

# HOUSE BILL NO. 4023

January 10, 2019, Introduced by Rep. Farrington and referred to the Committee on Military, Veterans and Homeland Security.

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16215 (MCL 333.16215), as amended by 2005 PA 211, and by adding section 16215a.

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

**1**           Sec. 16215. (1) Subject to subsections (2) to (6) **and section**  
**2** **16215a**, a licensee who holds a license other than a health  
**3** profession subfield license may delegate to a licensed or

1 unlicensed individual who is otherwise qualified by education,  
2 training, or experience the performance of selected acts, tasks, or  
3 functions where the acts, tasks, or functions fall within the scope  
4 of practice of the licensee's profession and will be performed  
5 under the licensee's supervision. A licensee shall not delegate an  
6 act, task, or function under this section if the act, task, or  
7 function, under standards of acceptable and prevailing practice,  
8 requires the level of education, skill, and judgment required of  
9 the licensee under this article.

10 (2) Subject to subsection (1) and except as otherwise provided  
11 in this subsection and subsections (3) and (4), a licensee who is  
12 an allopathic physician or osteopathic physician and surgeon shall  
13 delegate an act, task, or function that involves the performance of  
14 a procedure that requires the use of surgical instrumentation only  
15 to an individual who is licensed under this article. A licensee who  
16 is an allopathic physician or osteopathic physician and surgeon may  
17 delegate an act, task, or function described in this subsection to  
18 an individual who is not licensed under this article if the  
19 unlicensed individual is 1 or more of the following and if the  
20 procedure is directly supervised by a licensed allopathic physician  
21 or osteopathic physician and surgeon who is physically present  
22 during the performance of the procedure:

23 (a) A student enrolled in a school of medicine or osteopathic  
24 medicine approved by the Michigan board of medicine or the Michigan  
25 board of osteopathic medicine and surgery.

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

29 (3) Subject to subsection (1), a licensee who is an allopathic

1 physician or osteopathic physician and surgeon may delegate an act,  
2 task, or function described in subsection (2) to an individual who  
3 is not licensed under this article and who is 1 of the following:

4 (a) Performing acupuncture.

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

10 (4) Subject to subsection (1), a licensee who is an allopathic  
11 physician or osteopathic physician and surgeon may delegate an act,  
12 task, or function described in subsection (2) to an individual who  
13 is not licensed under this article if the procedure is directly  
14 supervised by a licensed allopathic physician or osteopathic  
15 physician and surgeon who is physically present during the  
16 performance of the procedure, the delegation of such procedure is  
17 not prohibited or otherwise restricted by the board or that health  
18 facility or agency, and the delegation of that act, task, or  
19 function is specifically authorized by that health facility or  
20 agency to be delegated and performed by either of the following  
21 unlicensed individuals:

22 (a) A surgical technologist who meets the qualifications  
23 established by the health facility or agency with which he or she  
24 is employed or under contract with.

25 (b) A surgical first assistant who meets the qualifications  
26 established by the health facility or agency with which he or she  
27 is employed or under contract with.

28 (5) A board may promulgate rules to further prohibit or  
29 otherwise restrict delegation of specific acts, tasks, or functions

1 to a licensed or unlicensed individual if the board determines that  
2 the delegation constitutes or may constitute a danger to the  
3 health, safety, or welfare of the patient or public.

4 (6) To promote safe and competent practice, a board may  
5 promulgate rules to specify conditions under which, and categories  
6 and types of licensed and unlicensed individuals for whom, closer  
7 supervision may be required for acts, tasks, and functions  
8 delegated under this section.

9 (7) An individual who performs acts, tasks, or functions  
10 delegated pursuant to this section does not violate the part that  
11 regulates the scope of practice of that health profession.

12 (8) The amendatory act that added this subsection does not  
13 require new or additional third party reimbursement or mandated  
14 worker's compensation benefits for services rendered by an  
15 individual authorized to perform those services under subsection  
16 (4).

17 **Sec. 16215a. (1) Subject to section 16215(1), a physician or**  
18 **podiatrist may delegate an act, task, or function to military**  
19 **medical personnel while that individual is participating in the**  
20 **pilot program described in subsection (2).**

21 (2) The department, in collaboration with the department of  
22 military and veterans affairs, shall establish a pilot program in  
23 which military medical personnel may practice and perform certain  
24 delegated acts, tasks, or functions under the supervision of a  
25 physician or podiatrist who is licensed under this article. All of  
26 the following apply to the pilot program described in this  
27 subsection:

28 (a) The delegation of an act, task, or function to military  
29 medical personnel must reflect his or her level of training and

1 experience.

2 (b) The supervising physician or podiatrist retains  
3 responsibility for the care of the patient.

4 (c) Any licensed physician or podiatrist, a professional  
5 corporation, professional limited liability company, or partnership  
6 of a licensed physician or podiatrist, any hospital that is  
7 licensed under article 17, or any commercial enterprise that has  
8 medical facilities for its employees that are supervised by 1 or  
9 more physicians or podiatrists may participate in the pilot  
10 program.

11 (d) The department, in collaboration with the department of  
12 military and veterans affairs, shall establish general requirements  
13 for participating military medical personnel, licensees, and  
14 employers.

15 (3) As used in this section:

16 (a) "Military medical personnel" means an individual who has  
17 recently served as a medic in the United States Army, medical  
18 technician in the United States Air Force, or corpsman in the  
19 United States Navy or the United States Coast Guard and who was  
20 discharged or released from that service under conditions other  
21 than dishonorable.

22 (b) "Physician" means an individual who is licensed as a  
23 physician under part 170 or part 175.

24 (c) "Podiatrist" means an individual who is licensed as a  
25 podiatric physician under part 180.

26 Enacting section 1. This amendatory act takes effect 90 days  
27 after the date it is enacted into law.