

**SUBSTITUTE FOR
HOUSE BILL NO. 4403**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 16215 (MCL 333.16215), as amended by 1999 PA
60.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16215. (1) Subject to subsections (2) to ~~(5)~~ (6), a
2 licensee who holds a license other than a health profession
3 subfield license may delegate to a licensed or unlicensed
4 individual who is otherwise qualified by education, training, or
5 experience the performance of selected acts, tasks, or functions
6 where the acts, tasks, or functions fall within the scope of
7 practice of the licensee's profession and will be performed under
8 the licensee's supervision. A licensee shall not delegate an act,

1 task, or function under this section if the act, task, or function,
2 under standards of acceptable and prevailing practice, requires the
3 level of education, skill, and judgment required of the licensee
4 under this article.

5 (2) Subject to subsection (1) and except as otherwise provided
6 in this subsection and ~~subsection~~ **SUBSECTIONS (3) AND (4)**, a
7 licensee who is an allopathic physician or osteopathic physician
8 and surgeon shall delegate an act, task, or function that involves
9 the performance of a procedure that requires the use of surgical
10 instrumentation only to an individual who is licensed under this
11 article. A licensee who is an allopathic physician or osteopathic
12 physician and surgeon may delegate an act, task, or function
13 described in this subsection to an individual who is not licensed
14 under this article if the unlicensed individual is 1 or more of the
15 following and if the procedure is directly supervised by a licensed
16 allopathic physician or osteopathic physician and surgeon who is
17 physically present during the performance of the procedure:

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

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

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

1 (a) Performing acupuncture.

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

7 (4) SUBJECT TO SUBSECTION (1), A LICENSEE WHO IS AN ALLOPATHIC
8 PHYSICIAN OR OSTEOPATHIC PHYSICIAN AND SURGEON MAY DELEGATE AN ACT,
9 TASK, OR FUNCTION DESCRIBED IN SUBSECTION (2) TO AN INDIVIDUAL WHO
10 IS NOT LICENSED UNDER THIS ARTICLE IF THE PROCEDURE IS DIRECTLY
11 SUPERVISED BY A LICENSED ALLOPATHIC PHYSICIAN OR OSTEOPATHIC
12 PHYSICIAN AND SURGEON WHO IS PHYSICALLY PRESENT DURING THE
13 PERFORMANCE OF THE PROCEDURE, THE DELEGATION OF SUCH PROCEDURE IS
14 NOT PROHIBITED OR OTHERWISE RESTRICTED BY THE BOARD OR THAT HEALTH
15 FACILITY OR AGENCY, AND THE DELEGATION OF THAT ACT, TASK, OR
16 FUNCTION IS SPECIFICALLY AUTHORIZED BY THAT HEALTH FACILITY OR
17 AGENCY TO BE DELEGATED AND PERFORMED BY EITHER OF THE FOLLOWING
18 UNLICENSED INDIVIDUALS:

19 (A) A SURGICAL TECHNOLOGIST WHO MEETS THE QUALIFICATIONS
20 ESTABLISHED BY THE HEALTH FACILITY OR AGENCY WITH WHICH HE OR SHE
21 IS EMPLOYED OR UNDER CONTRACT WITH.

22 (B) A SURGICAL FIRST ASSISTANT WHO MEETS THE QUALIFICATIONS
23 ESTABLISHED BY THE HEALTH FACILITY OR AGENCY WITH WHICH HE OR SHE
24 IS EMPLOYED OR UNDER CONTRACT WITH.

25 (5) ~~—(4)—~~ A board may promulgate rules to further prohibit or
26 otherwise restrict delegation of specific acts, tasks, or functions
27 to a licensed or unlicensed individual if the board determines that

1 the delegation constitutes or may constitute a danger to the
2 health, safety, or welfare of the patient or public.

3 (6) ~~—(5)—~~ To promote safe and competent practice, a board may
4 promulgate rules to specify conditions under which, and categories
5 and types of licensed and unlicensed individuals for whom, closer
6 supervision may be required for acts, tasks, and functions
7 delegated under this section.

8 (7) ~~—(6)—~~ An individual who performs acts, tasks, or functions
9 delegated pursuant to this section does not violate the part that
10 regulates the scope of practice of that health profession.

11 (8) THE AMENDATORY ACT THAT ADDED THIS SUBSECTION DOES NOT
12 REQUIRE NEW OR ADDITIONAL THIRD PARTY REIMBURSEMENT OR MANDATED
13 WORKER'S COMPENSATION BENEFITS FOR SERVICES RENDERED BY AN
14 INDIVIDUAL AUTHORIZED TO PERFORM THOSE SERVICES UNDER SUBSECTION
15 (4).