



HOUSE BILL No. 4883

May 18, 1995, Introduced by Reps. Bennane, Willard, DeMars, Cherry, Gubow, Martinez and Pitoniak and referred to the Committee on Health Policy.

A bill to amend sections 16131 and 16263 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," section 16131 as amended by Act No. 80 of the Public Acts of 1993 and section 16263 as amended by Act No. 216 of the Public Acts of 1990, being sections 333.16131 and 333.16263 of the Michigan Compiled Laws; and to add section 16348 and part 185.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 16131 and 16263 of Act No. 368 of the
2 Public Acts of 1978, section 16131 as amended by Act No. 80 of
3 the Public Acts of 1993 and section 16263 as amended by Act
4 No. 216 of the Public Acts of 1990, being sections 333.16131 and
5 333.16263 of the Michigan Compiled Laws, are amended and section
6 16348 and part 185 are added to read as follows:

1 Sec. 16131. The terms of office of individual members of
 2 the council or the boards and task forces, except those appointed
 3 to fill vacancies, ~~shall~~ expire 4 years after appointment as
 4 follows:

| | | |
|----|----------------------------------|-------------|
| 5 | Nursing | June 30 |
| 6 | Optometry | June 30 |
| 7 | Pharmacy | June 30 |
| 8 | Podiatric medicine and surgery | June 30 |
| 9 | Dentistry | June 30 |
| 10 | Chiropractic | December 31 |
| 11 | Counseling | June 30 |
| 12 | LABORATORY TESTING | DECEMBER 31 |
| 13 | Medicine | December 31 |
| 14 | Occupational therapists | December 31 |
| 15 | Osteopathic medicine and surgery | December 31 |
| 16 | Physical therapy | December 31 |
| 17 | Psychology | December 31 |
| 18 | Sanitaricians | December 31 |
| 19 | Veterinary medicine | December 31 |

20 Sec. 16263. (1) Except as provided in subsection (2), the
 21 following words, titles, or letters or a combination thereof,
 22 with or without qualifying words or phrases, are restricted in
 23 use only to those persons authorized under this article to use
 24 the terms and in a way prescribed in this article:

25 (a) "Chiropractic", "doctor of chiropractic",
 26 "chiropractor", "d.c.", and "chiropractic physician".

1 (b) "Dentist", "doctor of dental surgery", "oral and
2 maxillofacial surgeon", "orthodontist", "prosthodontist",
3 "periodontist", "endodontist", "oral pathologist", "pediatric
4 dentist", "dental hygienist", "registered dental hygienist",
5 "dental assistant", "registered dental assistant", "R.D.A.",
6 "d.d.s.", "d.m.d.", and "r.d.h.".

7 (c) "Doctor of medicine" and "m.d.".

8 (d) "Physician's assistant" and "p.a.".

9 (e) "Registered professional nurse", "registered nurse",
10 "r.n.", "licensed practical nurse", "l.p.n.", "nurse midwife",
11 "nurse anesthetist", "nurse practitioner", "trained attendant",
12 and "t.a.".

13 (f) "Doctor of optometry", "optometrist", and "o.d.".

14 (g) "Osteopath", "osteopathy", "osteopathic practitioner",
15 "doctor of osteopathy", "diplomate in osteopathy", and "d.o.".

16 (h) "Pharmacy", "pharmacist", "apothecary", "drugstore",
17 "druggist", "medicine store", "prescriptions", and "r.ph.".

18 (i) "Physical therapy", "physical therapist",
19 "physiotherapist", "registered physical therapist", "licensed
20 physical therapist", "physical therapy technician", "p.t.",
21 "r.p.t.", "l.p.t.", and "p.t.t.".

22 (j) "Chiropodist", "chiropody", "chiropodical", "podiatry",
23 "podiatrist", "podiatric", "doctor of podiatric medicine", "foot
24 specialist", "podiatric physician and surgeon", and "d.p.m.".

25 (k) "Consulting psychologist", "psychologist",
26 "psychological assistant", and "psychological examiner",
27 "licensed psychologist", and "limited licensed psychologist".

1 (l) "Licensed professional counselor", "licensed counselor",
2 "professional counselor", and "l.p.c.".

3 (m) "Sanitarian", "registered sanitarian", and "r.s.".

4 (n) "Veterinary", "veterinarian", "veterinary doctor",
5 "veterinary surgeon", "doctor of veterinary medicine", "v.m.d.",
6 "d.v.m.", "animal technician", or "animal technologist".

7 (o) "Occupational therapist", "occupational therapist
8 registered", "certified occupational therapist", "o.t.",
9 "o.t.r.", "c.o.t.", "certified occupational therapy assistant",
10 "occupational therapy assistant", or "c.o.t.a.".

11 (P) "LABORATORY SCIENTIST", "LICENSED LABORATORY SCIENTIST",
12 "LABORATORY TECHNICIAN", "LICENSED LABORATORY TECHNICIAN",
13 "LABORATORY PRACTITIONER", "LICENSED LABORATORY PRACTITIONER",
14 "L.S.", "L.T.", OR "L.P.".

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

22 SEC. 16348. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE
23 TO ENGAGE IN THE PRACTICE OF LABORATORY TESTING AT THE LABORATORY
24 PRACTITIONER LEVEL, THE PRACTICE OF LABORATORY TESTING AT THE
25 LABORATORY TECHNICIAN LEVEL, OR THE PRACTICE OF LABORATORY TEST-
26 ING AT THE LABORATORY SCIENTIST LEVEL UNDER PART 185 ARE AS
27 FOLLOWS:

| | | | |
|---|-------------------------------------|----|-------|
| 1 | (A) APPLICATION PROCESSING FEE..... | \$ | 20.00 |
| 2 | (B) LICENSE FEE, PER YEAR: | | |
| 3 | (i) LABORATORY PRACTITIONER..... | \$ | 10.00 |
| 4 | (ii) LABORATORY TECHNICIAN..... | \$ | 20.00 |
| 5 | (iii) LABORATORY SCIENTIST..... | \$ | 20.00 |
| 6 | (C) TEMPORARY LICENSE..... | \$ | 10.00 |
| 7 | (D) LIMITED LICENSE, PER YEAR..... | \$ | 20.00 |

8 PART 185. LABORATORY TESTING PERSONNEL

9 SEC. 18501. (1) AS USED IN THIS PART:

10 (A) "ACCREDITED EDUCATIONAL PROGRAM" MEANS A PROGRAM THAT
11 PROVIDES INSTRUCTION AND EXPERIENCE IN LABORATORY TESTING AND
12 THAT HAS BEEN ACCREDITED BY AN ACCREDITING AGENCY RECOGNIZED BY
13 THE UNITED STATES DEPARTMENT OF EDUCATION AND APPROVED BY THE
14 DEPARTMENT.

15 (B) "CLIENT" MEANS THE INDIVIDUAL UPON WHOSE BODY, BODY
16 FLUID, OR BODY PART A LABORATORY TEST IS PERFORMED.

17 (C) "LABORATORY" MEANS THE SITE AT WHICH A LABORATORY TEST
18 IS PERFORMED.

19 (D) "LABORATORY DIRECTOR" MEANS THAT TERM AS DEFINED IN
20 SECTION 20501.

21 (E) "LABORATORY PRACTITIONER" MEANS AN INDIVIDUAL WHO IS
22 LICENSED UNDER THIS ARTICLE TO ENGAGE IN THE PRACTICE OF LABORA-
23 TORY TESTING AT THE LABORATORY PRACTITIONER LEVEL, SUBJECT TO
24 SECTION 18517.

25 (F) "LABORATORY TECHNICIAN" MEANS AN INDIVIDUAL WHO IS
26 LICENSED UNDER THIS ARTICLE TO ENGAGE IN THE PRACTICE OF

1 LABORATORY TESTING AT THE LABORATORY TECHNICIAN LEVEL, SUBJECT TO
2 SECTION 18517.

3 (G) "LABORATORY SCIENTIST" MEANS AN INDIVIDUAL WHO IS
4 LICENSED UNDER THIS ARTICLE TO ENGAGE IN THE PRACTICE OF LABORA-
5 TORY TESTING AT THE LABORATORY SCIENTIST LEVEL, SUBJECT TO
6 SECTION 18517.

7 (H) "LABORATORY TEST" MEANS A MICROBIOLOGICAL, SEROLOGICAL,
8 CHEMICAL, HEMATOLOGICAL, RADIOMETRIC, CYTOLOGICAL, BIOPHYSICAL,
9 IMMUNOLOGICAL, HISTOLOGICAL, GENETIC, OR OTHER CLINICAL OR
10 ANATOMIC PATHOLOGICAL EXAMINATION OR PROCEDURE THAT IS PERFORMED
11 ON MATERIAL DERIVED FROM OR EXISTING IN A HUMAN BODY THAT PRO-
12 VIDES INFORMATION FOR THE DIAGNOSIS, PREVENTION, MONITORING, OR
13 TREATMENT OF A DISEASE OR ASSESSMENT OF A MEDICAL CONDITION OR
14 PREDISPOSITION. LABORATORY TEST DOES NOT INCLUDE A WAIVERED
15 TEST, IN VIVO DIAGNOSTIC IMAGING, NONINVASIVE VASCULAR DIAGNOSTIC
16 STUDIES, OR THE COLLECTION, HANDLING, AND PREPARATION OF A BODY
17 FLUID OR MICROBIOLOGY CULTURE SPECIMEN USED FOR A LABORATORY
18 TEST, OR A TEST THE RESULTS OF WHICH ARE USED SOLELY FOR EVIDEN-
19 TIARY PURPOSES IN A CIVIL OR CRIMINAL PROCEEDING.

20 (I) "PERFUSIONIST" MEANS AN INDIVIDUAL WHO OPERATES EXTRA-
21 CORPOREAL CIRCULATION EQUIPMENT FOR A PATIENT WHOSE MEDICAL CON-
22 DITION REQUIRES THE SUPPORT OR TEMPORARY REPLACEMENT OF THE
23 PATIENT'S CARDIOPULMONARY-CIRCULATORY FUNCTION.

24 (J) "POINT-OF-CARE TESTING" MEANS A LABORATORY TEST PER-
25 FORMED IN A HOSPITAL OR A FREESTANDING OUTPATIENT SURGICAL FACIL-
26 ITY LICENSED UNDER ARTICLE 17 THAT MEETS ALL OF THE FOLLOWING

1 CRITERIA, BUT DOES NOT INCLUDE A LABORATORY TEST PERFORMED IN A
2 LABORATORY DESCRIBED IN SECTION 20507(A), (B), OR (C):

3 (i) IS DESIGNATED BY THE HOSPITAL OR FREESTANDING SURGICAL
4 OUTPATIENT FACILITY AS BEING SO CRITICAL TO A PATIENT'S IMMEDIATE
5 CARE THAT THE LABORATORY TEST MUST BE PERFORMED URGENTLY ON AND
6 NEAR THE PATIENT TO REDUCE TESTING TIME OR TIME TO TREATMENT.

7 (ii) PROVIDES CLINICALLY RELEVANT INFORMATION THAT DIRECTS
8 IMMEDIATE OR URGENT THERAPY.

9 (iii) PRODUCES ACCURATE AND PRECISE DATA IN A SHORT TIME AND
10 MEETS THE APPLICABLE STANDARDS OF QUALITY IN LABORATORY MEDICINE
11 AS DETERMINED BY APPROPRIATE ACCREDITING AGENCIES APPROVED BY THE
12 BOARD.

13 (K) "PRACTICE OF LABORATORY TESTING AT THE LABORATORY PRAC-
14 TITIONER LEVEL" MEANS 1 OR MORE OF THE FOLLOWING:

15 (i) PERFORMING A LABORATORY TEST PURSUANT TO ESTABLISHED
16 PROTOCOLS.

17 (ii) COMPARING PATIENT DATA TO REFERENCE RANGES ESTABLISHED
18 OR APPROVED BY THE LABORATORY DIRECTOR OR A LABORATORY
19 SCIENTIST.

20 (iii) APPLYING ARITHMETIC OR ALGEBRAIC CALCULATIONS ACCORD-
21 ING TO PROTOCOLS.

22 (iv) PERFORMING AUTOMATED TESTS IN A MANNER REQUIRING COM-
23 PLETE RELIANCE ON LABORATORY INSTRUMENTS FOR CALIBRATIONS, CALCU-
24 LATIONS, AND ANALYSES.

25 (L) "PRACTICE OF LABORATORY TESTING AT THE LABORATORY TECH-
26 NICIAN LEVEL" MEANS THE PRACTICE OF LABORATORY TESTING AT THE
27 LABORATORY PRACTITIONER LEVEL AND 1 OR MORE OF THE FOLLOWING:

1 (i) PERFORMING A LABORATORY TEST PURSUANT TO CRITERIA
2 ESTABLISHED OR APPROVED BY THE LABORATORY DIRECTOR OR A LABORA-
3 TORY SCIENTIST.

4 (ii) EVALUATING DATA PURSUANT TO CRITERIA ESTABLISHED OR
5 APPROVED BY THE LABORATORY DIRECTOR OR A LABORATORY SCIENTIST.

6 (iii) ARITHMETICAL, MATHEMATICAL, OR STATISTICAL MANIPULA-
7 TION OF NUMBERS ACCORDING TO PROTOCOL.

8 (iv) IDENTIFYING A DIRECT CAUSE OF IMPROPER TEST PERFORMANCE
9 AND CORRECTING THAT CAUSE ACCORDING TO STRATEGIES ESTABLISHED BY
10 THE LABORATORY DIRECTOR OR A LABORATORY SCIENTIST.

11 (M) "PRACTICE OF LABORATORY TESTING AT THE LABORATORY SCIEN-
12 TIST LEVEL" MEANS THE PRACTICE OF LABORATORY TESTING AT THE LABO-
13 RATORY PRACTITIONER LEVEL, THE PRACTICE OF LABORATORY TESTING AT
14 THE LABORATORY TECHNICIAN LEVEL, AND 1 OR MORE OF THE FOLLOWING:

15 (i) DECISION MAKING THAT EMPLOYS ADVANCED KNOWLEDGE OF
16 PATHOPHYSIOLOGY, CYTOPATHOLOGY LABORATORY METHODS, OR LABORATORY
17 INSTRUMENTATION, AND THAT DOES NOT EMPLOY PREDETERMINED
18 CRITERIA.

19 (ii) ESTABLISHING CRITERIA FOR DECISION MAKING IN LABORATORY
20 TESTING.

21 (iii) VALIDATING LABORATORY TEST DATA.

22 (iv) ESTABLISHING PROCEDURES FOR REPORTING RESULTS.

23 (v) SELECTING APPROPRIATE CALCULATION METHODS IN THE ABSENCE
24 OF ESTABLISHED GUIDELINES.

25 (vi) WITHOUT PRESET STRATEGIES, IDENTIFYING CAUSES OF
26 IMPROPER TEST PERFORMANCE AND DETERMINING ALTERNATIVE MEANS OF

1 OBTAINING CORRECT TEST PERFORMANCE OR SOLUTIONS TO PROBLEMS
2 CREATED BY INCORRECT TEST PERFORMANCE.

3 (N) "PROTOCOL" MEANS INFORMATION PREPARED OR APPROVED BY THE
4 LABORATORY DIRECTOR OR A LABORATORY SCIENTIST THAT PROVIDES A
5 STEP-BY-STEP DESCRIPTION OF THE MANNER IN WHICH A LABORATORY TEST
6 IS TO BE PERFORMED.

7 (O) "WAIVERED TEST" MEANS A LABORATORY TEST THAT DOES NOT
8 REQUIRE THE PERSON PERFORMING THE LABORATORY TEST TO DO 1 OR MORE
9 OF THE FOLLOWING:

10 (i) RENDER A DECISION.

11 (ii) VALIDATE DATA.

12 (iii) MAKE CALCULATIONS OTHER THAN THE PERFORMANCE OF SIMPLE
13 ARITHMETIC.

14 (iv) CALIBRATE INSTRUMENTS OR EQUIPMENT.

15 (v) MODIFY A SPECIMEN.

16 (2) IN ADDITION TO THE DEFINITIONS IN THIS PART, ARTICLE 1
17 CONTAINS GENERAL DEFINITIONS AND PRINCIPLES OF CONSTRUCTION
18 APPLICABLE TO ALL ARTICLES IN THIS CODE AND PART 161 CONTAINS
19 DEFINITIONS APPLICABLE TO THIS PART.

20 SEC. 18503. (1) BEGINNING 1 YEAR AFTER THE EFFECTIVE DATE
21 OF THIS PART, A PERSON SHALL NOT ENGAGE IN LABORATORY TESTING AS
22 DESCRIBED IN SECTION 18501(1)(K), (L), OR (M) UNLESS THAT PERSON
23 IS LICENSED OR OTHERWISE AUTHORIZED BY THIS ARTICLE.

24 (2) A LICENSED LABORATORY SCIENTIST SHALL ONLY USE THE
25 TITLES "LICENSED LABORATORY SCIENTIST", "LABORATORY SCIENTIST",
26 OR "L.S.".

1 (3) A LICENSED LABORATORY TECHNICIAN SHALL ONLY USE THE
2 TITLES "LICENSED LABORATORY TECHNICIAN", "LABORATORY TECHNICIAN",
3 OR "L.T.".

4 (4) A LICENSED LABORATORY PRACTITIONER SHALL ONLY USE THE
5 TITLES "LICENSED LABORATORY PRACTITIONER", "LABORATORY
6 PRACTITIONER", OR "L.P.".

7 SEC. 18505. (1) THE BOARD MAY GRANT A LIMITED LICENSE TO AN
8 INDIVIDUAL TO PRACTICE LABORATORY TESTING AT THE LABORATORY SCI-
9 ENTIST, LABORATORY TECHNICIAN, OR LABORATORY PRACTITIONER LEVEL.
10 AN INDIVIDUAL WHO HOLDS A LIMITED LICENSE UNDER THIS SECTION
11 SHALL PROVIDE A LABORATORY TEST SERVICE ONLY UNDER THE SUPERVI-
12 SION OF AN INDIVIDUAL LICENSED OR OTHERWISE AUTHORIZED UNDER THIS
13 PART TO PERFORM THE LABORATORY TEST.

14 (2) A LIMITED LICENSE ISSUED UNDER THIS SECTION IS EFFECTIVE
15 FOR NOT MORE THAN 4 YEARS FROM THE DATE OF ISSUANCE.

16 (3) IN ADDITION TO THE SANCTIONS PRESCRIBED UNDER SECTIONS
17 16221 AND 16226, THE BOARD SHALL REVIEW THE SUPERVISION OF AN
18 INDIVIDUAL LICENSED UNDER THIS SECTION AT LEAST ONCE ANNUALLY AND
19 MAY REVOKE OR SUSPEND A LIMITED LICENSE IF THE BOARD DETERMINES
20 THAT THE INDIVIDUAL TO WHOM THAT LIMITED LICENSE IS ISSUED LACKS
21 ADEQUATE SUPERVISION.

22 SEC. 18507. THIS PART DOES NOT APPLY TO THE FOLLOWING:

23 (A) AN INDIVIDUAL WHO IS ENROLLED IN AN ACCREDITED EDUCA-
24 TIONAL PROGRAM, IF THE LABORATORY TESTING PERFORMED BY THAT INDIV-
25 IDUAL IS PART OF A COURSE OF STUDY WITHIN THE ACCREDITED EDUCA-
26 TIONAL PROGRAM, AND THE RESULTS OF THAT LABORATORY TESTING ARE

1 NOT USED FOR DIAGNOSIS, PREVENTION, MONITORING, OR TREATMENT OF A
2 DISEASE OR ASSESSMENT OF A MEDICAL CONDITION OR PREDISPOSITION.

3 (B) AN INDIVIDUAL ENGAGED IN TEACHING OR RESEARCH, IF THE
4 RESULTS OF ANY LABORATORY TESTS PERFORMED BY THAT INDIVIDUAL ARE
5 NOT USED IN DIAGNOSIS, PREVENTION, MONITORING, OR TREATMENT OF A
6 DISEASE OR ASSESSMENT OF A MEDICAL CONDITION OR PREDISPOSITION.

7 (C) A CERTIFIED, LICENSED, OR STATUTORILY RECOGNIZED MEMBER
8 OF ANY OTHER PROFESSION WHO PRACTICES HIS OR HER PROFESSION AS
9 AUTHORIZED BY LAW, IF THAT INDIVIDUAL DOES NOT HOLD HIMSELF OR
10 HERSELF OUT TO THE PUBLIC AS A LABORATORY SCIENTIST, LABORATORY
11 TECHNICIAN, OR LABORATORY PRACTITIONER LICENSED UNDER THIS
12 ARTICLE.

13 (D) AN INDIVIDUAL PERFORMING POINT-OF-CARE TESTING IF BOTH
14 OF THE FOLLOWING REQUIREMENTS ARE MET:

15 (i) THE LABORATORY IN WHICH THE POINT-OF-CARE TESTING IS
16 PERFORMED IS UNDER THE DIRECTION OF A LABORATORY SCIENTIST WHO IS
17 RESPONSIBLE FOR AT LEAST ALL OF THE FOLLOWING:

18 (A) DESIGNING AND PROVIDING OR SUPERVISING THE TRAINING PRO-
19 GRAMS FOR INDIVIDUALS WHO PERFORM POINT-OF-CARE TESTING IN THE
20 HOSPITAL OR FREESTANDING OUTPATIENT SURGICAL FACILITY.

21 (B) SUPERVISING AND MONITORING THE QUALITY ASSURANCE AND
22 QUALITY CONTROL ACTIVITIES OF THE LABORATORY.

23 (C) ASSISTING IN THE SELECTION OF TECHNOLOGY FOR THE
24 LABORATORY.

25 (D) MONITORING THE CONTINUED COMPETENCY OF INDIVIDUALS PER-
26 FORMING POINT-OF-CARE TESTING.

1 (E) REVIEWING THE RESULTS OF PROFICIENCY TESTING OF
2 INDIVIDUALS PERFORMING POINT-OF-CARE TESTING AND RECOMMENDING
3 CORRECTIVE ACTION, IF NECESSARY.

4 (ii) THE LABORATORY IN WHICH THE POINT-OF-CARE TESTING IS
5 PERFORMED HAS PROCEDURES THAT ENSURE AND DOCUMENT THE CONTINUED
6 COMPETENCY OF INDIVIDUALS WHO PERFORM POINT-OF-CARE TESTING AND
7 THAT ARE APPROVED BY THE BOARD.

8 (E) A PERFUSIONIST PERFORMING LABORATORY TESTING FOR EXTRA-
9 CORPOREAL FUNCTIONS INCLUDING, BUT NOT LIMITED TO, THOSE FUNC-
10 TIONS NECESSARY FOR THE SUPPORT, TREATMENT, MEASUREMENT, OR SUP-
11 PLEMENTATION OF THE CARDIOPULMONARY OR CIRCULATORY SYSTEM OF A
12 PATIENT, IF THE PERFUSIONIST DOES NOT PERFORM AN ACT, TASK, OR
13 FUNCTION FOR WHICH HE OR SHE IS NOT TRAINED AND MEETS 1 OF THE
14 FOLLOWING:

15 (i) HAS GRADUATED FROM A PERFUSION TRAINING PROGRAM APPROVED
16 BY THE DEPARTMENT AND ACCREDITED BY THE COMMITTEE ON ALLIED
17 HEALTH EDUCATION AND ACCREDITATION OF THE AMERICAN MEDICAL ASSO-
18 CIATION OR THEIR SUCCESSORS AND HAS SUCCESSFULLY COMPLETED THE
19 EXAMINATION DEVELOPED BY THE AMERICAN BOARD OF CARDIOVASCULAR
20 PERFUSION OR ITS SUCCESSOR AND APPROVED BY THE DEPARTMENT.

21 (ii) HAS PERFORMED A MINIMUM OF 40 PERFUSION CASES PER YEAR
22 DURING THE 2 YEARS IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF
23 THIS PART.

24 (iii) HAS GRADUATED FROM A PERFUSION TRAINING PROGRAM
25 APPROVED BY THE DEPARTMENT AND ACCREDITED BY THE COMMITTEE ON
26 ALLIED HEALTH EDUCATION AND ACCREDITATION OF THE AMERICAN MEDICAL
27 ASSOCIATION OR THEIR SUCCESSORS AND, BEFORE SUCCESSFULLY

1 COMPLETING THE EXAMINATION DEVELOPED BY THE AMERICAN BOARD OF
2 CARDIOVASCULAR PERFUSION OR ITS SUCCESSOR AND APPROVED BY THE
3 DEPARTMENT, IS SUPERVISED BY A PERFUSIONIST WHO MEETS THE
4 REQUIREMENTS OF EITHER SUBPARAGRAPH (i) OR (ii).

5 (F) AN INDIVIDUAL WHO PERFORMS LABORATORY TESTING AS
6 DESCRIBED IN SUBDIVISION (E) WHILE ENGAGED IN THE PRACTICE OF
7 PERFUSION AS A STUDENT IN A PERFUSION TRAINING PROGRAM APPROVED
8 BY THE DEPARTMENT AND ACCREDITED BY THE COMMITTEE ON ALLIED
9 HEALTH EDUCATION AND ACCREDITATION OF THE AMERICAN MEDICAL ASSO-
10 CIATION OR THEIR SUCCESSORS, IF DURING THE PERFORMANCE OF LABORA-
11 TORY TESTING THE INDIVIDUAL IS UNDER THE DIRECT PHYSICAL SUPERVI-
12 SION OF A PERFUSIONIST WHO MEETS THE REQUIREMENTS OF
13 SUBDIVISION (E)(i) OR (ii).

14 (G) A RESPIRATORY CARE PRACTITIONER WHO PERFORMS LABORATORY
15 TESTING WHILE ENGAGED IN THE PRACTICE OF RESPIRATORY CARE AS
16 DEFINED BY THE CREDENTIALING EXAM CONTENT OUTLINES OF THE
17 NATIONAL BOARD FOR RESPIRATORY CARE IN EFFECT ON THE EFFECTIVE
18 DATE OF THIS PART, WHICH ARE INCORPORATED BY REFERENCE, IF THE
19 RESPIRATORY CARE PRACTITIONER DOES NOT PERFORM AN ACT, TASK, OR
20 FUNCTION FOR WHICH HE OR SHE HAS NOT BEEN TRAINED, AND MEETS 1 OF
21 THE FOLLOWING:

22 (i) HAS BEEN GRANTED 1 OF THE FOLLOWING DEPARTMENT-APPROVED
23 CREDENTIALS BY THE NATIONAL BOARD FOR RESPIRATORY CARE OR ITS
24 SUCCESSOR:

25 (A) CERTIFIED RESPIRATORY THERAPY TECHNICIAN.

26 (B) REGISTERED RESPIRATORY THERAPIST.

(C) CERTIFIED PULMONARY FUNCTION TECHNOLOGIST.

(D) REGISTERED PULMONARY FUNCTION TECHNOLOGIST.

(ii) HAS NOT BEEN GRANTED 1 OF THE CREDENTIALS DESCRIBED IN SUBPARAGRAPH (i), BUT PERFORMS LABORATORY TESTING RELATED TO THE PRACTICE OF RESPIRATORY CARE UNDER THE SUPERVISION OF A RESPIRATORY CARE PRACTITIONER WHO HAS BEEN GRANTED 1 OF THE CREDENTIALS DESCRIBED IN SUBPARAGRAPH (i), IF THE SUPERVISING RESPIRATORY CARE PRACTITIONER HAS DOCUMENTED TRAINING AND DEMONSTRATED PROFICIENCY IN ALL ASPECTS OF THE LABORATORY TESTING PROCEDURES PERFORMED.

SEC. 18509. (1) THE MICHIGAN BOARD OF LABORATORY TESTING IS CREATED WITHIN THE DEPARTMENT. THE BOARD SHALL COMPLY WITH PART 161 AND SHALL CONSIST OF THE FOLLOWING 7 MEMBERS:

(A) AT LEAST 1 PERSON ENGAGED PRIMARILY IN THE PRACTICE OF LABORATORY TESTING AT THE LABORATORY PRACTITIONER LEVEL.

(B) AT LEAST 1 PERSON ENGAGED IN THE PRACTICE OF LABORATORY TESTING AT THE LABORATORY TECHNICIAN LEVEL.

(C) AT LEAST 1 PERSON ENGAGED IN THE PRACTICE OF LABORATORY TESTING AT THE LABORATORY SCIENTIST LEVEL.

(D) TWO PUBLIC MEMBERS.

(2) THE BOARD MEMBERS APPOINTED UNDER SUBSECTION (1)(A) TO (C) SHALL HAVE AMONG THEM ANATOMICAL AND CLINICAL PATHOLOGICAL TESTING EXPERIENCE AND SHALL MEET THE REQUIREMENTS OF SECTION 16135(2).

(3) THE BOARD SHALL SUBMIT RULES TO IMPLEMENT THIS PART FOR PUBLIC HEARING PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969 WITHIN 180 DAYS AFTER THE EFFECTIVE DATE OF THIS PART.

1 SEC. 18511. (1) EXCEPT AS OTHERWISE PROVIDED IN
2 SECTION 18513, THE BOARD MAY ISSUE A LICENSE UNDER THIS PART AS
3 FOLLOWS:

4 (A) TO ENGAGE IN THE PRACTICE OF LABORATORY TESTING AT THE
5 LABORATORY PRACTITIONER LEVEL TO AN INDIVIDUAL WHO THE BOARD
6 DETERMINES HAS SUFFICIENT KNOWLEDGE ESSENTIAL TO THE SAFE AND
7 COMPETENT PRACTICE OF HIS OR HER PROFESSION AND WHO HAS SUCCESS-
8 FULLY COMPLETED HIGH SCHOOL OR ITS EQUIVALENT AND EITHER OF THE
9 FOLLOWING:

10 (i) AN ACCREDITED EDUCATIONAL PROGRAM AT THE LABORATORY
11 PRACTITIONER LEVEL OR AT AN EQUIVALENT LEVEL THAT IS APPROVED BY
12 THE BOARD.

13 (ii) ONE YEAR OF FULL-TIME LABORATORY EXPERIENCE WITHIN THE
14 3-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF APPLICATION IN A
15 LABORATORY ACTIVITY APPROVED BY THE BOARD AND UNDER THE SUPERVI-
16 SION OF A LABORATORY SCIENTIST, A LABORATORY TECHNICIAN, OR AN
17 INDIVIDUAL DESCRIBED IN SECTION 18513 WHO IS APPROVED BY THE
18 BOARD TO PRACTICE LABORATORY TESTING AT THE LABORATORY SCIENTIST
19 OR LABORATORY TECHNICIAN LEVEL.

20 (B) TO ENGAGE IN THE PRACTICE OF LABORATORY TESTING AT THE
21 LABORATORY TECHNICIAN LEVEL TO AN INDIVIDUAL WHO THE BOARD DETER-
22 MINES HAS SUFFICIENT KNOWLEDGE ESSENTIAL TO THE SAFE AND COMPE-
23 TENT PRACTICE OF HIS OR HER PROFESSION AND WHO HAS SUCCESSFULLY
24 COMPLETED OR ATTAINED ANY 1 OF THE FOLLOWING:

25 (i) AN ACCREDITED EDUCATIONAL PROGRAM AT THE MEDICAL LABORA-
26 TORY TECHNICIAN, CLINICAL LABORATORY TECHNICIAN, OR HISTOLOGIC
27 TECHNICIAN LEVEL.

1 (ii) SIXTY SEMESTER HOURS OF COLLEGE COURSE WORK APPROVED BY
2 THE BOARD AND 2 YEARS OF FULL-TIME LABORATORY EXPERIENCE ATTAINED
3 WITHIN THE 3 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION
4 IN A LABORATORY ACTIVITY APPROVED BY THE BOARD AND UNDER THE
5 SUPERVISION OF A LABORATORY SCIENTIST, AN INDIVIDUAL DESCRIBED IN
6 SECTION 18513 WHO IS APPROVED BY THE BOARD TO PRACTICE LABORATORY
7 TESTING AT THE LABORATORY SCIENTIST LEVEL, OR AN INDIVIDUAL
8 DESCRIBED IN SECTION 18519.

9 (iii) LICENSURE AS A LABORATORY PRACTITIONER AND 4 ADDI-
10 TIONAL YEARS OF FULL-TIME LABORATORY EXPERIENCE ENCOMPASSING
11 AREAS OF LABORATORY TESTING APPROVED BY THE BOARD, AND UNDER THE
12 SUPERVISION OF A LABORATORY SCIENTIST OR AN INDIVIDUAL DESCRIBED
13 IN SECTION 18513 WHO IS APPROVED BY THE BOARD TO PRACTICE LABORA-
14 TORY TESTING AT THE LABORATORY SCIENTIST LEVEL, OR AN INDIVIDUAL
15 DESCRIBED IN SECTION 18519.

16 (c) TO ENGAGE IN THE PRACTICE OF LABORATORY TESTING AT THE
17 LABORATORY SCIENTIST LEVEL TO AN INDIVIDUAL WHO THE BOARD DETER-
18 MINES HAS SUFFICIENT KNOWLEDGE ESSENTIAL TO THE SAFE AND COMPE-
19 TENT PRACTICE OF HIS OR HER PROFESSION AND WHO HAS SUCCESSFULLY
20 COMPLETED OR ATTAINED ANY 1 OF THE FOLLOWING:

21 (i) AN ACCREDITED EDUCATIONAL PROGRAM APPROVED BY THE BOARD
22 AT THE MEDICAL TECHNOLOGIST, CYTOTECHNOLOGIST, CLINICAL LABORA-
23 TORY SCIENTIST, OR HISTOTECHNOLOGIST LEVEL.

24 (ii) NINETY SEMESTER HOURS OF COLLEGE COURSE WORK APPROVED
25 BY THE BOARD AND 2 YEARS OF FULL-TIME LABORATORY EXPERIENCE
26 ATTAINED WITHIN THE 4-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE
27 OF APPLICATION IN AREAS OF LABORATORY TESTING APPROVED BY THE

1 BOARD AND UNDER THE SUPERVISION OF A LABORATORY SCIENTIST, AN
2 INDIVIDUAL DESCRIBED IN SECTION 18513 WHO IS APPROVED BY THE
3 BOARD TO PRACTICE LABORATORY TESTING AT THE LABORATORY SCIENTIST
4 LEVEL, OR AN INDIVIDUAL DESCRIBED IN SECTION 18519.

5 (2) THE BOARD MAY ACCEPT A PERSON'S CERTIFICATION BY A
6 NATIONAL ORGANIZATION APPROVED BY THE BOARD AS EVIDENCE THAT THE
7 PERSON HAS SUFFICIENT KNOWLEDGE ESSENTIAL TO THE SAFE AND COMPE-
8 TENT PRACTICE OF HIS OR HER PROFESSION. THE BOARD SHALL NOT
9 ACCEPT CERTIFICATION OF A PERSON AS DESCRIBED IN THIS SUBSECTION
10 UNLESS THE CERTIFYING NATIONAL ORGANIZATION REQUIRES SUCCESSFUL
11 PASSAGE OF A COMPETENCY BASED EXAMINATION VALIDATED BY THAT
12 ORGANIZATION.

13 SEC. 18513. (1) IF A PERSON APPLIES FOR LICENSURE AT A
14 LEVEL DESCRIBED IN SECTION 18501(1)(K), (L), OR (M) WITHIN 1 YEAR
15 AFTER THE EFFECTIVE DATE OF THIS PART AND THAT PERSON IS TRAINED
16 IN LABORATORY TESTING AT THAT LEVEL AND CERTIFIED BY A NATIONAL
17 CERTIFYING AGENCY APPROVED BY THE BOARD OR HAS ENGAGED IN THE
18 PRACTICE OF LABORATORY TESTING AT THAT LEVEL IN A LABORATORY FOR
19 A PERIOD OF AT LEAST 1 YEAR, THE BOARD SHALL ISSUE TO THAT PERSON
20 A LICENSE FOR THAT LEVEL.

21 (2) THE BOARD SHALL REQUIRE EACH INDIVIDUAL WHO APPLIES FOR
22 RENEWAL OF A LICENSE GRANTED UNDER THIS SECTION TO MEET APPLICA-
23 BLE CONTINUING EDUCATION REQUIREMENTS OF SECTION 18515.

24 SEC. 18515. (1) IN ADDITION TO THE REQUIREMENTS OF
25 PART 161, THE BOARD SHALL REQUIRE A LABORATORY SCIENTIST OR LABO-
26 RATORY TECHNICIAN SEEKING RENEWAL OF A LICENSE TO FURNISH
27 EVIDENCE OF EITHER OF THE FOLLOWING:

1 (A) THE LICENSEE'S SUCCESSFUL COMPLETION, DURING THE 3 YEARS
2 IMMEDIATELY PRECEDING APPLICATION FOR RENEWAL, OF AT LEAST
3 30 HOURS OF CONTINUING EDUCATION COURSES, CLINICS, LECTURES,
4 TRAINING PROGRAMS, SEMINARS, OR OTHER PROGRAMS RELATED TO LABORA-
5 TORY TESTING THAT ARE APPROVED BY THE BOARD.

6 (B) PROOF OF RECERTIFICATION BY A NATIONAL CERTIFICATION
7 AGENCY APPROVED BY THE BOARD.

8 (2) THE BOARD SHALL REQUIRE A LABORATORY PRACTITIONER SEEK-
9 ING RENEWAL OF A LICENSE TO FURNISH EVIDENCE OF EITHER OF THE
10 FOLLOWING:

11 (A) THAT PERSON'S SUCCESSFUL COMPLETION, DURING THE 3 YEARS
12 IMMEDIATELY PRECEDING APPLICATION FOR RENEWAL, OF AT LEAST
13 10 HOURS OF CONTINUING EDUCATION COURSES, CLINICS, LECTURES,
14 TRAINING PROGRAMS, SEMINARS, OR OTHER PROGRAMS APPROVED BY THE
15 BOARD.

16 (B) PROOF OF RECERTIFICATION BY A NATIONAL CERTIFYING AGENCY
17 APPROVED BY THE BOARD.

18 SEC. 18517. A LICENSE ISSUED UNDER THIS PART IS EFFECTIVE
19 FOR 3 YEARS. A LICENSEE SHALL NOT PERFORM AN ACT, TASK, OR FUNC-
20 TION WITHIN THE PRACTICE OF LABORATORY TESTING FOR WHICH HE OR
21 SHE IS NOT TRAINED.

22 SEC. 18519. THE SUPERVISION DESCRIBED IN SECTION 18505 MAY
23 BE PROVIDED BY A PHYSICIAN LICENSED UNDER PART 170 OR 175.

24 SEC. 18521. A COMMUNICATION BETWEEN A LICENSEE AND A CLIENT
25 AND A CLIENT'S LABORATORY TEST RESULTS ARE CONFIDENTIAL AND SHALL
26 NOT BE DISCLOSED TO A THIRD PARTY BY THE LICENSEE WITHOUT THE
27 CONSENT OF THE CLIENT OR EXCEPT AS OTHERWISE PROVIDED BY LAW.

1 FOR PURPOSES OF THIS SECTION, "THIRD PARTY" DOES NOT INCLUDE A
2 HEALTH CARE PROFESSIONAL LICENSED UNDER THIS ARTICLE WHO
3 REQUESTED THE LABORATORY TEST ON BEHALF OF THE CLIENT.