

SUBSTITUTE FOR
SENATE BILL NO. 759

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16101 and 16171 (MCL 333.16101 and 333.16171),
section 16171 as amended by 2016 PA 60.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16101. (1) For purposes of this article, the words and
2 phrases defined in sections ~~16102-16103~~ to ~~16109-16109a~~ have the
3 meanings ascribed to them in those sections **unless the context**
4 **requires a different meaning.**

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

7 Sec. 16171. Under the circumstances and subject to the
8 limitations stated in each case, the following individuals are not

1 required to have a license issued under this article for practice
2 of a health profession in this state:

3 (a) A student who is in a health profession training program,
4 that has been approved by the appropriate board, while performing
5 the duties assigned in the course of training.

6 (b) An individual who is practicing a health profession in the
7 discharge of official duties while in the military service of the
8 United States, the United States Public Health Service, the United
9 States Department of Agriculture, or the United States Department
10 of Veterans Affairs. The institution in which the individual
11 practices shall report the name and address of the individual to
12 the appropriate board within 30 days after the date of employment.

13 (c) An individual who by education, training, or experience
14 substantially meets the requirements of this article for licensure
15 while rendering medical care in a time of disaster or to an ill or
16 injured individual at the scene of an emergency.

17 (d) **If the director of the department of health and human
18 services determines that control of an epidemic is necessary to
19 protect the public health under section 2253, an individual who is
20 authorized to practice a health profession in another state, who
21 would otherwise meet the requirements of this article for
22 licensure, while rendering medical care during an epidemic-related
23 staffing shortage to meet health professional staffing needs. As
24 used in this subdivision, "epidemic-related staffing shortage"
25 means a shortage of individuals who are licensed under this article
26 during the epidemic. Epidemic-staffing shortage does not include a
27 staffing shortage caused by a labor dispute as that term is defined
28 in section 2 of 1939 PA 176, MCL 423.2.**

29 (e) ~~(d)~~—An individual who provides nonmedical nursing or

1 similar services in the care of the ill or suffering or an
 2 individual who in good faith ministers to the ill or suffering by
 3 spiritual means alone, through prayer, in the exercise of a
 4 religious freedom, and who does not hold himself or herself out to
 5 be a health professional.

6 **(f)** ~~(e)~~—An individual who resides in another state or country
 7 and is authorized to practice a health profession in that state or
 8 country who, in an exceptional circumstance, is called in for
 9 consultation or treatment by a health professional in this state.

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

17 **(h)** ~~(g)~~—An individual who is authorized in another country to
 18 practice a health profession and who is employed by the United
 19 States Public Health Service or the government of another country
 20 for the exclusive use of members of its merchant marine and members
 21 of its consular and diplomatic corps, while caring for those
 22 members in the performance of his or her official duties.

23 **(i)** ~~(h)~~—An individual who resides adjacent to the land border
 24 between this state and an adjoining state and is authorized under
 25 the laws of that state to practice a health profession and whose
 26 practice may extend into this state, but who does not maintain an
 27 office or designate a place to meet patients or receive calls in
 28 this state.

29 **(j)** ~~(i)~~—An individual who is authorized to practice a health

1 profession in another state ~~or territory of the United States~~ and
2 who is appointed by the United States Olympic Committee to provide
3 health services exclusively to team personnel and athletes
4 registered to train and compete at a training site in this state
5 approved by the United States Olympic Committee or at an event
6 conducted under the sanction of the United States Olympic
7 Committee. An exemption granted under this subdivision applies to
8 the individual while he or she is performing the duties assigned in
9 the course of the sanctioned training program or event and for the
10 time period specified by the United States Olympic Committee.

11 (k) ~~(j)~~—An individual who is currently authorized to practice
12 a health profession in another state and is providing health
13 services for an athletic team, if all of the following are met:

14 (i) The individual provides only those health services he or
15 she would be permitted to provide if he or she were authorized
16 under this article to engage in that health profession in this
17 state.

18 (ii) The athletic team is from the same state that authorized
19 the individual to practice the health profession.

20 (iii) The individual provides the health services under the
21 terms of a written agreement with the athletic team.

22 (iv) The individual only provides the health services while the
23 athletic team is traveling to or from or participating in a
24 sporting event in this state and only to any of the following:

25 (A) A member of the athletic team.

26 (B) A member of the athletic team's coaching, communications,
27 equipment, or sports medicine staff.

28 (C) A member of a band or cheerleading squad that is
29 accompanying the athletic team.

1 (D) The athletic team's mascot.

2 (v) The individual does not provide health services at a
3 health ~~care~~-facility or agency, as **that term is** defined in section
4 20106, located in this state.