

HOUSE BILL No. 4403

February 24, 2005, Introduced by Reps. Walker, Stahl, Newell, Vander Veen and Hansen and referred to the 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 1999 PA
60.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16215. (1) Subject to subsections (2) to (5), a licensee
2 who holds a license other than a health profession subfield license
3 may delegate to a licensed or unlicensed individual who is
4 otherwise qualified by education, training, or experience the
5 performance of selected acts, tasks, or functions where the acts,
6 tasks, or functions fall within the scope of practice of the
7 licensee's profession and will be performed under the licensee's

1 supervision. A licensee shall not delegate an act, task, or
2 function under this section if the act, task, or function, under
3 standards of acceptable and prevailing practice, requires the level
4 of education, skill, and judgment required of the licensee under
5 this article.

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

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

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

25 **(C) AN INDIVIDUAL WHO HAS SUCCESSFULLY COMPLETED AN ACCREDITED**
26 **EDUCATION PROGRAM IN SURGICAL TECHNOLOGY OR SURGICAL FIRST**
27 **ASSISTING AND IS CERTIFIED AS A SURGICAL TECHNOLOGIST BY THE**

1 LIAISON COUNCIL ON CERTIFICATION FOR THE SURGICAL TECHNOLOGIST OR
2 IS CERTIFIED AS A SURGICAL FIRST ASSISTANT BY THE NATIONAL SURGICAL
3 ASSISTANT ASSOCIATION ON THE CERTIFICATION OF SURGICAL ASSISTANTS,
4 THE LIAISON COUNCIL ON CERTIFICATION FOR THE SURGICAL TECHNOLOGIST,
5 OR THE AMERICAN BOARD OF SURGICAL ASSISTING.

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

10 (a) Performing acupuncture.

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

16 (4) A board may promulgate rules to further prohibit or
17 otherwise restrict delegation of specific acts, tasks, or functions
18 to a licensed or unlicensed individual if the board determines that
19 the delegation constitutes or may constitute a danger to the
20 health, safety, or welfare of the patient or public.

21 (5) To promote safe and competent practice, a board may
22 promulgate rules to specify conditions under which, and categories
23 and types of licensed and unlicensed individuals for whom, closer
24 supervision may be required for acts, tasks, and functions
25 delegated under this section.

26 (6) An individual who performs acts, tasks, or functions
27 delegated pursuant to this section does not violate the part that

1 regulates the scope of practice of that health profession.