

Act No. 167
Public Acts of 2021
Approved by the Governor
December 23, 2021
Filed with the Secretary of State
December 27, 2021
EFFECTIVE DATE: December 27, 2021

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2021**

Introduced by Senator VanderWall

ENROLLED SENATE BILL No. 759

AN ACT to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” 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:

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

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

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

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

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

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

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

(e) An individual who provides nonmedical nursing or similar services in the care of the ill or suffering or an individual who in good faith ministers to the ill or suffering by spiritual means alone, through prayer, in the exercise of a religious freedom, and who does not hold himself or herself out to be a health professional.

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

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

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

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

(j) An individual who is authorized to practice a health profession in another state and who is appointed by the United States Olympic Committee to provide health services exclusively to team personnel and athletes registered to train and compete at a training site in this state approved by the United States Olympic Committee or at an event conducted under the sanction of the United States Olympic Committee. An exemption granted under this subdivision applies to the individual while he or she is performing the duties assigned in the course of the sanctioned training program or event and for the time period specified by the United States Olympic Committee.

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

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

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

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

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

(A) A member of the athletic team.

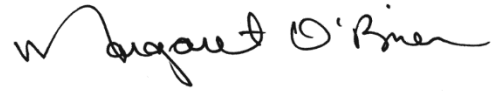
(B) A member of the athletic team's coaching, communications, equipment, or sports medicine staff.

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

(D) The athletic team's mascot.

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

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor