

**SUBSTITUTE FOR
HOUSE BILL NO. 4098**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 21903, 21905, 21907, 21909, 21911, 21913,
21915, 21919, 21921, and 21923 (MCL 333.21903, 333.21905,
333.21907, 333.21909, 333.21911, 333.21913, 333.21915, 333.21919,
333.21921, and 333.21923), as added by 2017 PA 172.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 21903. (1) "Certificate of permit" means a document
2 issued by the department as evidence of a permit.
3 (2) "Certificate of registration" means a document issued by
4 the department as evidence of registration.
5 (3) "Fund" means the nurse aide ~~registry~~ **and medication aide**
6 **registration** fund created in section 21921.



1 (4) "Medication aide" means a nurse aide who holds a
2 registration to engage in practice as a medication aide. A
3 medication aide is not a health professional licensed under article
4 15, a registered dietitian, or someone who volunteers to provide
5 nursing or nursing-related services without pay.

6 (5) "Medication aide trainer" means an individual who holds a
7 permit to provide training to a medication aide candidate who is
8 enrolled in a medication aide training program.

9 (6) "Medication aide training program" means an instructional
10 program provided at a qualified educational institution that
11 prepares a nurse aide with the knowledge and ability to engage in
12 practice as a medication aide and that is offered by a person who
13 holds a permit.

14 (7) ~~(4)~~"Nurse aide" means an individual who holds a
15 registration to **engage in practice as a nurse aide**. A nurse aide is
16 not a health professional licensed under article 15, a registered
17 dietitian, or someone who volunteers to provide nursing or nursing-
18 related services without pay.

19 (8) ~~(5)~~"Nurse aide trainer" means an individual who holds a
20 permit to provide training to a nurse aide candidate who is
21 enrolled in a nurse aide training program.

22 (9) ~~(6)~~"Nurse aide training program" means an instructional
23 program that prepares a nurse aide candidate with the knowledge and
24 ability to **engage in** practice as a nurse aide and that is offered
25 by a person that holds a permit.

26 Sec. 21905. (1) "Permit" means an authorization granted by the
27 department under this part to conduct training or instruction of
28 nurse aide **candidates or medication aide** candidates under the
29 ~~program.~~**programs described in section 21907.**



1 (2) "Practice as a medication aide" means administering
 2 regularly scheduled medications to residents of a nursing home or
 3 skilled nursing facility while under the supervision of a
 4 registered professional nurse licensed under article 15. Practice
 5 as a medication aide is not the practice of nursing as that term is
 6 defined in section 17201 and does not include administering
 7 controlled substances, administering medications in injectable
 8 forms, the initial administration of medications, or the
 9 administration of as needed medications including pro re nata
 10 medications.

11 (3) ~~(2)~~—"Practice as a nurse aide" means providing nursing or
 12 nursing-related services to a patient or resident. Practice as a
 13 nurse aide is not the practice of nursing as that term is defined
 14 in section 17201.

15 ~~(3) "Program" means the nurse aide training and registration~~
 16 ~~program described in section 21907.~~

17 (4) "Qualified educational institution" means a degree- or
 18 certificate-granting public or private college or university,
 19 junior college, or community college.

20 (5) ~~(4)~~—"Registration" means an authorization granted by the
 21 department under this part granting permission to an individual to
 22 **engage in** practice as a nurse aide under the program **described in**
 23 **section 21907(a) or engage in practice as a medication aide under**
 24 **the program described in section 21907(b) .**

25 Sec. 21907. The department shall ~~administer~~ **do both of the**
 26 **following:**

27 **(a) Administer** a nurse aide training and ~~registration~~ **permit**
 28 program in this state in conformance with this part, 42 USC 1396r,
 29 and 42 CFR parts 483 and 488.



1 **(b) Administer a medication aide training and permit program**
 2 **as established in rules promulgated by the department under this**
 3 **part.**

4 Sec. 21909. **(1) An individual shall not ~~engage~~ do any of the**
 5 **following:**

6 **(a) Engage** in practice as a nurse aide unless the individual
 7 holds a registration **to engage in practice as a nurse aide** or is in
 8 compliance with 42 CFR 483.35.

9 **(b) Engage in practice as a medication aide unless the**
 10 **individual holds a registration to engage in practice as a**
 11 **medication aide.**

12 **(2) A person shall not ~~offer~~ do any of the following:**

13 **(a) Offer** a nurse aide training program or provide training or
 14 instruction to a nurse aide candidate unless the ~~individual~~ **person**
 15 holds a permit **to offer that training program or provide that**
 16 **training or instruction.**

17 **(b) Offer a medication aide training program or provide**
 18 **training or instruction to a medication aide candidate unless the**
 19 **person holds a permit to offer that training program or provide**
 20 **that training or instruction.**

21 Sec. 21911. **(1) The department may grant a registration to**
 22 **engage in practice** as a nurse aide to an applicant who meets all of
 23 the following requirements:

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

26 **(b) Pays the fee prescribed in section 21919.**

27 **(c) Demonstrates to the department that he or she has**
 28 **successfully completed a nurse aide training program and a**
 29 **competency examination approved by the department.**



1 (d) Meets the requirements for registration in rules
2 promulgated under section 21923.

3 (2) The department may grant a registration to engage in
4 practice as a medication aide to an applicant who meets all of the
5 following requirements:

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

8 (b) Pays the fee prescribed in section 21919.

9 (c) Demonstrates to the department that he or she holds a
10 current registration to engage in practice as a nurse aide and that
11 he or she has worked as a nurse aide in a nursing home or skilled
12 nursing facility for at least 2,000 hours during the 2-year period
13 immediately preceding the date of his or her application.

14 (d) Demonstrates to the department that he or she has
15 successfully completed a medication aide training program and a
16 competency examination approved by the department.

17 (e) Meets the requirements for registration in rules
18 promulgated under section 21923.

19 (3) ~~(2)~~—The department may grant a permit as a nurse aide
20 trainer to an applicant who meets all of the following
21 requirements:

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

24 (b) Pays the fee prescribed in section 21919.

25 (c) Is a registered professional nurse licensed under article
26 15 who meets the requirements of 42 CFR 483.152(a)(5)(i) and (ii),
27 or who meets the requirements for a permit in rules promulgated
28 under section 21923.

29 (4) The department may grant a permit as a medication aide



1 **trainer to an applicant who meets all of the following**
 2 **requirements:**

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

5 **(b) Pays the fee prescribed in section 21919.**

6 **(c) Is a registered professional nurse licensed under article**
 7 **15 who meets the requirements for a permit in rules promulgated**
 8 **under section 21923.**

9 **(5) ~~(3)~~—The department may grant a permit as a nurse aide**
 10 **training program or medication aide** training program to an
 11 applicant that meets all of the following requirements:

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

14 **(b) Pays the fee prescribed in section 21919.**

15 **(c) Meets the requirements for a permit in rules promulgated**
 16 **under section 21923.**

17 **(d) Demonstrates to the department that the applicant's**
 18 **curriculum is consistent with other nurse aide training programs or**
 19 **medication aide** training programs, as provided by rules promulgated
 20 by the department under this part. **However, a medication aide**
 21 **training program must incorporate the National Council of State**
 22 **Boards of Nursing medication assistant-certified model curriculum.**

23 **(6) ~~(4)~~—A registration or permit is not transferable. A**
 24 **certificate of registration or certificate of permit must state the**
 25 **persons to which it applies.**

26 Sec. 21913. The department may grant registration to an
 27 applicant who is from another state if the applicant meets ~~either~~
 28 **any** of the following requirements:

29 **(a) ~~The~~ If the applicant is seeking a registration to practice**



1 **as a nurse aide, the** applicant passes a training program that the
 2 department determines is equivalent to or exceeds a nurse aide
 3 training program offered in this state and the applicant passes a
 4 competency examination approved by the department.

5 (b) ~~The~~ **If the applicant is seeking a registration to practice**
 6 **as a nurse aide, the** applicant's status as a nurse aide in the
 7 other state is in good standing, as verified by that state's nurse
 8 aide registry, and the department determines that the other state's
 9 training program is equivalent to or exceeds a nurse aide training
 10 program offered in this state.

11 (c) **If the applicant is seeking a registration to practice as**
 12 **a medication aide, the applicant demonstrates to the department**
 13 **that he or she has successfully completed a medication aide**
 14 **training program from Indiana, Ohio, or Wisconsin, and the**
 15 **applicant passes a competency examination approved by the**
 16 **department.**

17 Sec. 21915. (1) A registration or permit is effective for no
 18 longer than 2 years after the date it was granted.

19 (2) If a nurse aide **or medication aide** does not renew his or
 20 her registration, ~~the nurse aide he or she~~ shall not **engage in**
 21 **practice as a nurse aide or practice as a medication aide** until his
 22 or her registration is renewed by the department. If a nurse aide
 23 **trainer or medication aide** trainer does not renew his or her
 24 permit, ~~the nurse trainer he or she~~ shall not provide training to a
 25 nurse aide **candidate or medication aide** candidate until his or her
 26 permit is renewed by the department. If a person does not renew its
 27 permit as a nurse aide training program, the nurse aide **training**
 28 **program or medication aide** training program shall not provide
 29 instruction to a nurse aide **candidate or medication aide** candidate



1 until the permit is renewed by the department.

2 (3) A registration or permit is renewable if the applicant
3 pays the fee prescribed in section 21919, submits an application
4 for renewal to the department on a form and in a manner prescribed
5 by the department, and demonstrates to the department that the
6 applicant has met the requirements for renewal in rules promulgated
7 under section 21923, **including any requirement for the successful**
8 **completion of continuing education.**

9 Sec. 21919. (1) An applicant for registration **to practice as a**
10 **nurse aide** or a permit **to conduct training or instruction of a**
11 **nurse aide candidate**, or renewal of ~~a~~**the** registration or ~~a~~**permit**,
12 shall pay the following biennial fees:

- 13 (a) Nurse aide \$20.00
- 14 (b) Nurse aide trainer \$40.00
- 15 (c) Except as otherwise provided in
- 16 subdivision (d), nurse aid training program \$300.00, per site
- 17 (d) Nurse aide training program offered by
- 18 a secondary education institution or a skilled
- 19 nursing facility \$100.00, per site

20 (2) **An applicant for registration to practice as a medication**
21 **aide or a permit to conduct training or instruction of a medication**
22 **aide candidate, or renewal of the registration or permit, shall pay**
23 **the following annual fees:**

- 24 (a) **Medication aide \$64.00**
- 25 (b) **Medication aide trainer \$80.00**
- 26 (c) **Medication aide training program \$500, per site**

27 (3) ~~(2)~~—In addition to the fees prescribed in subsection (1)
28 **or (2)**, an applicant for registration shall pay a nurse aide **or**
29 **medication aide** competency examination fee of \$125.00, per



1 examination.

2 (4) ~~(3)~~—The fees prescribed in this section are payable to the
3 department or the department's contractor at the time an
4 application for an initial or renewal registration or permit is
5 submitted to the department. If an application for registration or
6 permit is denied, or if registration or permit is revoked before
7 its expiration date, the department shall not refund the fees paid
8 to the department.

9 Sec. 21921. (1) The nurse aide **and medication aide**
10 registration fund is created within the state treasury.

11 (2) The state treasurer shall credit the fees collected under
12 section 21919 to the fund and may receive money or other assets
13 from any source for deposit into the fund. The state treasurer
14 shall direct the investment of the fund. The state treasurer shall
15 credit to the fund interest and earnings from fund investments.

16 (3) Money in the fund at the close of the fiscal year must
17 remain in the fund and does not lapse to the general fund.

18 (4) The department is the administrator of the fund for
19 auditing purposes.

20 (5) The department shall expend money from the fund, upon
21 appropriation, only to implement the ~~program~~**programs described in**
22 **section 21907.**

23 Sec. 21923. (1) ~~The~~**Notwithstanding any rule-promulgation**
24 **authority that is provided in this article, the** department may **only**
25 ~~promulgate and enforce rules to implement this part. The rules may~~
26 ~~include, but not be limited to, rules establishing requirements as~~
27 **provided in this part and to establish the following:**

28 (a) **Requirements** for surveying a nurse aide training program ~~7~~
29 ~~investigating or medication aide training program.~~



1 **(b) Requirements for investigating** allegations against a nurse
 2 aide **or medication aide** in a ~~health facility or agency or another~~
 3 ~~setting—nursing home or skilled nursing facility~~ where a nurse aide
 4 engages in the practice as a nurse aide, ~~investigating or a~~
 5 **medication aide engages in the practice of a medication aide and**
 6 **taking action against that nurse aide or medication aide.**

7 **(c) Requirements for investigating** allegations **and taking**
 8 **action** against a nurse aide trainer, ~~or nurse aide training~~
 9 ~~program, and enforcing this part. The rules may also establish~~
 10 ~~eligibility—medication aide trainer, or medication aide training~~
 11 **program.**

12 **(d) Requirements for enforcing this part.**

13 **(e) Eligibility** requirements to **grant and** renew a registration
 14 or permit under this part. ~~competency~~

15 **(f) Competency** requirements. ~~and examination~~

16 **(g) Examination** requirements for registration.

17 **(h) Requirements for renewal.**

18 (2) Rules promulgated under this part that are applicable to
 19 ~~health facilities or agencies—nursing homes or skilled nursing~~
 20 **facilities** must be uniform insofar as is reasonable.

21 Enacting section 1. This amendatory act takes effect 90 days
 22 after the date it is enacted into law.

