

HOUSE BILL NO. 5612

March 20, 2024, Introduced by Reps. Meerman, Farhat, Hood, Borton and Bierlein and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17001 and 17011 (MCL 333.17001 and 333.17011), section 17001 as amended by 2018 PA 624 and section 17011 as amended by 2006 PA 398.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 17001. (1) As used in this part:
- 2 (a) "Academic institution" means either of the following:
- 3 (i) A medical school approved by the board.

1 (ii) A hospital licensed under article 17 that meets all of the
2 following requirements:

3 (A) Was the sole sponsor or a co-sponsor, if each other co-
4 sponsor is either a medical school approved by the board or a
5 hospital owned by the federal government and directly operated by
6 the United States Department of Veterans Affairs, of not less than
7 4 postgraduate education residency programs approved by the board
8 under section 17031(1) for not less than the 3 years immediately
9 preceding the date of an application for a limited license under
10 section 16182(2)(c) or an application for a full license under
11 section ~~17031(2)~~, **17031(2)(a)**, if at least 1 of the residency
12 programs is in the specialty area of medical practice, or in a
13 specialty area that includes the subspecialty of medical practice,
14 in which the applicant for a limited license proposes to practice
15 or in which the applicant for a full license has practiced for the
16 hospital.

17 (B) Has spent not less than \$2,000,000.00 for medical
18 education during each of the 3 years immediately preceding the date
19 of an application for a limited license under section 16182(2)(c)
20 or an application for a full license under section ~~17031(2)~~.
21 **17031(2)(a)**. As used in this sub-subparagraph, "medical education"
22 means the education of physicians and candidates for degrees or
23 licenses to become physicians, including, but not limited to,
24 physician staff, residents, interns, and medical students.

25 (b) "Electrodiagnostic studies" means the testing of
26 neuromuscular functions utilizing nerve conduction tests and needle
27 electromyography. It does not include the use of surface
28 electromyography.

29 (c) "Genetic counselor" means an individual who is licensed

1 under this part to engage in the practice of genetic counseling.

2 (d) "Medical care services" means those services within the
3 scope of practice of physicians who are licensed or authorized by
4 the board, except those services that the board prohibits or
5 otherwise restricts within a practice agreement or determines shall
6 not be delegated by a physician because a delegation would endanger
7 the health and safety of patients as provided for in section
8 17048(1).

9 (e) "Participating physician" means a physician, a physician
10 designated by a group of physicians under section 17049 to
11 represent that group, or a physician designated by a health
12 facility or agency under section 20174 to represent that health
13 facility or agency.

14 (f) "Physician" means an individual who is licensed or
15 authorized under this article to engage in the practice of
16 medicine.

17 (g) "Podiatrist" means an individual who is licensed under
18 this article to engage in the practice of podiatric medicine and
19 surgery.

20 (h) "Practice agreement" means an agreement described in
21 section 17047.

22 (i) **"Practice as a physician's assistant" means the practice**
23 **of medicine with a participating physician under a practice**
24 **agreement.**

25 (j) ~~(i)~~—"Practice of genetic counseling" means provision of
26 any of the following services:

27 (i) Obtaining and evaluating individual, family, and medical
28 histories to determine the genetic risk for genetic or medical
29 conditions or diseases in a client, the client's descendants, or

1 other family members of the client.

2 (ii) Discussing with a client the features, natural history,
3 means of diagnosis, genetic and environmental factors, and
4 management of the genetic risks of genetic or medical conditions or
5 diseases.

6 (iii) Identifying and coordinating appropriate genetic
7 laboratory tests and other diagnostic studies for genetic
8 assessment of a client.

9 (iv) Integrating genetic laboratory test results and other
10 diagnostic studies with personal and family medical history to
11 assess and communicate a client's risk factors for genetic or
12 medical conditions or diseases.

13 (v) Explaining to a client the clinical implications of
14 genetic laboratory tests and other diagnostic studies and their
15 results.

16 (vi) Evaluating the responses of a client and the client's
17 family to a genetic or medical condition or disease or to the risk
18 of recurrence of that condition or disease and providing client-
19 centered counseling and anticipatory guidance.

20 (vii) Identifying and utilizing community resources that
21 provide medical, educational, financial, and psychosocial support
22 and advocacy to a client.

23 (viii) Providing written documentation of medical, genetic, and
24 counseling information for families of and health care
25 professionals of a client.

26 (k) ~~(j)~~—"Practice of medicine" means the diagnosis, treatment,
27 prevention, cure, or relieving of a human disease, ailment, defect,
28 complaint, or other physical or mental condition, by attendance,
29 advice, device, diagnostic test, or other means, or offering,

1 undertaking, attempting to do, or holding oneself out as able to
2 do, any of these acts.

3 ~~(k) "Practice as a physician's assistant" means the practice~~
4 ~~of medicine with a participating physician under a practice~~
5 ~~agreement.~~

6 (l) "Qualified supervisor" means an individual who is a genetic
7 counselor and who holds a license under this part other than a
8 temporary or limited license.

9 (m) "Task force" means the joint task force created in section
10 17025.

11 (n) "Temporary licensed genetic counselor" means a genetic
12 counselor who has been issued a temporary license under this
13 article.

14 (2) In addition to the definitions in this part, article 1
15 contains definitions and principles of construction applicable to
16 all articles in this code and part 161 contains definitions
17 applicable to this part.

18 Sec. 17011. (1) An individual shall not engage in the practice
19 of medicine or practice as a physician's assistant unless licensed
20 or otherwise authorized by this article. An individual shall not
21 engage in teaching or research that requires the practice of
22 medicine unless the individual is licensed or otherwise authorized
23 by this article.

24 (2) Notwithstanding section 16145 or rules promulgated under
25 that section, the board may grant a license to an individual who
26 meets the requirements of section 16186 or ~~17031(2)~~ **17031(2)(a) or**
27 **(b)** after reviewing the applicant's record of practice, experience,
28 and credentials and determining that the applicant is competent to
29 practice medicine.

1 (3) For individuals applying for licensure under section
2 16186, the board shall not impose requirements on graduates of
3 medical schools located outside the United States or Canada that
4 exceed the requirements imposed on graduates of medical schools
5 located in the United States or Canada.

6 (4) Notwithstanding section 16145 or rules promulgated under
7 that section, the board may grant a license in accordance with
8 section 16186 after determining that each of the following
9 conditions is satisfied:

10 (a) The applicant has disclosed that a sanction is in force
11 against ~~him or her~~ **the applicant** as described in section
12 16174(2)(b) and considering the reasons for the sanction and the
13 applicant's record of practice, experience, credentials, and
14 competence to engage in the practice of medicine, that sanction
15 should not prevent the applicant from being granted a license in
16 this state.

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

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

20 (d) If the applicant was required by the state that imposed
21 the sanction to participate in and complete a probationary period
22 or treatment plan as a condition of the continuation of ~~his or her~~
23 **the applicant's** licensure, the applicant did not complete the
24 probationary period or treatment plan because the applicant ceased
25 engaging in the practice of medicine in that state.

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

1 (5) Except as otherwise provided in this subsection, the
2 following words, titles, or letters or a combination thereof, ~~of~~
3 **the following words, titles, or letters**, with or without qualifying
4 words or phrases, are restricted in use only to those individuals
5 authorized under this part to use the terms and in a way prescribed
6 in this part: "doctor of medicine", "m.d.", "physician's
7 assistant", and "p.a.". Notwithstanding section 16261, an
8 individual who was specially trained at an institution of higher
9 education in this state to assist a physician in the field of
10 orthopedics and, upon completion of training, received a 2-year
11 associate of science degree as an orthopedic physician's assistant
12 before January 1, 1977 may use the title "orthopedic physician's
13 assistant" whether or not the individual is licensed under this
14 part.

15 Enacting section 1. This amendatory act does not take effect
16 unless Senate Bill No. ____ or House Bill No. 5613 (request no.
17 05592'24) of the 102nd Legislature is enacted into law.