

# HOUSE BILL No. 4591

April 17, 2001, Introduced by Reps. Hart, George, Hansen, DeWeese, Tabor, Kowall, Woodward, Pestka, Kooiman, Vander Roest, Gilbert, Koetje, Schauer and Jansen and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 16215 (MCL 333.16215), as amended by 1999  
PA 60.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 16215. (1) Subject to subsections (2) to ~~(5)~~ (8), a  
2 licensee who holds a license other than a health profession sub-  
3 field license may delegate to a licensed or unlicensed individual  
4 who is otherwise qualified by education, training, or experience  
5 the performance of selected acts, tasks, or functions where the  
6 acts, tasks, or functions fall within the scope of practice of  
7 the licensee's profession and will be performed under the  
8 licensee's supervision. A licensee shall not delegate an act,  
9 task, or function under this section if the act, task, or  
10 function, under standards of acceptable and prevailing practice,

1 requires the level of education, skill, and judgment required of  
2 the licensee under this article.

3       (2) Subject to subsection (1) and except as otherwise pro-  
4 vided in this subsection and subsection (3), a licensee who is an  
5 allopathic physician or osteopathic physician and surgeon shall  
6 delegate an act, task, or function that involves the performance  
7 of a procedure that requires the use of surgical instrumentation  
8 only to an individual who is licensed under this article. A  
9 licensee who is an allopathic physician or osteopathic physician  
10 and surgeon may delegate an act, task, or function described in  
11 this subsection to an individual who is not licensed under this  
12 article if the unlicensed individual is 1 or more of the follow-  
13 ing and if the procedure is directly supervised by a licensed  
14 allopathic physician or osteopathic physician and surgeon who is  
15 physically present during the performance of the procedure:

16       (a) A student enrolled in a school of medicine or osteo-  
17 pathic medicine approved by the Michigan board of medicine or the  
18 Michigan board of osteopathic medicine and surgery.

19       (b) A student enrolled in a physician's assistant training  
20 program approved by the joint physician's assistant task force  
21 created under part 170.

22       (3) Subject to subsection (1), a licensee who is an allo-  
23 pathic physician or osteopathic physician and surgeon may dele-  
24 gate an act, task, or function described in subsection (2) to an  
25 individual who is not licensed under this article and who is 1 of  
26 the following:

1 (a) Performing acupuncture.

2 (b) Surgically removing only bone, skin, blood vessels,  
3 cartilage, dura mater, ligaments, tendons, pericardial tissue, or  
4 heart valves only from a deceased individual for transplantation,  
5 implantation, infusion, injection, or other medical or scientific  
6 purpose.

7 (4) ONLY A LICENSED ALLOPATHIC PHYSICIAN OR OSTEOPATHIC PHY-  
8 SICIAN AND SURGEON MAY DELEGATE AN ACT, TASK, OR FUNCTION THAT  
9 INVOLVES THE ADMINISTRATION OF SURGICAL ANESTHESIA, AND ONLY  
10 UNDER 1 OF THE FOLLOWING CONDITIONS:

11 (A) THE DELEGATING ALLOPATHIC PHYSICIAN OR OSTEOPATHIC PHY-  
12 SICIAN AND SURGEON HAS ANESTHESIA PRIVILEGES AT THE HEALTH FACIL-  
13 ITY AT WHICH THE SURGERY IS BEING PERFORMED AND IS PHYSICALLY  
14 AVAILABLE IN THE HEALTH FACILITY DURING THE TIME THE SURGERY IS  
15 BEING PERFORMED.

16 (B) AT THE TIME THE SURGERY IS PERFORMED, THE DELEGATING  
17 ALLOPATHIC PHYSICIAN OR OSTEOPATHIC PHYSICIAN AND SURGEON IS PER-  
18 FORMING THE SURGERY.

19 (5) AS USED IN SUBSECTION (4):

20 (A) "GENERAL ANESTHESIA" MEANS THE ELIMINATION OF ALL SENS-  
21 TIONS ACCOMPANIED BY A STATE OF UNCONSCIOUSNESS AND LOSS OF  
22 REFLEXES NECESSARY TO MAINTAIN A PATIENT AIRWAY.

23 (B) "SURGERY" MEANS A PROCEDURE THAT REQUIRES THE USE OF  
24 SURGICAL INSTRUMENTATION.

25 (C) "SURGICAL ANESTHESIA" MEANS GENERAL ANESTHESIA THAT  
26 ENTAILS DRUG-INDUCED LOSS OF CONSCIOUSNESS AND IMPAIRMENT OF

1 VENTILATORY REFLEXES, OR MAJOR CONDUCTIVE REGIONAL ANESTHESIA IF  
2 ADMINISTERED FOR THE PURPOSE OF FACILITATING SURGERY.

3       (6) ~~-(4)-~~ A board may promulgate rules to further prohibit  
4 or otherwise restrict delegation of specific acts, tasks, or  
5 functions to a licensed or unlicensed individual if the board  
6 determines that the delegation constitutes or may constitute a  
7 danger to the health, safety, or welfare of the patient or  
8 public.

9       (7) ~~-(5)-~~ To promote safe and competent practice, a board  
10 may promulgate rules to specify conditions under which, and cate-  
11 gories and types of licensed and unlicensed individuals for whom,  
12 closer supervision may be required for acts, tasks, and functions  
13 delegated under this section.

14       (8) ~~-(6)-~~ An individual who performs acts, tasks, or func-  
15 tions delegated pursuant to this section does not violate the  
16 part that regulates the scope of practice of ~~that~~ THE  
17 DELEGATING health ~~profession~~ PROFESSIONAL.