 462 of the Public Acts of 1988, being

1 sections 333.17001, 333.17048, 333.17050, 333.17501, 333.17548,  
2 and 333.17550 of the Michigan Compiled Laws, are amended and sec-  
3 tions 17049 and 17549 are added to read as follows:

4 Sec. 17001. (1) As used in this part:

5 (a) "Medical care services" means those services within the  
6 scope of practice of physicians licensed and approved by the  
7 board, except those services ~~which~~ THAT the board determines  
8 ~~may~~ SHALL not be delegated by a physician without endangering  
9 the health and safety of patients, as provided for in section  
10 ~~17048(2)~~ 17048(3).

11 (b) "Physician" means an individual licensed under this  
12 article to engage in the practice of medicine.

13 (c) "Practice of medicine" means the diagnosis, treatment,  
14 prevention, cure, or relieving of a human disease, ailment,  
15 defect, complaint, or other physical or mental condition, by  
16 attendance, advice, device, diagnostic test, or other means, or  
17 offering, undertaking, attempting to do, or holding oneself out  
18 as able to do, any of these acts.

19 (d) "Practice as a physician's assistant" means the practice  
20 of medicine or osteopathic medicine and surgery performed under  
21 the supervision of a physician OR PHYSICIANS licensed ~~and~~  
22 ~~approved~~ under this part or part 175.

23 (e) "Supervision" ~~shall have~~ HAS the meaning ascribed to  
24 it in section 16109, except that IT INCLUDES the existence of a  
25 predetermined plan for emergency situations, including, BUT NOT  
26 LIMITED TO, the designation of a physician ~~licensed by the board~~  
27 ~~or board of osteopathic medicine and surgery~~ to supervise a

1 physician's assistant in the absence of ~~an approved~~ THE PRIMARY  
2 SUPERVISING physician. ~~shall also be required.~~

3 (f) "Task force" means the joint task force created in sec-  
4 tions 17025 and 17525.

5 (2) In addition to the definitions in this part, article 1  
6 contains definitions and principles of construction applicable to  
7 all articles in this code and part 161 contains definitions  
8 applicable to this part.

9 Sec. 17048. (1) ~~A physician shall neither supervise nor~~  
10 ~~employ more than 2 physician's assistants at 1 time. A clinic,~~  
11 ~~hospital, extended care facility, or other health care institu-~~  
12 ~~tion or organization may employ more than 2 physician's assist-~~  
13 ~~ants, but a physician in the institution or organization shall~~  
14 ~~not supervise more than 2 physician's assistants.~~ EXCEPT AS OTH-  
15 ERWISE PROVIDED IN THIS SUBSECTION AND SECTION 17049(5), A PHYSI-  
16 CIAN WHO IS A SOLE PRACTITIONER OR WHO PRACTICES IN A GROUP OF  
17 PHYSICIANS AND TREATS PATIENTS ON AN OUTPATIENT BASIS SHALL NOT  
18 SUPERVISE MORE THAN 4 PHYSICIAN'S ASSISTANTS. IF A PHYSICIAN  
19 SUPERVISES PHYSICIAN'S ASSISTANTS BY A METHOD OTHER THAN THE  
20 METHODS REQUIRED UNDER SECTIONS 16109(2) AND 17001(1)(E), THE  
21 PHYSICIAN SHALL NOT SUPERVISE MORE THAN 2 PHYSICIAN'S  
22 ASSISTANTS.

23 (2) A PHYSICIAN WHO IS EMPLOYED BY, UNDER CONTRACT OR SUB-  
24 CONTRACT TO, OR HAS PRIVILEGES AT A HEALTH FACILITY OR AGENCY  
25 LICENSED UNDER ARTICLE 17 OR A STATE CORRECTIONAL FACILITY MAY  
26 SUPERVISE MORE THAN 4 PHYSICIAN'S ASSISTANTS AT THE HEALTH  
27 FACILITY OR AGENCY OR CORRECTIONAL FACILITY.

1       (3) ~~(2)~~ To the extent that A particular selected medical  
2 care ~~services require~~ SERVICE REQUIRES extensive medical  
3 training, education, or ability or pose serious risks to the  
4 health and safety of patients, the board may prohibit or other-  
5 wise restrict ~~their~~ THE delegation OF THAT MEDICAL CARE SERVICE  
6 or may require higher levels of supervision.

7       (4) ~~(3)~~ A physician ~~may~~ SHALL not delegate ultimate  
8 responsibility for the quality of medical care services, even if  
9 the services are provided by a physician's assistant.

10       (5) ~~(4)~~ The board may promulgate rules for the delegation  
11 by a supervising physician to a physician's assistant of the  
12 function of prescription of drugs. The rules may define the  
13 drugs or classes of drugs which may not be delegated and other  
14 procedures and protocols necessary to promote consistency with  
15 federal and state drug control and enforcement laws. Until the  
16 rules are promulgated, a supervising physician may delegate the  
17 prescription of drugs other than controlled substances as defined  
18 by article 7 or federal law. When delegated prescription occurs,  
19 both the physician's assistant's name and the supervising  
20 physician's name shall be used, recorded, or otherwise indicated  
21 in connection with each individual prescription.

22       SEC. 17049. (1) IN ADDITION TO THE OTHER REQUIREMENTS OF  
23 THIS SECTION AND SUBJECT TO SUBSECTION (5), A PHYSICIAN WHO  
24 SUPERVISES A PHYSICIAN'S ASSISTANT IS RESPONSIBLE FOR ALL OF THE  
25 FOLLOWING:

26       (A) VERIFICATION OF THE PHYSICIAN'S ASSISTANT'S  
27 CREDENTIALS.

(B) EVALUATION OF THE PHYSICIAN'S ASSISTANT'S PERFORMANCE.

(C) MONITORING THE PHYSICIAN'S ASSISTANT'S ADHERENCE TO HIS OR HER JOB DESCRIPTION.

(2) SUBJECT TO SECTION 17048, A PHYSICIAN WHO SUPERVISES A PHYSICIAN'S ASSISTANT MAY DELEGATE TO THE PHYSICIAN'S ASSISTANT THE PERFORMANCE OF MEDICAL CARE SERVICES FOR A PATIENT WHO IS UNDER THE CASE MANAGEMENT RESPONSIBILITY OF THE PHYSICIAN, IF THE DELEGATION IS CONSISTENT WITH THE PHYSICIAN'S ASSISTANT'S TRAINING.

(3) SUBJECT TO SUBSECTION (5), A PHYSICIAN WHO SUPERVISES A PHYSICIAN'S ASSISTANT IS RESPONSIBLE FOR THE CLINICAL SUPERVISION OF EACH PHYSICIAN'S ASSISTANT TO WHOM THE PHYSICIAN DELEGATES THE PERFORMANCE OF MEDICAL CARE SERVICE UNDER SUBSECTION (2).

(4) SUBJECT TO SUBSECTION (5), A PHYSICIAN WHO SUPERVISES A PHYSICIAN'S ASSISTANT SHALL KEEP ON FILE IN THE PHYSICIAN'S OFFICE OR IN THE HEALTH FACILITY OR AGENCY OR CORRECTIONAL FACILITY IN WHICH THE PHYSICIAN SUPERVISES THE PHYSICIAN'S ASSISTANT A PERMANENT, WRITTEN RECORD THAT INCLUDES THE PHYSICIAN'S NAME AND LICENSE NUMBER AND THE NAME AND LICENSE NUMBER OF EACH PHYSICIAN'S ASSISTANT SUPERVISED BY THE PHYSICIAN.

(5) A GROUP OF PRIVATE PRACTICE PHYSICIANS PRACTICING TOGETHER MAY DESIGNATE 1 OR MORE PHYSICIANS IN THE GROUP TO FULFILL THE REQUIREMENTS OF SUBSECTIONS (1), (3), AND (4).

Sec. 17050. The board may ~~revoke or suspend an approval and may place on probation or reprimand a licensee who holds an approval issued under this part~~ PROHIBIT A PHYSICIAN FROM SUPERVISING 1 OR MORE PHYSICIAN'S ASSISTANTS for any of the

1 grounds set forth in section 16221. ~~or for failure to supervise~~  
2 ~~a physician's assistant in accordance with this part and rules~~  
3 ~~promulgated under this part.~~

4 Sec. 17501. (1) As used in this part:

5 (a) "Medical care services" means those services within the  
6 scope of practice of physicians licensed and approved by the  
7 board, except those services ~~which~~ THAT the board determines  
8 ~~may~~ SHALL not be delegated by a physician without endangering  
9 the health and safety of patients as provided for in section  
10 ~~+7048(2)-~~ 17548(3).

11 (b) "Physician" means an individual licensed under this  
12 article to engage in the practice of osteopathic medicine and  
13 surgery.

14 (c) "Practice of osteopathic medicine and surgery" means a  
15 separate, complete, and independent school of medicine and sur-  
16 gery utilizing full methods of diagnosis and treatment in physi-  
17 cal and mental health and disease, including the prescription and  
18 administration of drugs and biologicals, operative surgery,  
19 obstetrics, radiological and other electromagnetic emissions, and  
20 placing special emphasis on the interrelationship of the musculo-  
21 skeletal system to other body systems.

22 (d) "Practice as a physician's assistant" means the practice  
23 of osteopathic medicine performed under the supervision of a phy-  
24 sician licensed under this part or part 170.

25 (e) "Supervision" ~~shall have~~ HAS the meaning ascribed to  
26 it in section 16109 except that IT INCLUDES the existence of a  
27 predetermined plan for emergency situations, including, BUT NOT

1 LIMITED TO, the designation of a physician ~~licensed by the board~~  
2 ~~or the medical practice board~~ to supervise a physician's assist-  
3 ant in the absence of ~~an approved~~ THE PRIMARY SUPERVISING  
4 physician. ~~shall also be required.~~

5 (f) "Task force" means the joint task force created in sec-  
6 tions 17025 and 17525.

7 (2) In addition to the definitions in this part, article 1  
8 contains general definitions and principles of construction  
9 applicable to all articles in the code and part 161 contains def-  
10 initions applicable to this part.

11 Sec. 17548. (1) ~~A physician shall neither supervise nor~~  
12 ~~employ more than 2 physician's assistants at 1 time. A clinic,~~  
13 ~~hospital, extended care facility, or other health care institu-~~  
14 ~~tion or organization may employ more than 2 physician's assist-~~  
15 ~~ants, but a physician in the institution or organization shall~~  
16 ~~not supervise more than 2 physician's assistants.~~ EXCEPT AS OTH-  
17 ERWISE PROVIDED IN THIS SUBSECTION AND SECTION 17549(5), A PHYSI-  
18 CIAN WHO IS A SOLE PRACTITIONER OR WHO PRACTICES IN A GROUP OF  
19 PHYSICIANS AND TREATS PATIENTS ON AN OUTPATIENT BASIS SHALL NOT  
20 SUPERVISE MORE THAN 4 PHYSICIAN'S ASSISTANTS. IF A PHYSICIAN  
21 SUPERVISES PHYSICIAN'S ASSISTANTS BY A METHOD OTHER THAN THE  
22 METHODS REQUIRED UNDER SECTIONS 16109(2) AND 17501(1)(E), THE  
23 PHYSICIAN SHALL NOT SUPERVISE MORE THAN 2 PHYSICIAN'S  
24 ASSISTANTS.

25 (2) A PHYSICIAN WHO IS EMPLOYED BY OR UNDER CONTRACT OR SUB-  
26 CONTRACT TO OR HAS PRIVILEGES AT A HEALTH FACILITY LICENSED UNDER  
27 ARTICLE 17 OR A STATE CORRECTIONAL FACILITY MAY SUPERVISE MORE

1 THAN 4 PHYSICIAN'S ASSISTANTS AT THE HEALTH FACILITY OR AGENCY OR  
2 CORRECTIONAL FACILITY.

3 (3) ~~-(2)-~~ To the extent that A particular selected medical  
4 care ~~-services require-~~ SERVICE REQUIRES extensive medical train-  
5 ing, education, or ability or pose serious risks to the health  
6 and safety of patients, the board may prohibit or otherwise  
7 restrict ~~-their-~~ THE delegation OF THAT MEDICAL CARE SERVICE or  
8 may require higher levels of supervision.

9 (4) ~~-(3)-~~ A physician ~~-may-~~ SHALL not delegate ultimate  
10 responsibility for the quality of medical care services, even if  
11 the services are provided by a physician's assistant.

12 (5) ~~-(4)-~~ The board may promulgate rules for the delegation  
13 by a supervising physician to a physician's assistant of the  
14 function of prescription of drugs. The rules may define the  
15 drugs or classes of drugs which may not be delegated and other  
16 procedures and protocols necessary to promote consistency with  
17 federal and state drug control and enforcement laws. Until the  
18 rules are promulgated, a supervising physician may delegate the  
19 prescription of drugs other than controlled substances as defined  
20 by article 7 or federal law. When delegated prescription occurs,  
21 both the physician's assistant's name and the supervising  
22 physician's name shall be used, recorded, or otherwise indicated  
23 in connection with each individual prescription.

24 SEC. 17549. (1) IN ADDITION TO THE OTHER REQUIREMENTS OF  
25 THIS SECTION AND SUBJECT TO SUBSECTION (5), A PHYSICIAN WHO  
26 SUPERVISES A PHYSICIAN'S ASSISTANT IS RESPONSIBLE FOR ALL OF THE  
27 FOLLOWING:



1 (A) VERIFICATION OF THE PHYSICIAN'S ASSISTANT'S  
2 CREDENTIALS.

3 (B) EVALUATION OF THE PHYSICIAN'S ASSISTANT'S PERFORMANCE.

4 (C) MONITORING THE PHYSICIAN'S ASSISTANT'S ADHERENCE TO HIS  
5 OR HER JOB DESCRIPTION.

6 (2) SUBJECT TO SECTION 17048, A PHYSICIAN WHO SUPERVISES A  
7 PHYSICIAN'S ASSISTANT MAY DELEGATE TO THE PHYSICIAN'S ASSISTANT  
8 THE PERFORMANCE OF MEDICAL CARE SERVICES FOR A PATIENT WHO IS  
9 UNDER THE CASE MANAGEMENT RESPONSIBILITY OF THE PHYSICIAN, IF THE  
10 DELEGATION IS CONSISTENT WITH THE PHYSICIAN'S ASSISTANT'S  
11 TRAINING.

12 (3) SUBJECT TO SUBSECTION (5), A PHYSICIAN WHO SUPERVISES A  
13 PHYSICIAN'S ASSISTANT IS RESPONSIBLE FOR THE CLINICAL SUPERVISION  
14 OF EACH PHYSICIAN'S ASSISTANT TO WHOM THE PHYSICIAN DELEGATES THE  
15 PERFORMANCE OF MEDICAL CARE SERVICE UNDER SUBSECTION (2).

16 (4) SUBJECT TO SUBSECTION (5), A PHYSICIAN WHO SUPERVISES A  
17 PHYSICIAN'S ASSISTANT SHALL KEEP ON FILE IN THE PHYSICIAN'S  
18 OFFICE OR IN THE HEALTH FACILITY OR AGENCY OR STATE CORRECTIONAL  
19 FACILITY IN WHICH THE PHYSICIAN SUPERVISES THE PHYSICIAN'S  
20 ASSISTANT A PERMANENT, WRITTEN RECORD THAT INCLUDES THE  
21 PHYSICIAN'S NAME AND LICENSE NUMBER AND THE NAME AND LICENSE  
22 NUMBER OF EACH PHYSICIAN'S ASSISTANT SUPERVISED BY THE PHYSICIAN.

23 (5) A GROUP OF PRIVATE PRACTICE PHYSICIANS PRACTICING  
24 TOGETHER MAY DESIGNATE 1 OR MORE PHYSICIANS IN THE GROUP TO FUL-  
25 FILL THE REQUIREMENTS OF SUBSECTIONS (1), (3), AND (4).

26 Sec. 17550. The board may ~~revoke or suspend an approval~~  
27 ~~and may place on probation or reprimand a licensee who holds an~~

1 ~~approval issued under this part~~ PROHIBIT A PHYSICIAN FROM  
2 SUPERVISING 1 OR MORE PHYSICIAN'S ASSISTANTS for any of the  
3 grounds set forth in section 16221. ~~or for failure to supervise~~  
4 ~~a physician's assistant in accordance with this part and rules~~  
5 ~~promulgated under this part.~~

6 Section 2. Sections 17040, 17042, 17044, 17046, 17047,  
7 17540, 17542, 17544, 17546, and 17547 of Act No. 368 of the  
8 Public Acts of 1978, being sections 333.17040, 333.17042,  
9 333.17044, 333.17046, 333.17047, 333.17540, 333.17542, 333.17544,  
10 333.17546, and 333.17547 of the Michigan Compiled Laws, are  
11 repealed.