

HOUSE BILL NO. 5116

October 10, 2023, Introduced by Reps. Miller, Rheingans, Brixie, Morgan, Brabec, Hill, Coffia, Churches, Edwards, MacDonell, Andrews, Byrnes, Dievendorf, Paiz, O'Neal, McKinney, Schmaltz, Wilson, VanderWall and Whitsett and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 17011, 17060, 17072, 17082, 17511, and 18011
(MCL 333.17011, 333.17060, 333.17072, 333.17082, 333.17511, and
333.18011), sections 17011 and 17511 as amended by 2006 PA 398,
section 17060 as amended by 2016 PA 379, and section 18011 as
amended by 2006 PA 391.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17011. (1) An individual shall not engage in the practice

1 of medicine or practice as a physician's assistant unless licensed
2 or otherwise authorized by this article. An individual shall not
3 engage in teaching or research that requires the practice of
4 medicine unless the individual is licensed or otherwise authorized
5 by this article.

6 (2) Notwithstanding section 16145 or rules promulgated under
7 that section, the board may grant a license to an individual who
8 meets the requirements of section 16186 or 17031(2) after reviewing
9 the applicant's record of practice, experience, and credentials and
10 determining that the applicant is competent to practice medicine.

11 (3) For individuals applying for licensure under section
12 16186, the board shall not impose requirements on graduates of
13 medical schools located outside the United States or Canada that
14 exceed the requirements imposed on graduates of medical schools
15 located in the United States or Canada.

16 (4) Notwithstanding section 16145 or rules promulgated under
17 that section, the board may grant a license in accordance with
18 section 16186 after determining that each of the following
19 conditions is satisfied:

20 (a) The applicant has disclosed that a sanction is in force
21 against him or her as described in section 16174(2)(b) and
22 considering the reasons for the sanction and the applicant's record
23 of practice, experience, credentials, and competence to engage in
24 the practice of medicine, that sanction should not prevent the
25 applicant from being granted a license in this state.

26 (b) The sanction imposed by the other state is not permanent.

27 (c) The sanction imposed by the other state was not the result
28 of a patient safety violation.

29 (d) If the applicant was required by the state that imposed

1 the sanction to participate in and complete a probationary period
2 or treatment plan as a condition of the continuation of ~~his or her~~
3 **the applicant's** licensure, the applicant did not complete the
4 probationary period or treatment plan because the applicant ceased
5 engaging in the practice of medicine in that state.

6 (e) As a condition of licensure under this subsection, the
7 applicant voluntarily agrees to complete a probationary period or
8 treatment plan, the terms of which are no less stringent than those
9 imposed by the state that imposed the sanction.

10 (5) Except as otherwise provided in ~~this~~ subsection **(6)**, the
11 following words, titles, or letters or a combination thereof, with
12 or without qualifying words or phrases, are restricted in use only
13 to those individuals authorized under this part to use the terms
14 and in a way prescribed in this part: "doctor of medicine", "m.d.",
15 "physician's assistant", and "p.a.". **A physician's assistant may**
16 **also use the title "physician associate".**

17 **(6)** Notwithstanding section 16261, an individual who was
18 specially trained at an institution of higher education in this
19 state to assist a physician in the field of orthopedics and, upon
20 completion of training, received a 2-year associate of science
21 degree as an orthopedic physician's assistant before January 1,
22 1977 may use the title "orthopedic physician's assistant" whether
23 or not the individual is licensed under this part.

24 Sec. 17060. The department, in consultation with the task
25 force, shall do all of the following:

26 (a) Promulgate rules necessary for the implementation of its
27 powers and duties under this part and may perform the acts and make
28 the determinations necessary for the proper implementations of
29 those powers and duties.

1 (b) Promulgate rules to establish the requirements for the
2 education, training, or experience of physician's assistants for
3 licensure in this state. The requirements must take into account
4 nationally recognized standards for education, training, and
5 experience and the desired utilization of physician's assistants.
6 By January 14, 2017, the rules must include training standards for
7 identifying victims of human trafficking. The training standards
8 for identifying victims of human trafficking must apply for a
9 physician's assistant license or registration renewal beginning
10 with the first renewal cycle after the rules are promulgated and
11 for an initial license or registration issued 5 or more years after
12 the rules are promulgated.

13 (c) Grant licenses to applicants who meet the requirements of
14 this part and the rules promulgated under this part for practice
15 and **for the** use of the ~~title of~~ **titles of** physician's assistant **and**
16 **physician associate.**

17 (d) Promulgate rules to establish criteria for the evaluation
18 of programs for the education and training of physician's
19 assistants for the purpose of determining whether graduates of the
20 programs have the knowledge and skills requisite for practice and
21 **for the** use of the ~~title~~ **titles of** physician's assistant **and**
22 **physician associate,** in this state as defined by this part and the
23 rules promulgated under this part. The criteria established must be
24 substantially consistent with nationally recognized standards for
25 the education and training of physician's assistants. Until the
26 criteria are established, the criteria developed by the advisory
27 commission on physician's assistants shall remain in effect. The
28 department shall consider and may use where appropriate the
29 criteria established by professional associations, education

1 accrediting bodies, or governmental agencies. In establishing
 2 criteria for the evaluation of education and training programs, the
 3 department may seek the advice of the boards and the department of
 4 education.

5 Sec. 17072. (1) ~~A~~**The department shall issue a** certificate of
 6 licensure, temporary licensure, or renewal ~~shall be issued by the~~
 7 ~~department~~ to an applicant who is granted licensure, temporary
 8 licensure, or renewal. A certificate issued under this part ~~shall~~
 9 **must** contain the full name of the individual licensed, a permanent
 10 individual number, and the date of expiration.

11 (2) The task force shall direct the board to grant interim
 12 licensure to an unlicensed individual who was employed as a
 13 physician's assistant on December 29, 1977, to be effective until
 14 the task force formally issues or denies a license to the
 15 physician's assistant pursuant to this part and the rules
 16 promulgated under this part. During this period the task force may
 17 direct the board to grant interim licensure to a new applicant who
 18 has graduated from a program training physician's assistants.

19 (3) The task force may direct the board to grant a
 20 nonrenewable temporary license to an applicant who meets all
 21 requirements for licensure except examination, if required. The
 22 task force shall make its decision within 30 days after submission
 23 of a complete application or the conclusion of a department
 24 investigation, whichever is later. The temporary license ~~shall be~~
 25 **is** valid for a period determined by the task force, but not to
 26 exceed 1 year, or until the results of a required examination are
 27 made available, whichever is sooner. The department shall issue a
 28 certificate of temporary licensure within 15 days after the board
 29 grants the license.

1 (4) A physician's assistant licensed under this part shall
2 publicly display the current certificate of licensure, temporary
3 license, or renewal permanently in that individual's place of
4 practice, if feasible, and shall have available for inspection a
5 pocket card issued by the department containing the essential
6 information of the license. While working, the individual shall
7 wear appropriate identification, clearly indicating that the
8 individual is a physician's assistant **or physician associate**.

9 Sec. 17082. (1) The task force may conduct or cause to be
10 conducted, investigations and evaluations necessary to determine
11 whether a program meets the criteria established by this part and
12 rules promulgated under this part.

13 (2) At times the task force determines appropriate, the task
14 force may revise the criteria for the education and training of
15 graduates to determine whether the graduates meet the requirements
16 for practice and **for the use of the title-titles of** physician's
17 assistant **and physician associate** in this state.

18 (3) A program ~~approval of~~ **formerly approved by** the director of
19 public health and the criteria developed or recommended by the
20 physician's assistant's advisory commission permitted under ~~section~~
21 ~~20 of former Act No. 420 of the Public Acts of 1976 shall be~~
22 ~~continued~~ **PA 420 continues** for the duration of its initial
23 approval, unless disapproved by the task force.

24 Sec. 17511. (1) ~~A person~~ **An individual** shall not engage in the
25 practice of osteopathic medicine and surgery or practice as a
26 physician's assistant unless licensed or otherwise authorized by
27 this article.

28 (2) Notwithstanding section 16145 or rules promulgated under
29 that section, the board may grant a license in accordance with

1 section 16186 after determining that each of the following
2 conditions is satisfied:

3 (a) The applicant has disclosed that a sanction is in force
4 against him or her as described in section 16174(2)(b) and
5 considering the reasons for the sanction and the applicant's record
6 of practice, experience, credentials, and competence to engage in
7 the practice of osteopathic medicine and surgery, that sanction
8 should not prevent the applicant from being granted a license in
9 this state.

10 (b) The sanction imposed by the other state is not permanent.

11 (c) The sanction imposed by the other state was not the result
12 of a patient safety violation.

13 (d) If the applicant was required by the state that imposed
14 the sanction to participate in and complete a probationary period
15 or treatment plan as a condition of the continuation of ~~his or her~~
16 **the applicant's** licensure, the applicant did not complete the
17 probationary period or treatment plan because the applicant ceased
18 engaging in the practice of osteopathic medicine and surgery in
19 that state.

20 (e) As a condition of licensure under this subsection, the
21 applicant voluntarily agrees to complete a probationary period or
22 treatment plan, the terms of which are no less stringent than those
23 imposed by the state that imposed the sanction.

24 (3) Except as otherwise provided in ~~this~~ subsection **(4)**, the
25 following words, titles, or letters or a combination thereof, with
26 or without qualifying words or phrases, are restricted in use only
27 to those ~~persons~~ **individuals** authorized under this part to use the
28 terms and in a way prescribed in this part: "osteopath",
29 "osteopathy", "osteopathic practitioner", "doctor of osteopathy",

1 "diplomate in osteopathy", "d.o.", "physician's assistant", and
2 "p.a.". **A physician's assistant may also use the title "physician
3 associate".**

4 (4) Notwithstanding section 16261, ~~a person~~**an individual** who
5 was specially trained at an institution of higher education in this
6 state to assist a physician in the field of orthopedics and, upon
7 completion of training, received a 2-year associate of science
8 degree as an orthopedic physician's assistant before January 1,
9 1977 may use the title "orthopedic physician's assistant" whether
10 or not the individual is licensed under this part.

11 Sec. 18011. (1) ~~A person~~**An individual** shall not engage in the
12 practice of podiatric medicine and surgery or practice as a
13 physician's assistant unless licensed or otherwise authorized by
14 this article.

15 (2) The following words, titles, or letters or a combination
16 thereof, with or without qualifying words or phrases, are
17 restricted in use only to those ~~persons~~**individuals** authorized
18 under this part to use the terms and in a way prescribed in this
19 part: "chiroprapist", "chiroprody", "chiroprical", "podiatry",
20 "podiatrist", "podiatric", "doctor of podiatric medicine", "foot
21 specialist", "podiatric physician and surgeon", ~~and~~ "d.p.m.",
22 **"physician's assistant", and "p.a.". A physician's assistant may
23 also use the title "physician associate".**