

Act No. 79
Public Acts of 2022
Approved by the Governor
May 19, 2022
Filed with the Secretary of State
May 19, 2022
EFFECTIVE DATE: May 19, 2022

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2022**

Introduced by Reps. Bollin and Frederick

ENROLLED HOUSE BILL No. 5089

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 section 21911 (MCL 333.21911), as added by 2017 PA 172.

The People of the State of Michigan enact:

Sec. 21911. (1) The department shall grant registration as a nurse aide to an applicant who meets all of the following requirements:

- (a) Submits an application on a form and in a manner prescribed by the department.
 - (b) Pays the fee prescribed in section 21919.
 - (c) Subject to subsection (4), demonstrates to the department that he or she has met both of the following:
 - (i) Successfully completed a nurse aide training program approved by the department.
 - (ii) Is competent as demonstrated by successful completion of a nurse aide competency examination approved by the department.
 - (d) Meets the requirements for registration in rules promulgated under section 21923.
- (2) The department shall grant a permit as a nurse aide trainer to an applicant who meets all of the following requirements:
- (a) Submits an application on a form and in a manner prescribed by the department.

(b) Pays the fee prescribed in section 21919.

(c) Is a registered professional nurse licensed under article 15 who meets the requirements of 42 CFR 483.152(a)(5)(i) and (ii), or who meets the requirements for a permit in rules promulgated under section 21923.

(3) The department shall grant a permit as a nurse aide training program to an applicant that meets all of the following requirements:

(a) Submits an application on a form and in a manner prescribed by the department.

(b) Pays the fee prescribed in section 21919.

(c) Meets the requirements for a permit in 42 CFR 483.152 and in rules promulgated under section 21923.

(d) Demonstrates to the department that the applicant's curriculum is consistent with other nurse aide training programs as provided by rules promulgated by the department under this part.

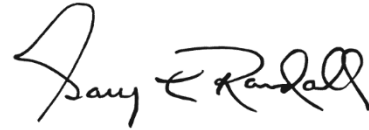
(4) Except as provided under subsection (6), the department shall allow an applicant to complete a nurse aide competency examination online or through remote means, or at a nursing care facility that proctors the examination under 42 CFR 483.154. The department shall allow the testing vendor to contract with the staff of the nursing care facility to proctor a nurse aide competency examination as provided under 42 CFR 483.154.

(5) Subject to subsection (6), the department shall not deny a person a permit under subsection (3) solely because the nurse aide training program allows individuals to complete curricula online or through remote means, or counts the time an individual has worked performing skills necessary of a nurse aide as time in training.

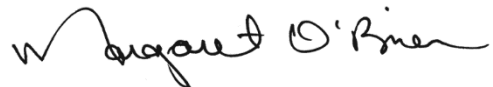
(6) The online option described under subsections (4) and (5) does not apply to training required under 42 CFR 483.152(a)(3) or to testing required under 42 CFR 483.154(b)(2).

(7) A registration or permit is not transferable. A certificate of registration or certificate of permit must state the persons to which it applies.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor