# HOUSE BILL NO. 6405

September 24, 2026, Introduced by Reps. Rheingans, Conlin, Longjohn, Herzberg, Morgan, Byrnes and Foreman and referred to Committee on Health Policy.

A bill to amend 1978 PA 368, entitled

"Public health code,"

by amending section 16215 (MCL 333.16215), as amended by 2019 PA 140.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

Sec. 16215. (1) Subject to subsections (2) to (6), a **qualified** licensee ~~who holds a license other than a health profession subfield license~~ may delegate to a licensed or unlicensed individual who is otherwise qualified by education, training, or experience the performance of selected acts, tasks, or functions

where the acts, tasks, or functions fall within the scope of practice of the **qualified** licensee's profession and will be performed under the **qualified** licensee's supervision. A **qualified** licensee shall not delegate an act, task, or function under this section if the act, task, or function, under standards of acceptable and prevailing practice, requires the level of education, skill, and judgment required of the **qualified** licensee under this article.

(2) Subject to subsection (1) and except as otherwise provided in this subsection and subsections (3) and (4), a **qualified** licensee who is an allopathic physician or osteopathic physician and surgeon shall delegate an act, task, or function that involves the performance of a procedure that requires the use of surgical instrumentation only to an individual who is licensed under this article. A **qualified** licensee who is an allopathic physician or osteopathic physician and surgeon may delegate an act, task, or function described in this subsection to an individual who is not licensed under this article if the unlicensed individual is 1 or more of the following and if the procedure is directly supervised by a ~~licensed~~ **qualified licensee who is an** allopathic physician or osteopathic physician and surgeon who is physically present during the performance of the procedure:

(a) A student enrolled in a school of medicine or osteopathic medicine approved by the Michigan board of medicine or the Michigan board of osteopathic medicine and surgery.

(b) A student enrolled in a physician's assistant training program approved by the joint physician's assistant task force created under part 170.

(3) Subject to subsection (1), a **qualified** licensee who is an

allopathic physician or osteopathic physician and surgeon may delegate an act, task, or function described in subsection (2) to an individual who is not licensed under this article and who is 1 of the following:

(a) Performing acupuncture. This subdivision does not apply beginning 36 months after the effective date of the rules promulgated under section 16525 on the licensure of acupuncturists.

(b) Surgically removing only bone, skin, blood vessels, cartilage, dura mater, ligaments, tendons, pericardial tissue, or heart valves only from a deceased individual for transplantation, implantation, infusion, injection, or other medical or scientific purpose.

(4) Subject to subsection (1), a **qualified** licensee who is an allopathic physician or osteopathic physician and surgeon may delegate an act, task, or function described in subsection (2) to an individual who is not licensed under this article if the procedure is directly supervised by a ~~licensed~~ **qualified licensee who is an** allopathic physician or osteopathic physician and surgeon ~~who~~ **and** is physically present during the performance of the procedure, the delegation of such procedure is not prohibited or otherwise restricted by the board or that health facility or agency, and the delegation of that act, task, or function is specifically authorized by that health facility or agency to be delegated and performed by either of the following unlicensed individuals:

(a) A surgical technologist who meets the qualifications established by the health facility or agency with which ~~he or she~~ **the surgical technologist** is employed or under contract.

(b) A surgical first assistant who meets the qualifications

established by the health facility or agency with which ~~he or she~~ **the surgical first assistant** is employed or under contract.

(5) A board **or task force** may promulgate rules to further prohibit or otherwise restrict delegation of specific acts, tasks, or functions to a licensed or unlicensed individual if the board **or task force** determines that the delegation constitutes or may constitute a danger to the health, safety, or welfare of the patient or public.

(6) To promote safe and competent practice, a board **or task force** may promulgate rules to specify conditions under which, and categories and types of licensed and unlicensed individuals for whom, closer supervision may be required for acts, tasks, and functions delegated under this section.

(7) An individual who performs acts, tasks, or functions delegated ~~pursuant to~~ **under** this section does not violate the part that regulates the scope of practice of that health profession.

(8) ~~The amendatory act that added this subsection~~ **2005 PA 211** does not require new or additional ~~third party~~ **third-party** reimbursement or mandated worker's compensation benefits for services rendered by an individual authorized to perform those services under subsection (4).

**(9) As used in this section, "qualified licensee" means any of the following:**

**(a) Except as otherwise provided in subdivision (b), a licensee who holds a license other than a health profession subfield license.**

**(b) An individual who holds a health profession subfield license to engage in the practice as a physician's assistant under part 170, 175, or 180.**