

HOUSE BILL No. 5904

June 21, 1990, Introduced by Reps. Bandstra, Gubow, Saunders, Fitzgerald, Stupak, Law, Niederstadt, Berman, Scott and Leland and referred to the Committee on Public Health.

A bill to amend sections 16103, 16104, 16106, 16107, 16108, 16109, 16115, 16121, 16122, 16125, 16128, 16131, 16135, 16137, 16138, 16139, 16141, 16143, 16145, 16146, 16148, 16152, 16163, 16171, 16174, 16175, 16177, 16178, 16181, 16182, 16186, 16191, 16192, 16196, 16201, and 16205 of Act No. 368 of the Public Acts of 1978, entitled as amended

"Public health code,"

sections 16108, 16146, 16174, and 16201 as amended by Act No. 462 of the Public Acts of 1988, section 16125 as amended by Act No. 202 of the Public Acts of 1989, sections 16131 and 16135 as amended by Act No. 473 of the Public Acts of 1988, sections 16138, 16139, 16143, 16145, 16152, 16182, 16191, and 16192 as amended by Act No. 174 of the Public Acts of 1986, section 16171 as amended by Act No. 82 of the Public Acts of 1985, section 16181 as amended by Act No. 293 of the Public Acts of 1989,

section 16186 as amended by Act No. 81 of the Public Acts of 1988, and section 16205 as amended by Act No. 290 of the Public Acts of 1986, being sections 333.16103, 333.16104, 333.16106, 333.16107, 333.16108, 333.16109, 333.16115, 333.16121, 333.16122, 333.16125, 333.16128, 333.16131, 333.16135, 333.16137, 333.16138, 333.16139, 333.16141, 333.16143, 333.16145, 333.16146, 333.16148, 333.16152, 333.16163, 333.16171, 333.16174, 333.16175, 333.16177, 333.16178, 333.16181, 333.16182, 333.16186, 333.16191, 333.16192, 333.16196, 333.16201, and 333.16205 of the Michigan Compiled Laws; and to repeal certain parts of the act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 16103, 16104, 16106, 16107, 16108,
2 16109, 16115, 16121, 16122, 16125, 16128, 16131, 16135, 16137,
3 16138, 16139, 16141, 16143, 16145, 16146, 16148, 16152, 16163,
4 16171, 16174, 16175, 16177, 16178, 16181, 16182, 16186, 16191,
5 16192, 16196, 16201, and 16205 of Act No. 368 of the Public Acts
6 of 1978, sections 16108, 16146, 16174, and 16201 as amended by
7 Act No. 462 of the Public Acts of 1988, section 16125 as amended
8 by Act No. 202 of the Public Acts of 1989, sections 16131 and
9 16135 as amended by Act No. 473 of the Public Acts of 1988, sec-
10 tions 16138, 16139, 16143, 16145, 16152, 16182, 16191, and 16192
11 as amended by Act No. 174 of the Public Acts of 1986, section
12 16171 as amended by Act No. 82 of the Public Acts of 1985, sec-
13 tion 16181 as amended by Act No. 293 of the Public Acts of 1989,
14 section 16186 as amended by Act No. 81 of the Public Acts of
15 1988, and section 16205 as amended by Act No. 290 of the Public
16 Acts of 1986, being sections 333.16103, 333.16104, 333.16106,

1 333.16107, 333.16108, 333.16109, 333.16115, 333.16121, 333.16122,
2 333.16125, 333.16128, 333.16131, 333.16135, 333.16137, 333.16138,
3 333.16139, 333.16141, 333.16143, 333.16145, 333.16146, 333.16148,
4 333.16152, 333.16163, 333.16171, 333.16174, 333.16175, 333.16177,
5 333.16178, 333.16181, 333.16182, 333.16186, 333.16191, 333.16192,
6 333.16196, 333.16201, and 333.16205 of the Michigan Compiled
7 Laws, are amended to read as follows:

8 Sec. 16103. (1) "Approved physician" means a physician
9 licensed under part 170 or part 175 who is approved by the board
10 OF MEDICINE OR THE BOARD OF OSTEOPATHIC MEDICINE AND SURGERY to
11 supervise physician's assistants and to delegate the performance
12 of medical care services to physician's assistants if the delega-
13 tion is consistent with the training of physician's assistants.

14 (2) "Board" ~~as used in this part means each board created~~
15 ~~in this article and as used in any other part covering a spe-~~
16 ~~cific health profession means the~~ PARTS 164 TO 188 MEANS A
17 LICENSURE OR REGISTRATION board created in ~~that~~ A PARTICULAR
18 part.

19 (3) "Certificate of licensure" means a document issued as
20 evidence of authorization to practice and use a designated
21 title.

22 (4) "Certificate of registration" means a document issued as
23 evidence of authorization to use a designated title.

24 (5) "Council" means the health occupations council created
25 in section 16151.

26 Sec. 16104. (1) "Delegation" means an authorization granted
27 by a licensee to a licensed or unlicensed individual to perform

1 selected acts, tasks, or functions which fall within the scope of
2 practice of the delegator and which are not within the scope of
3 practice of the delegatee and which, in the absence of the autho-
4 rization, would constitute illegal practice of a licensed
5 profession.

6 (2) "Department" means the department of licensing and
7 regulation.

8 (3) "Director" means the director of licensing and
9 regulation.

10 (4) "DISCIPLINARY BOARD" MEANS THE HEALTH PROFESSIONALS DIS-
11 CIPLINARY BOARD CREATED IN SECTION 16216.

12 (5) ~~-(4)-~~ "Good moral character" means good moral character
13 as defined and determined under Act No. 381 of the Public Acts
14 of 1974, as amended, being sections 338.41 to 338.47 of the
15 Michigan Compiled Laws.

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

20 (2) "License" means an authorization issued under this arti-
21 cle to practice where practice would otherwise be unlawful. It
22 includes an authorization to use a designated title which use
23 would otherwise be prohibited under this article and may be used
24 to refer to a health profession subfield license, limited
25 license, or a temporary license.

26 (3) "Licensee" as used in a part that regulates a specific
27 health profession means a person to whom a license is issued

1 under that part, and as used in this part means each licensee
2 regulated by this article.

3 (4) "LICENSURE BOARD" OR "REGISTRATION BOARD" MEANS A BOARD
4 CREATED IN A PART PERTAINING TO A SPECIFIC HEALTH PROFESSION.

5 (5) ~~(4)~~ "Limitation" means an action by which ~~a board~~ A
6 LICENSURE BOARD imposes ~~restrictions or~~ conditions ~~, or both,~~
7 on a license.

8 (6) ~~(5)~~ "Limited license" means a license to which
9 ~~restrictions or~~ conditions ~~, or both,~~ as to scope of prac-
10 tice, place of practice, supervision of practice, duration of
11 licensed status, or type or condition of patient or client served
12 are imposed by ~~a board~~ A LICENSURE BOARD.

13 Sec. 16107. (1) "Probation" means a sanction which permits
14 ~~a~~ THE DISCIPLINARY board to evaluate over a period of time a
15 licensee's fitness to continue to practice under a license.

16 (2) "Public member" means a member of the general public who
17 is not a licensee or registrant under this article, is a resident
18 of this state, is not less than 18 years of age, and does not
19 have a material financial interest in the provision of health
20 services and has not had such an interest within the 12 months
21 before appointment.

22 Sec. 16108. (1) "Reclassification" means an action by ~~a~~
23 THE DISCIPLINARY board by which restrictions or conditions, or
24 both, applicable to a license are added or removed.

25 (2) "Registration" means an authorization only for the use
26 of a designated title which use would otherwise be prohibited

1 under this article. It includes specialty certification of a
2 licensee.

3 (3) "Registrant" as used in any part that regulates the use
4 of a title means an individual to whom a registration or spe-
5 cialty certification is issued under that part, and as used in
6 this part means each registrant regulated by this article.

7 (4) "RESTRICTION" MEANS AN ACTION BY WHICH THE DISCIPLINARY
8 BOARD IMPOSES CONDITIONS ON A LICENSE.

9 (5) ~~-(4)-~~ "Retiree's limited license" means a limited
10 license ~~which~~ THAT authorizes the holder to use a designated
11 title which would otherwise be prohibited under this article, but
12 does not authorize the holder to practice a health profession.

13 (6) ~~-(5)-~~ "Reinstatement" means the granting of a license or
14 certificate of registration, with or without ~~limitations~~
15 RESTRICTIONS or conditions, to a person whose license or certifi-
16 cate of registration has been suspended or revoked.

17 (7) ~~-(6)-~~ "Relicensure" means the granting of a license to a
18 person whose license has become ~~null and~~ void for failure to
19 renew the license within 60 days after the expiration date.

20 (8) ~~-(7)-~~ "Reregistration" means the granting of a certifi-
21 cate of registration to a person whose certificate of registra-
22 tion has become void for failure to renew the certificate within
23 60 days after the expiration date.

24 Sec. 16109. (1) "Specialty certification" means an authori-
25 zation to use a title by a licensee who has met qualifications
26 established by a LICENSURE board for registration in a health
27 profession specialty field.

1 (2) "Supervision" means the overseeing of or participation
2 in the work of another individual by a health professional
3 licensed under this article in circumstances where at least all
4 of the following conditions exist:

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

8 (b) The availability of a licensed health professional on a
9 regularly scheduled basis to review the practice of the super-
10 vised individual, to provide consultation to the supervised indi-
11 vidual, to review records, and to further educate the supervised
12 individual in the performance of the individual's functions.

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

15 (3) "Task force" means a task force created by this
16 article.

17 (4) "Temporary license" means a license of limited duration
18 granted to an applicant who has completed all requirements for
19 licensure except an examination or other required evaluation
20 procedure.

21 Sec. 16115. A LICENSURE OR REGISTRATION board created by
22 this article is the successor to the LICENSURE OR REGISTRATION
23 board with the same or similar name created or continued by a
24 statute repealed by this code.

25 Sec. 16121. (1) The governor shall appoint by and with the
26 advice and consent of the senate the members of the council,
27 ~~and~~ LICENSURE OR REGISTRATION boards, THE DISCIPLINARY BOARD,

1 and task forces except ex officio members AND EXCEPT TEMPORARY
2 MEMBERS OF THE DISCIPLINARY BOARD.

3 (2) A vacancy on the council, ~~or~~ a LICENSURE OR
4 REGISTRATION board, THE DISCIPLINARY BOARD EXCEPT FOR TEMPORARY
5 MEMBERS, or A task force shall be filled for the balance of the
6 unexpired term in the same manner as the original appointment.
7 An appointment for a vacancy shall be submitted to the senate not
8 later than 60 days after the vacancy occurs.

9 (3) The governor shall seek nominations from a wide range of
10 sources including professional associations, educational institu-
11 tions, consumer organizations, labor unions, health planning
12 agencies, and other community health organizations when making
13 appointments under this article.

14 (4) The governor may remove or suspend a MEMBER OF THE coun-
15 cil, ~~or~~ a LICENSURE OR REGISTRATION board, THE DISCIPLINARY
16 BOARD, or A task force ~~member~~ from office in accordance with
17 section 10 of article 5 of the state constitution of 1963.

18 Sec. 16122. Except as otherwise provided in this part, the
19 term of office of members of the council, ~~or~~ a LICENSURE OR
20 REGISTRATION board, THE DISCIPLINARY BOARD, or A task force shall
21 be 4 years, commencing on the day after the date prescribed in
22 section 16131 and terminating on the prescribed date. A member
23 shall not serve CONSECUTIVELY FOR more than 2 terms and 1 partial
24 term, ~~consecutive or otherwise,~~ including service on a prede-
25 cessor council, LICENSURE OR REGISTRATION board, or task force.
26 ~~However, a member serving when this section takes effect may~~
27 ~~complete the term to which the member was appointed.~~

1 Sec. 16125. A ~~licensing~~ LICENSURE OR REGISTRATION board
2 shall be composed of a majority of members licensed in the health
3 profession ~~which~~ that THE LICENSURE board licenses OR
4 REGISTERS. The LICENSURE OR REGISTRATION board shall include at
5 least 1 public member. The director shall be an ex officio
6 member without vote, but is not a member for the purposes of sec-
7 tion 5 of article 5 of the state constitution of 1963 or for
8 determining a quorum. If a licensed health profession subfield
9 is created by this article, the LICENSURE board shall include at
10 least 1 licensee from each subfield. If a health profession sub-
11 field task force is created by this article, 1 licensee from each
12 subfield so appointed to the LICENSURE board shall also be
13 appointed as a member of the health profession subfield task
14 force. If a certified health profession specialty field task
15 force is created by this article, 1 member of the LICENSURE board
16 holding a license other than a health profession subfield license
17 shall also be appointed to the specialty field task force.

18 Sec. 16128. (1) A health profession subfield task force
19 shall be composed of a majority of members licensed in the sub-
20 fields of the health profession which are created by this article
21 and shall include at least 1 licensed member from each of the
22 subfields of the health profession which is created by this
23 article. A health profession subfield task force shall include
24 at least 1 public member and 1 member of that profession who
25 holds a license other than a subfield license in that health
26 profession.

1 (2) A health profession specialty field task force shall be
 2 composed of a majority of members certified in the specialty
 3 fields of the health profession which are created by this
 4 article. A health profession specialty field task force shall
 5 include at least 1 public member and 1 member of that health pro-
 6 fession who is a member of the LICENSURE board.

7 Sec. 16131. The terms of office of individual members of
 8 the council, ~~or~~ the LICENSURE OR REGISTRATION boards, THE DIS-
 9 CIPLINARY BOARD, and THE task forces, except those appointed to
 10 fill vacancies, shall expire 4 years after appointment as
 11 follows:

12	Nursing	June 30
13	Optometry	June 30
14	Pharmacy	June 30
15	Podiatric medicine and surgery	June 30
16	Dentistry	June 30
17	Chiropractic	December 31
18	Counseling	June 30
19	Health occupations council	December 31
20	Medicine	December 31
21	Occupational therapists	December 31
22	Osteopathic medicine and surgery	December 31
23	Physical therapy	December 31
24	Psychology	December 31
25	Sanitaricians	December 31

Veterinary medicine

December 31

DISCIPLINARY

DECEMBER 31

Sec. 16135. (1) Except as otherwise provided in subsection (2), a member of the council, ~~or~~ a LICENSURE board, THE DISCIPLINARY BOARD, or A task force created by this article shall:

(a) Be 18 or more years of age.

(b) Be of good moral character.

(c) Be a resident of this state for not less than 6 months immediately before appointment and remain a resident of this state throughout the term of the appointment.

(d) Be currently licensed or registered in this state where licensure or registration in a health profession is a requirement for membership. ~~on the council or a board or task force.~~ The member shall have actively practiced that profession or taught in an approved educational institution ~~which~~ THAT prepares applicants for licensure or registration in that profession, or a combination of both, in any state for not less than 2 years immediately before appointment.

(2) Subject to subsection (3), for a LICENSURE OR REGISTRATION board created on or after January 1, 1989, the governor may appoint, as the members of the board who are required to be licensed or registered under subsection (1)(d), individuals who meet either or both of the following requirements:

(a) Are certified or otherwise approved by a national organization that certifies or otherwise approves individuals in the profession to be licensed or registered by the LICENSURE OR REGISTRATION board.

1 (b) Have actively practiced the profession licensed or
2 registered by the LICENSURE OR REGISTRATION board or taught in an
3 educational institution ~~which~~ THAT prepares applicants for
4 licensure or registration in that profession, or a combination of
5 both, for not less than the 2 years immediately preceding their
6 appointment.

7 (3) Each individual appointed under subsection (2) shall be
8 licensed or registered under this article in the profession
9 licensed or registered by that LICENSURE OR REGISTRATION board
10 within 3 years after the effective date of the amendatory act
11 that created the LICENSURE OR REGISTRATION board.

12 Sec. 16137. The legislature annually shall fix the per diem
13 compensation of the members of the council, ~~and~~ THE LICENSURE
14 AND REGISTRATION boards, THE TEMPORARY MEMBERS OF THE DISCI-
15 PLINARY BOARD, and THE task forces. Expenses of members incurred
16 in the performance of official duties shall be reimbursed as pro-
17 vided in section 1216.

18 Sec. 16138. (1) The council, ~~or~~ a LICENSURE OR
19 REGISTRATION board, or task force shall hold a regular meeting at
20 places and on separate dates fixed by it. ~~Licensure boards and~~
21 ~~the physician's assistant task force shall hold a regular meeting~~
22 ~~not less than 6 times a year.~~ Special meetings may be called by
23 the chairperson, a majority of the members of the council, ~~or~~ a
24 LICENSURE OR REGISTRATION board, ~~or~~ THE DISCIPLINARY BOARD, A
25 task force, or the department. Except as otherwise provided in
26 the bylaws of the council, ~~or~~ a LICENSURE OR REGISTRATION
27 board, THE DISCIPLINARY BOARD, or A task force, a majority of the

1 members appointed and serving constitutes a quorum. Final action
2 by the council, ~~or~~ a LICENSURE OR REGISTRATION board, THE DIS-
3 CIPLINARY BOARD, or A task force shall be taken only by affirma-
4 tive vote of a majority of the members present at a meeting or
5 for a hearing. A member shall not vote by proxy.

6 (2) The department shall make available the times and places
7 of meetings of the council, ~~and~~ THE LICENSURE AND REGISTRATION
8 boards, and THE task forces and keep minutes of their meetings
9 and a record of their actions. The council, ~~or~~ a LICENSURE OR
10 REGISTRATION board, or A task force meeting shall be open to the
11 public in accordance with the open meetings act, Act No. 267 of
12 the Public Acts of 1976, being sections 15.261 to 15.275 of the
13 Michigan Compiled Laws.

14 Sec. 16139. The council or a LICENSURE OR REGISTRATION
15 board or task force shall elect annually a chairperson and
16 vice-chairperson at the first meeting held after the date set
17 forth in section 16131. The officers shall be selected from
18 council, LICENSURE OR REGISTRATION board, or task force members
19 and shall hold office for 1 year or until their successors are
20 elected and qualified. The council or a LICENSURE OR
21 REGISTRATION board or task force may fill a vacancy in the office
22 of chairperson or vice-chairperson for the balance of the unex-
23 pired term. The chairperson shall preside at meetings, and if
24 absent or unable to preside, the vice-chairperson shall preside.

25 Sec. 16141. (1) The department shall furnish office serv-
26 ices to the council, ~~and~~ THE LICENSURE AND REGISTRATION boards,
27 THE DISCIPLINARY BOARD, and THE task forces; have charge of their

1 offices, records, and ~~moneys~~ MONEY collected; and perform
2 managerial and administrative functions for them.

3 (2) The department, after consultation with the council, A
4 LICENSURE OR REGISTRATION board, THE DISCIPLINARY BOARD, or A
5 task force, shall appoint administrative and secretarial staff,
6 clerks, and employees necessary to allow the proper exercise of
7 the powers and duties of the council, ~~or a~~ LICENSURE OR
8 REGISTRATION board, DISCIPLINARY BOARD, or task force. Salaries
9 and other expenses incurred by the council, ~~or a~~ LICENSURE OR
10 REGISTRATION board, THE DISCIPLINARY BOARD, or A task force and
11 staff and expenses for studies and activities authorized under
12 this article shall be paid out of funds appropriated by the leg-
13 islature therefor. ~~and be paid out of the general fund of the~~
14 ~~state.~~

15 ~~(3) The department shall send moneys received to the~~
16 ~~department of treasury for deposit in the general fund of this~~
17 ~~state.~~

18 (3) ~~(4)~~ The department, with the advice of the council,
19 may promulgate rules to promote the effective and consistent
20 administration of this article. However, rules shall not be
21 promulgated ~~which~~ THAT constitute the licensure, REGISTRATION,
22 or examination of health professionals.

23 Sec. 16143. (1) The council, ~~or a~~ LICENSURE OR
24 REGISTRATION board, THE DISCIPLINARY BOARD, or A task force may
25 adopt bylaws for the regulation of its internal affairs.

26 (2) The council, ~~or a~~ LICENSURE OR REGISTRATION board, THE
27 DISCIPLINARY BOARD, or A task force shall report its activities

1 annually to the department. The report shall include statistical
2 data on applicants for examination, licensure, and registration;
3 allegations and disciplinary actions against licensees AND
4 REGISTRANTS; and other matters relating to the licensure and reg-
5 istration, registration, and regulatory activity of the LICENSURE
6 AND REGISTRATION boards OR THE DISCIPLINARY BOARD as prescribed
7 by the department.

8 (3) The council, ~~or~~ a LICENSURE OR REGISTRATION board, THE
9 DISCIPLINARY BOARD, or A task force may perform acts and make
10 determinations necessary and proper to carry out its functions
11 and the department may contract with other state agencies, pri-
12 vate agencies, organizations, and consultants to assist the coun-
13 cil, A LICENSURE OR REGISTRATION board, THE DISCIPLINARY BOARD,
14 or A task force to perform the acts or to aid in carrying out
15 functions of the council, A LICENSURE OR REGISTRATION board, THE
16 DISCIPLINARY BOARD, or A task force.

17 Sec. 16145. (1) A LICENSURE OR REGISTRATION board OR THE
18 DISCIPLINARY BOARD may adopt and have an official seal.

19 (2) A LICENSURE OR REGISTRATION board OR THE DISCIPLINARY
20 BOARD may promulgate rules necessary or appropriate to fulfill
21 its functions as prescribed in this article. The rules shall not
22 be inconsistent with rules promulgated by the council pursuant to
23 section 16154.

24 (3) A LICENSURE OR REGISTRATION board shall promulgate rules
25 to specify requirements for licenses, registrations, renewals,
26 examinations, and required passing scores.

1 Sec. 16146. (1) A LICENSURE OR REGISTRATION board shall
2 grant a license or registration to an applicant meeting the
3 requirements for the license or registration as prescribed in
4 this article and the rules promulgated under this article.

5 (2) A LICENSURE board ~~which grants licenses may: (a)~~
6 ~~Certify~~ MAY CERTIFY licensees in those health profession spe-
7 cialty fields within its scope of practice ~~which~~ THAT are
8 established in this article.

9 (3) ~~(b) Reclassify~~ THE DISCIPLINARY BOARD SHALL RECLASSIFY
10 licenses on the basis of a determination that the addition or
11 removal of conditions or restrictions is appropriate.

12 Sec. 16148. (1) Except as provided in section 17060, only a
13 LICENSURE OR REGISTRATION board may promulgate rules to establish
14 standards for the education and training of individuals to be
15 licensed or registered, or whose licenses or registrations are to
16 be renewed, for the purposes of determining whether graduates of
17 a training program have the knowledge and skills requisite for
18 practice of a health profession or use of a title.

19 (2) Except as provided in section 17060, only a LICENSURE OR
20 REGISTRATION board may accredit training programs in hospitals,
21 schools, colleges, universities, and institutions offering train-
22 ing programs meeting educational standards and may deny or with-
23 draw accreditation of training programs for failure to meet
24 established standards. An institution ~~which~~ THAT has its pro-
25 gram accreditation withdrawn shall have an opportunity for a
26 hearing.

1 (3) An action or decision of a LICENSURE board pursuant to
2 subsection (1) or (2) relating to a specific health profession
3 subfield shall be made only after consultation with the task
4 force in the affected subfield and with at least 1 of the
5 affected subfield board members present.

6 (4) A member of the ~~licensing~~ LICENSURE board from the
7 health profession subfield shall vote as an equal member in all
8 matters except those issues designated in subsections (1) and (2)
9 ~~which~~ THAT are outside the subfield profession.

10 (5) A decision of a LICENSURE board on standards for the
11 education and training of individuals or the accreditation of
12 training programs shall be concurred in by a majority of the non-
13 subfield board members when the decision relates solely to non-
14 subfield licenses.

15 Sec. 16152. The council shall:

16 (a) Evaluate proposals as to licensure and registration of
17 existing and emerging health occupations and recommend the appro-
18 priateness of, and the mechanisms for, regulation of those health
19 occupations to the department, other state agencies, and the leg-
20 islature in accordance with the criteria prescribed in sections
21 16155 and 16156.

22 (b) Mediate conflicts within and between LICENSURE AND
23 REGISTRATION boards and between LICENSURE AND REGISTRATION boards
24 and their task forces.

25 (c) Perform the council functions described in section
26 16208.

1 (d) Coordinate regulation of health occupations with state
2 health planning and resource development functions.

3 (e) Issue advisory opinions and recommendations to LICENSURE
4 OR REGISTRATION boards as to conflicts or ambiguities between
5 licensure and registration programs.

6 (f) Promote the uniform utilization of examinations and the
7 establishment of minimum English language proficiency standards
8 for licensees, and the utilization of regional or national exami-
9 nations developed for use in the United States.

10 (g) Review and comment on proposed rules by the LICENSURE OR
11 REGISTRATION boards and the department to promote the consistency
12 of the rules with this article.

13 (h) Promulgate rules establishing criteria for minimum
14 attendance at meetings of the council and the LICENSURE AND
15 REGISTRATION boards and task forces.

16 Sec. 16163. A task force shall recommend to ~~the~~ A
17 LICENSURE board as to ALL OF THE FOLLOWING:

18 (a) Determination of standards of education, training, and
19 experience required for practice in a health profession subfield
20 or for certification in a health profession specialty field, and
21 where appropriate, guidelines for approval of educational pro-
22 grams for the subfield or specialty field.

23 (b) Qualifications required of applicants for licensure in
24 health profession subfields or for certification in health pro-
25 fession specialty fields.

26 (c) Evaluation of qualifications for initial and continuing
27 licensure of practitioners in health profession subfields or

1 specialty fields. The evaluation may cover assessment of
2 educational credentials, work experience and related training,
3 and administration of tests and examinations.

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

7 Sec. 16171. Under the circumstances and subject to the lim-
8 itations stated in each case, the following individuals are not
9 required to have a license issued under this article for practice
10 of a health profession in this state:

11 (a) A student in a health profession training program ~~which~~ [→]
12 ~~which~~ THAT has been approved by the appropriate LICENSURE OR
13 REGISTRATION board, while performing the duties assigned in the
14 course of training.

15 (b) An individual practicing a health profession in the dis-
16 charge of official duties while in the military service of the
17 United States, the United States public health service, the
18 United States department of agriculture, or the United States
19 veterans administration. The institution in which the individual
20 practices shall report the name and address of the individual to
21 the appropriate board within 30 days after the date of
22 employment.

23 (c) An individual who by education, training, or experience
24 substantially meets the requirements of this article for licen-
25 sure while rendering medical care in a time of disaster or to an
26 ill or injured individual at the scene of an emergency.

1 (d) An individual who provides nonmedical nursing or similar
2 services in the care of the ill or suffering or an individual who
3 in good faith ministers to the ill or suffering by spiritual
4 means alone, through prayer, in the exercise of a religious free-
5 dom, and who does not hold himself or herself out to be a health
6 professional.

7 (e) An individual residing in another state or country and
8 authorized to practice a health profession in that state or coun-
9 try who, in an exceptional circumstance, is called in for consul-
10 tation or treatment by a health professional in this state.

11 (f) An individual residing in another state or country and
12 authorized to practice a health profession in that state or coun-
13 try, when attending meetings or conducting lectures, seminars, or
14 demonstrations under the auspices of professional associations or
15 training institutions in this state, if the individual does not
16 maintain an office or designate a place to meet patients or
17 receive calls in this state.

18 (g) An individual authorized in another country to practice
19 a health profession and who is employed by the United States
20 public health service or the government of another country for
21 the exclusive use of members of its merchant marine and members
22 of its consular and diplomatic corps, while caring for those mem-
23 bers in the performance of his or her official duties.

24 (h) An individual residing adjacent to the land border
25 between this state and an adjoining state who is authorized under
26 the laws of that state to practice a health profession and whose
27 practice may extend into this state, but who does not maintain an

1 office or designate a place to meet patients or receive calls in
2 this state.

3 (i) An individual authorized to practice a health profession
4 in another state or territory of the United States who has been
5 appointed by the United States olympic committee to provide
6 health services exclusively to team personnel and athletes regis-
7 tered to train and compete at a training site in this state
8 approved by the United States olympic committee or at an event
9 conducted under the sanction of the United States olympic
10 committee. The exemption granted by this subdivision ~~shall~~
11 ~~apply~~ APPLIES to the individual while performing the duties
12 assigned in the course of the sanctioned training program or
13 event and for the time period specified by the United States
14 olympic committee.

15 Sec. 16174. (1) An individual WHO IS licensed or registered
16 under this article shall MEET ALL OF THE FOLLOWING REQUIREMENTS:

17 (a) Be 18 or more years of age.

18 (b) Be of good moral character.

19 (c) Have a specific education or experience in the health
20 profession or in a subfield or specialty field of a health pro-
21 fession, or training equivalent, or both, as prescribed by this
22 article or rules of a LICENSURE OR REGISTRATION board necessary
23 to promote safe and competent practice and informed consumer
24 choice.

25 (d) Have a working knowledge of the English language as
26 determined in accordance with minimum standards established for
27 that purpose by the council.

1 (e) Pay the appropriate fees as prescribed in the ~~State~~
2 STATE license fee act, Act No. 152 of the Public Acts of 1979,
3 being sections 338.2201 to 338.2277 of the Michigan Compiled
4 Laws.

5 (F) AGREE TO SERVE ON A REGIONAL DISCIPLINARY PANEL UNDER
6 SECTION 16231A OR AS AN EXPERT WITNESS FOR THE DEPARTMENT, IF
7 REQUESTED, AT LEAST ONCE EVERY 2 YEARS.

8 (2) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (1), AN
9 APPLICANT FOR LICENSURE, REGISTRATION, OR SPECIALTY CERTIFICATION
10 UNDER THIS ARTICLE SHALL MEET BOTH OF THE FOLLOWING
11 REQUIREMENTS:

12 (A) ESTABLISH THAT DISCIPLINARY PROCEEDINGS BEFORE A SIMILAR
13 LICENSURE, REGISTRATION, DISCIPLINARY, OR SPECIALTY CERTIFICATION
14 BOARD OF THIS OR ANY OTHER STATE OR COUNTRY ARE NOT PENDING
15 AGAINST THE APPLICANT.

16 (B) ESTABLISH THAT IF SANCTIONS HAVE BEEN IMPOSED AGAINST
17 THE APPLICANT BY A SIMILAR LICENSURE, REGISTRATION, OR DISCI-
18 PLINARY BOARD OF THIS OR ANY OTHER STATE OR COUNTRY BASED UPON
19 GROUNDS THAT ARE SUBSTANTIALLY SIMILAR TO THOSE SET FORTH IN
20 SECTION 16221, AS DETERMINED BY THE LICENSURE OR REGISTRATION
21 BOARD TO WHICH THE APPLICANT APPLIES, THE SANCTIONS ARE NOT IN
22 FORCE AT THE TIME OF APPLICATION.

23 (3) BEFORE LICENSING, REGISTERING, OR CERTIFYING AN APPLI-
24 CANT, THE LICENSURE OR REGISTRATION BOARD TO WHICH THE APPLICANT
25 APPLIES MAY DO 1 OF THE FOLLOWING:

26 (A) MAKE AN INDEPENDENT INQUIRY INTO THE REQUIREMENTS
27 DESCRIBED IN SUBSECTION (2). IF A LICENSURE OR REGISTRATION

1 BOARD DETERMINES UNDER SUBSECTION (2)(B) THAT SANCTIONS HAVE BEEN
2 IMPOSED AND ARE IN FORCE AT THE TIME OF APPLICATION, THE LICEN-
3 SURE OR REGISTRATION BOARD MAY DENY THE APPLICATION.

4 (B) REQUIRE THE APPLICANT TO SECURE FROM A NATIONAL ASSOCIA-
5 TION OR FEDERATION OF STATE PROFESSIONAL LICENSING BOARDS CERTI-
6 FICATION OF THE REQUIREMENTS DESCRIBED IN SUBSECTION (2).

7 (4) IF, AFTER ISSUING A LICENSE, REGISTRATION, OR CERTIFICA-
8 TION, A LICENSURE OR REGISTRATION BOARD OR THE DEPARTMENT DETER-
9 MINES THAT SANCTIONS HAVE BEEN IMPOSED AGAINST THE LICENSEE OR
10 REGISTRANT BY A SIMILAR LICENSURE, REGISTRATION, OR DISCIPLINARY
11 BOARD AS DESCRIBED IN SUBSECTION (2)(B) AND THAT THE SANCTIONS
12 ARE STILL IN FORCE, THE LICENSURE OR REGISTRATION BOARD OR THE
13 DEPARTMENT MAY SO INFORM THE DISCIPLINARY BOARD, AND THE DISCI-
14 PLINARY BOARD MAY IMPOSE APPROPRIATE SANCTIONS UPON THE LICENSEE
15 OR REGISTRANT. THE LICENSEE OR REGISTRANT MAY REQUEST A SHOW
16 CAUSE HEARING BEFORE THE DISCIPLINARY BOARD TO DEMONSTRATE WHY
17 THE SANCTIONS SHOULD NOT BE IMPOSED.

18 (5) AN APPLICANT FOR LICENSURE, REGISTRATION, OR SPECIALTY
19 CERTIFICATION WHO IS OR HAS BEEN LICENSED, REGISTERED, OR CERTI-
20 FIED IN ANY PROFESSION BY ANOTHER STATE OR COUNTRY SHALL DISCLOSE
21 THAT FACT ON THE APPLICATION FORM.

22 Sec. 16175. In developing minimum standards of educational
23 prerequisites for licensure or registration, a LICENSURE OR
24 REGISTRATION board and its task forces shall consider equivalency
25 and proficiency testing and other mechanisms, and where appropri-
26 ate grant credit for past training, education, or experience in
27 health and related fields. Standards may include those for

1 formal education, practice proficiency, and other training,
2 education, or experience which may provide equivalence to comple-
3 tion of formal educational requirements.

4 Sec. 16177. (1) An individual applying for licensure or
5 registration under this article shall do so on a form provided by
6 the department. If the facts set forth in the application meet
7 the requirements of the LICENSURE OR REGISTRATION board and this
8 article for licensure or registration, the LICENSURE OR
9 REGISTRATION board may grant a license or registration to the
10 applicant. A LICENSURE OR REGISTRATION board may require the
11 applicant to take an examination to determine if the applicant
12 meets the qualifications for licensure or registration. The
13 examination shall include subjects determined by the LICENSURE OR
14 REGISTRATION board to be essential to the safe and competent
15 practice of the health profession, the appropriate use of a
16 title, or both. Passing scores or the procedure used to deter-
17 mine passing scores shall be established before an examination is
18 administered.

19 (2) IN ADDITION TO THE INFORMATION REQUIRED UNDER
20 SUBSECTION (1), AN APPLICANT FOR LICENSURE OR REGISTRATION OR A
21 LICENSEE OR REGISTRANT APPLYING FOR RENEWAL SHALL INCLUDE ON THE
22 APPLICATION FORM ALL OF THE FOLLOWING INFORMATION:

23 (A) A FELONY CONVICTION.

24 (B) A MISDEMEANOR CONVICTION, IF THE MISDEMEANOR INVOLVES 1
25 OR MORE OF THE FOLLOWING:

26 (i) A MAXIMUM TERM OF IMPRISONMENT OF 2 YEARS.

1 (ii) THE ILLEGAL DELIVERY, POSSESSION, OR USE OF ALCOHOL OR
2 A CONTROLLED SUBSTANCE.

3 (3) IN ADDITION TO THE INFORMATION REQUIRED UNDER
4 SUBSECTIONS (1) AND (2), A PHYSICIAN, OSTEOPATHIC PHYSICIAN, OR
5 PODIATRIST APPLYING FOR LICENSURE OR RENEWAL UNDER THIS ARTICLE
6 SHALL INCLUDE ON THE APPLICATION FORM THE NAME OF EACH HOSPITAL
7 WITH WHICH HE OR SHE IS EMPLOYED OR UNDER CONTRACT, AND EACH HOS-
8 PITAL IN WHICH HE OR SHE IS ALLOWED TO PRACTICE.

9 Sec. 16178. (1) Unless otherwise necessary for a LICENSURE
10 OR REGISTRATION board to fulfill national or regional testing
11 requirements, the department shall conduct examinations or other
12 evaluations necessary to determine qualifications of applicants
13 for initial licensure or registration at least annually and may
14 conduct other investigations or evaluations necessary to deter-
15 mine the qualifications of applicants. A LICENSURE OR
16 REGISTRATION board may accept passing a national or regional
17 examination developed for use in the United States for the pur-
18 pose of meeting a state board examination or a part ~~thereof~~ OF
19 A STATE BOARD EXAMINATION.

20 (2) An individual who fails to pass a required examination
21 may be reexamined to the extent and in a manner determined by the
22 LICENSURE OR REGISTRATION board.

23 (3) The department shall give public notice of the time and
24 place of a required regular initial licensure or registration
25 examination or evaluation in a manner it considers best not less
26 than 90 days before the date of the examination or evaluation.

1 Sec. 16181. A LICENSURE board may grant a nonrenewable,
2 temporary license to an applicant who has completed all
3 requirements for licensure except for examination or other
4 required evaluation procedure. A ~~person~~ LICENSURE BOARD SHALL
5 NOT ISSUE A TEMPORARY LICENSE TO AN INDIVIDUAL who has previously
6 failed the examination or other required evaluation procedure or
7 whose license has been suspended or revoked. ~~shall not be~~
8 ~~issued a temporary license.~~ A temporary license issued pursuant
9 to this section is valid for 18 months, but A LICENSURE BOARD
10 shall automatically ~~be revoked~~ REVOKE THE TEMPORARY LICENSE if
11 the applicant fails the examination or other required evaluation
12 procedure. The holder of a temporary license shall practice only
13 under the supervision of a licensee who holds a license, other
14 than a health profession subfield license, in the same health
15 profession. ~~The holder of a temporary license shall not be~~
16 ~~supervised by a~~ A licensee who holds a limited, RESTRICTED, or
17 temporary license SHALL NOT SUPERVISE THE HOLDER OF A TEMPORARY
18 LICENSE. The department shall promptly issue a temporary
19 license.

20 Sec. 16182. (1) A LICENSURE board may grant a limited
21 license to an individual if the board determines that the limita-
22 tion is consistent with the ability of the individual to practice
23 the health profession in a safe and competent manner, is neces-
24 sary to protect the health and safety of patients or clients, or
25 is appropriate to promote the efficient and effective delivery of
26 health care services.

1 (2) In addition to the licenses issued under subsection (1),
2 a LICENSURE board may grant the following types of limited
3 licenses upon application by an individual or upon its own
4 determination:

5 (a) Educational, to an individual engaged in postgraduate
6 education.

7 (b) Nonclinical, to an individual who functions only in a
8 nonclinical academic, research, or administrative setting and who
9 does not hold himself or herself out to the public as being
10 actively engaged in the practice of the health profession, or
11 otherwise directly solicit patients or clients.

12 (c) Clinical academic, to an individual functioning in that
13 capacity but who does not hold himself or herself out to the
14 public as being actively engaged in the practice of the health
15 profession, or otherwise directly solicit patients or clients.

16 (3) In addition to the limited licenses issued under subsec-
17 tions (1) and (2), a LICENSURE board may ~~reclassify a license~~
18 ~~to~~ ISSUE a retiree's limited license upon application and pay-
19 ment of the equivalent of a 1-year license fee. A licensee under
20 this subsection is authorized to use the appropriate title listed
21 in section 16263 but shall not practice that health profession.
22 The license shall be issued once by the department and shall not
23 have an expiration date. A licensee under this subsection ~~shall~~
24 ~~not be~~ IS NOT required to fulfill continuing education or con-
25 tinued competency requirements. If a licensee under this subsec-
26 tion desires to practice the health care profession, he or she
27 shall fulfill all licensure requirements of this act and the

1 rules promulgated under this act in effect at the time the
2 licensee reapplies for licensure.

3 Sec. 16186. (1) An individual who is licensed to practice a
4 health profession in another state or who is registered in
5 another state or who holds specialty certification from another
6 state and who applies for licensure, registration, or specialty
7 certification in this state may be granted an appropriate license
8 or registration upon satisfying the LICENSURE OR REGISTRATION
9 board TO WHICH THE APPLICANT APPLIES as to all of the following:

10 (a) The applicant substantially meets the requirements of
11 this article and rules promulgated by a LICENSURE OR REGISTRATION
12 board for licensure, registration, or specialty certification.

13 ~~(b) Disciplinary proceedings before a similar licensing,~~
14 ~~registration, or specialty certification board of this or any~~
15 ~~other state or country are not pending against the applicant.~~

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

22 (B) ~~(d)~~ The applicant is licensed, registered, or certi-
23 fied in another state ~~which~~ THAT maintains standards substan-
24 tially equivalent to those of this state.

25 (2) Before licensing, registering, or certifying the appli-
26 cant, the LICENSURE OR REGISTRATION board TO WHICH THE APPLICANT
27 APPLIES may require the applicant to appear personally before it

1 for an interview to evaluate the applicant's relevant
2 qualifications.

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

5 ~~(a) Make an independent inquiry into the requirements~~
6 ~~described in subsection (1)(b) and (c).~~

7 ~~(b) Require the applicant to secure from a national associa-~~
8 ~~tion or federation of state professional licensing boards certi-~~
9 ~~fication of the requirements described in subsection (1)(b) and~~
10 ~~(c).~~

11 ~~(4) An applicant for licensure, registration, or specialty~~
12 ~~certification who is or has been licensed, registered, or certi-~~
13 ~~fied in any profession by another state or country shall disclose~~
14 ~~that fact on the application form.~~

15 Sec. 16191. (1) The department shall issue a certificate of
16 licensure or registration to an applicant who is granted a
17 license or registration by a LICENSURE OR REGISTRATION board.

18 (2) A licensee or registrant shall display his or her cur-
19 rent certificate of licensure or registration prominently and
20 where visible to the public in the licensee's or registrant's
21 principal place of business, if any.

22 (3) A licensee or registrant shall have available for
23 inspection a card, which shall be issued by the department, con-
24 taining the essential information on the certificate.

25 (4) If a license is limited by a LICENSURE board OR
26 RESTRICTED BY THE DISCIPLINARY BOARD, the licensee shall display
27 the statement of limitation OR THE STATEMENT OF RESTRICTION

1 prepared by the department in the same manner as prescribed for
2 display of the certificate and shall attach the statement to the
3 certificate or display the statement in immediate proximity with
4 the certificate.

5 Sec. 16192. (1) A licensee or registrant shall report to
6 the department a change in name or ~~residential or business~~
7 MAILING address not later than 30 days after the change occurs.

8 (2) THE DEPARTMENT MAY SERVE A NOTICE OF HEARING ON A
9 LICENSEE OR REGISTRANT IN AN ACTION OR PROCEEDING FOR A VIOLATION
10 OF THIS ARTICLE OR ARTICLE 7 OR A RULE PROMULGATED UNDER THIS
11 ARTICLE OR ARTICLE 7 BY MAILING THE NOTICE BY CERTIFIED MAIL,
12 RETURN RECEIPT REQUESTED, TO THE LICENSEE'S OR REGISTRANT'S LAST
13 KNOWN MAILING ADDRESS.

14 (3) ~~-(2)-~~ A license or registration is not transferable.

15 Sec. 16196. The license or registration of an individual
16 practicing his or her profession while in active service in the
17 military service of the United States, an auxiliary thereof, or
18 the United States public health service, who was licensed or reg-
19 istered at the time of induction or entering into service, con-
20 tinues in effect without further action by the individual until
21 discharge or leaving the service. The individual shall notify
22 the LICENSURE board of the military service or federal employment
23 and the cessation thereof.

24 Sec. 16201. (1) A license or registration shall be renewed
25 by the licensee or registrant on or before the expiration date as
26 prescribed by rule. The department shall mail a notice to the
27 licensee or registrant at the last known address on file with a

1 LICENSURE OR REGISTRATION board advising of the time, procedure,
2 and fee for renewal. Failure of the licensee or registrant to
3 receive notice under this subsection does not relieve the
4 licensee or registrant of the responsibility for renewing his or
5 her license or registration.

6 (2) A license or registration not renewed by the expiration
7 date may be renewed within 60 days of the expiration date upon
8 application, payment of renewal, and late renewal fees, and ful-
9 fillment of any continued competency or continuing education
10 requirements set forth in this article or rules promulgated under
11 this article. The licensee or registrant may continue to prac-
12 tice and use the title during the 60-day time period.

13 (3) If a license or registration is not renewed within 60
14 days of the expiration date pursuant to subsection (2), the
15 license or registration shall be considered ~~null and~~ void. The
16 licensee shall not practice or use the title and a registrant
17 shall not use the title. Except as otherwise provided by rule, a
18 person may be relicensed or reregistered within 3 years of the
19 expiration date upon application, payment of the application pro-
20 cessing, renewal, and late renewal fees, and fulfillment of any
21 continued competency or continuing education requirements in
22 effect at the time of the expiration date, or which would have
23 been required had the individual renewed his or her license or
24 registration pursuant to subsection (1). A temporary license or
25 registration may be issued under section 16181 pending the
26 results of action taken under this subsection.

1 (4) Except as otherwise provided in this article or by rule,
2 a person may be relicensed or reregistered more than 3 years
3 after the expiration date upon application as a new applicant,
4 meeting all licensure or registration requirements in effect at
5 the time of application, taking or retaking and passing any exam-
6 inations required for initial licensure or registration, and pay-
7 ment of fees required of new applicants.

8 (5) The expiration or surrender of a license or registration
9 does not terminate the DISCIPLINARY board's authority to impose
10 sanctions on the licensee or registrant whose license or regis-
11 tration has expired or been surrendered.

12 Sec. 16205. (1) A LICENSURE board ~~which~~ THAT requires
13 evidence of attendance at educational programs as a condition to
14 license renewal may waive those requirements if, upon written
15 application, the LICENSURE board finds the failure of the
16 licensee to attend was due to the licensee's disability, military
17 service, absence from the continental United States, or a circum-
18 stance beyond the control of the licensee ~~which~~ THAT the
19 LICENSURE board considers good and sufficient.

20 (2) A LICENSURE board may promulgate rules to establish a
21 system of assessing the continued competence of licensees as a
22 condition of periodic license renewal.

23 (3) THE DEPARTMENT SHALL PROMULGATE RULES THAT REQUIRE AT A
24 MINIMUM THAT CONTINUING EDUCATION COURSES ARE APPROVED BY A
25 LICENSURE BOARD BEFORE CONTINUING EDUCATION CREDIT IS GRANTED.
26 THE DEPARTMENT SHALL PERIODICALLY AUDIT AND MONITOR APPROVED
27 CONTINUING EDUCATION COURSES.

1 Section 2. Sections 16134, 16183, and 17058 of Act No. 368
2 of the Public Acts of 1978, being sections 333.16134, 333.16183,
3 and 333.17058 of the Michigan Compiled Laws, are repealed.