

**SUBSTITUTE FOR
HOUSE BILL NO. 5750**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16106 and 17211 (MCL 333.16106 and 333.17211),
section 16106 as amended by 2002 PA 643.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16106. (1) "Incompetence" means a departure from, or
2 failure to conform to, minimal standards of acceptable and
3 prevailing practice for a health profession, whether or not actual
4 injury to an individual occurs.

5 (2) "License", except as otherwise provided in this
6 subsection, means an authorization issued under this article to
7 practice where practice would otherwise be unlawful. License
8 includes an authorization to use a designated title which use would
9 otherwise be prohibited under this article and may be used to refer

1 to a health profession subfield license, limited license, or a
2 temporary license. For purposes of the definition of "prescriber"
3 contained in section 17708(2) only, license includes an
4 authorization issued under the laws of another state, or the
5 country of Canada to practice in that state or in the country of
6 Canada, where practice would otherwise be unlawful, and is limited
7 to a licensed doctor of medicine, a licensed doctor of osteopathic
8 medicine and surgery, or another licensed health professional
9 acting under the delegation and using, recording, or otherwise
10 indicating the name of the delegating licensed doctor of medicine
11 or licensed doctor of osteopathic medicine and surgery. License
12 does not include a health profession specialty field license.

13 (3) "Licensee", as used in a part that regulates a specific
14 health profession, means an individual to whom a license is issued
15 under that part, and as used in this part means each licensee
16 regulated by this article. **LICENSEE INCLUDES AN INDIVIDUAL WHO IS**
17 **AUTHORIZED TO ENGAGE IN THE PRACTICE OF NURSING OR THE PRACTICE OF**
18 **NURSING AS A LICENSED PRACTICAL NURSE PURSUANT TO A MULTISTATE**
19 **LICENSURE PRIVILEGE RECOGNIZED UNDER THE NURSE LICENSURE COMPACT.**

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

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

26 Sec. 17211. (1) A person shall not engage in the practice of
27 nursing or the practice of nursing as a licensed practical nurse

1 unless licensed or otherwise authorized by this article **OR THE**
2 **NURSE LICENSURE COMPACT.**

3 (2) **BY DECEMBER 31, 2010, THE DEPARTMENT SHALL SUBMIT A**
4 **WRITTEN REPORT TO THE LEGISLATURE REGARDING THE IMPACT AND**
5 **EFFECTIVENESS OF THE NURSE LICENSURE COMPACT.**

6 Enacting section 1. This amendatory act does not take effect
7 unless House Bill No. 5493 of the 93rd Legislature is enacted into
8 law.

9 Enacting section 2. This amendatory act takes effect 6 months
10 after it is enacted into law.