

SENATE BILL No. 182

February 9, 2005, Introduced by Senator HAMMERSTROM and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 2004 PA 97, and by adding section 16351 and part 187A.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

4	Audiologists	June 30
5	Nursing	June 30

1	Nursing home administrator	June 30
2	Optometry	June 30
3	Pharmacy	June 30
4	Podiatric medicine and surgery	June 30
5	Dentistry	June 30
6	Chiropractic	December 31
7	Counseling	June 30
8	LABORATORY TESTING	DECEMBER 31
9	Marriage and family therapy	June 30
10	Medicine	December 31
11	Occupational therapists	December 31
12	Osteopathic medicine and surgery	December 31
13	Physical therapy	December 31
14	Psychology	December 31
15	Respiratory care	December 31
16	Social work	December 31
17	Veterinary medicine	December 31

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

23 (a) "Chiropractic", "doctor of chiropractic", "chiropractor",
24 "d.c.", and "chiropractic physician".

25 (b) "Dentist", "doctor of dental surgery", "oral and
26 maxillofacial surgeon", "orthodontist", "prosthodontist",

1 "periodontist", "endodontist", "oral pathologist", "pediatric
2 dentist", "dental hygienist", "registered dental hygienist",
3 "dental assistant", "registered dental assistant", "r.d.a.",
4 "d.d.s.", "d.m.d.", and "r.d.h.".

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

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

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

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

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

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

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

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

23 (k) "Consulting psychologist", "psychologist", "psychological
24 assistant", "psychological examiner", "licensed psychologist", and
25 "limited licensed psychologist".

26 (l) "Licensed professional counselor", "licensed counselor",
27 "professional counselor", and "l.p.c.".

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

2 (n) Until July 1, 2005, "social worker", "certified social
3 worker", "social work technician", "s.w.", "c.s.w.", and "s.w.t.".
4 Beginning July 1, 2005, "social worker", "licensed master's social
5 worker", "licensed bachelor's social worker", "registered social
6 service technician", "social service technician", "l.m.s.w.",
7 "l.b.s.w.", and "r.s.s.t.".

8 (o) "Veterinary", "veterinarian", "veterinary doctor",
9 "veterinary surgeon", "doctor of veterinary medicine", "v.m.d.",
10 "d.v.m.", "animal technician", or "animal technologist".

11 (p) "Occupational therapist", "occupational therapist
12 registered", "certified occupational therapist", "o.t.", "o.t.r.",
13 "c.o.t.", "certified occupational therapy assistant", "occupational
14 therapy assistant", or "c.o.t.a.".

15 (q) "Marriage advisor" or "marriage consultant"; "family
16 counselor", "family advisor", "family therapist", or "family
17 consultant"; "family guidance counselor", "family guidance
18 advisor", or "family guidance consultant"; "marriage guidance
19 counselor", "marriage guidance advisor", or "marriage guidance
20 consultant"; "family relations counselor"; "marriage relations
21 counselor", "marriage relations advisor", or "marriage relations
22 consultant"; "marital counselor" or "marital therapist"; "limited
23 licensed marriage and family therapist" or "limited licensed
24 marriage counselor"; "licensed marriage and family therapist" or
25 "licensed marriage counselor"; and "l.m.f.t.".

26 (r) "Nursing home administrator".

27 (s) "Respiratory therapist", "respiratory care practitioner",

1 "licensed respiratory therapist", "licensed respiratory care
2 practitioner", "r.t.", "r.c.p.", "l.r.t.", and "l.r.c.p."

3 (t) "Audiometrist", "audiologist", "hearing therapist",
4 "hearing aid audiologist", "educational audiologist", "industrial
5 audiologist", and "clinical audiologist".

6 (U) "LICENSED CLINICAL LABORATORY SCIENTIST/MEDICAL
7 TECHNOLOGIST", "LICENSED CLINICAL LABORATORY SCIENTIST", "LICENSED
8 MEDICAL TECHNOLOGIST", "LICENSED CLINICAL LABORATORY
9 TECHNICIAN/MEDICAL LABORATORY TECHNICIAN", "LICENSED CLINICAL
10 LABORATORY TECHNICIAN", "LICENSED MEDICAL LABORATORY TECHNICIAN",
11 "LICENSED CLINICAL LABORATORY ASSISTANT", "LICENSED MEDICAL
12 LABORATORY ASSISTANT", "C.L.S./M.T.", "C.L.T./M.L.T.", AND
13 "C.L.A./M.L.A."

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

21 **SEC. 16351. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE TO**
22 **ENGAGE IN THE PRACTICE OF LABORATORY TESTING AT THE CLINICAL**
23 **LABORATORY ASSISTANT/MEDICAL LABORATORY ASSISTANT LEVEL, THE**
24 **PRACTICE OF LABORATORY TESTING AT THE CLINICAL LABORATORY**
25 **TECHNICIAN/MEDICAL LABORATORY TECHNICIAN LEVEL, OR THE PRACTICE OF**
26 **LABORATORY TESTING AT THE CLINICAL LABORATORY SCIENTIST/MEDICAL**
27 **TECHNOLOGIST LEVEL UNDER PART 187A ARE AS FOLLOWS:**

1	(A) APPLICATION PROCESSING FEE	\$ 25.00
2	(B) LICENSE FEE, PER YEAR:	
3	(i) CLINICAL LABORATORY ASSISTANT/MEDICAL LABORATORY	
4	ASSISTANT	\$ 25.00
5	(ii) CLINICAL LABORATORY TECHNICIAN/MEDICAL LABORATORY	
6	TECHNICIAN	\$ 75.00
7	(iii) CLINICAL LABORATORY SCIENTIST/MEDICAL	
8	TECHNOLOGIST	\$ 75.00
9	(C) TEMPORARY LICENSE	\$ 15.00
10	(D) LIMITED LICENSE, PER YEAR	\$ 25.00

11 PART 187A. LABORATORY TESTING PERSONNEL

12 SEC. 18751. (1) AS USED IN THIS PART:

13 (A) "ACCREDITED EDUCATIONAL PROGRAM" MEANS A PROGRAM THAT
 14 PROVIDES INSTRUCTION AND EXPERIENCE IN LABORATORY TESTING AND THAT
 15 HAS BEEN APPROVED OR ACCREDITED BY AN ACCREDITING AGENCY RECOGNIZED
 16 BY THE COUNCIL FOR HIGHER EDUCATION ACCREDITATION OR THE UNITED
 17 STATES DEPARTMENT OF EDUCATION.

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

20 (C) "LABORATORY" MEANS THE SITE AT WHICH A LABORATORY TEST IS
 21 PERFORMED.

22 (D) "LABORATORY DIRECTOR" MEANS AN INDIVIDUAL WHO IS QUALIFIED
 23 UNDER 42 CFR PART 493, SUBPART M, TO MANAGE AND DIRECT THE
 24 TECHNICAL AND SCIENTIFIC OPERATION OF A CLINICAL LABORATORY,
 25 INCLUDING THE SUPERVISION OF LABORATORY PERSONNEL, PROCEDURES, AND
 26 REPORTING OF FINDINGS. IF THE QUALIFICATIONS FOR A LABORATORY
 27 DIRECTOR UNDER 42 CFR PART 493, SUBPART M, ARE AMENDED AFTER THE

1 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, THE
2 DIRECTOR OF THE DEPARTMENT OF COMMUNITY HEALTH, IN COOPERATION WITH
3 THE BOARD, SHALL DETERMINE WHETHER THOSE CHANGES SHALL APPLY TO
4 THIS SECTION AND MAY ADOPT THOSE CHANGES BY RULE.

5 (E) "CLINICAL LABORATORY ASSISTANT/MEDICAL LABORATORY
6 ASSISTANT" MEANS AN INDIVIDUAL WHO IS LICENSED UNDER THIS ARTICLE
7 TO ENGAGE IN THE PRACTICE OF LABORATORY TESTING AT THE CLINICAL
8 LABORATORY ASSISTANT/MEDICAL LABORATORY ASSISTANT LEVEL, SUBJECT TO
9 SECTION 18767(2).

10 (F) "CLINICAL LABORATORY TECHNICIAN/MEDICAL LABORATORY
11 TECHNICIAN" MEANS AN INDIVIDUAL WHO IS LICENSED UNDER THIS ARTICLE
12 TO ENGAGE IN THE PRACTICE OF LABORATORY TESTING AT THE CLINICAL
13 LABORATORY TECHNICIAN/MEDICAL LABORATORY TECHNICIAN LEVEL, SUBJECT
14 TO SECTION 18767(2).

15 (G) "CLINICAL LABORATORY SCIENTIST/MEDICAL TECHNOLOGIST" MEANS
16 AN INDIVIDUAL WHO IS LICENSED UNDER THIS ARTICLE TO ENGAGE IN THE
17 PRACTICE OF LABORATORY TESTING AT THE CLINICAL LABORATORY
18 SCIENTIST/MEDICAL TECHNOLOGIST LEVEL, SUBJECT TO SECTION 18767(2).

19 (H) "LABORATORY TEST" MEANS A BIOLOGICAL, MICROBIOLOGICAL,
20 SEROLOGICAL, CHEMICAL, IMMUNOHEMATOLOGICAL, HEMATOLOGICAL,
21 RADIOMETRIC, CYTOLOGICAL, BIOPHYSICAL, IMMUNOLOGICAL, HISTOLOGICAL,
22 GENETIC, OR OTHER CLINICAL OR ANATOMIC PATHOLOGICAL EXAMINATION OR
23 PROCEDURE THAT IS PERFORMED ON MATERIAL DERIVED FROM OR EXISTING IN
24 A HUMAN BODY THAT PROVIDES INFORMATION FOR THE DIAGNOSIS,
25 PREVENTION, MONITORING, OR TREATMENT OF A DISEASE OR IMPAIRMENT OR
26 ASSESSMENT OF A MEDICAL CONDITION OR PREDISPOSITION. LABORATORY
27 TEST DOES NOT INCLUDE A WAIVED TEST, IN VIVO DIAGNOSTIC IMAGING,

1 NONINVASIVE VASCULAR DIAGNOSTIC STUDIES, OR THE COLLECTION,
2 HANDLING, AND PREPARATION OF A BODY FLUID OR MICROBIOLOGY CULTURE
3 SPECIMEN USED FOR A LABORATORY TEST, OR A TEST THE RESULTS OF WHICH
4 ARE USED SOLELY FOR EVIDENTIARY PURPOSES IN A CIVIL OR CRIMINAL
5 PROCEEDING.

6 (I) "PERFUSIONIST" MEANS AN INDIVIDUAL WHO OPERATES
7 EXTRACORPOREAL CIRCULATION EQUIPMENT FOR A PATIENT WHOSE MEDICAL
8 CONDITION REQUIRES THE SUPPORT OR TEMPORARY REPLACEMENT OF THE
9 PATIENT'S CARDIOPULMONARY-CIRCULATORY FUNCTION.

10 (J) "POINT-OF-CARE TESTING" MEANS A LABORATORY TEST PERFORMED
11 IN A HOSPITAL OR A FREESTANDING OUTPATIENT SURGICAL FACILITY
12 LICENSED UNDER ARTICLE 17 THAT IS PERFORMED ON AND NEAR THE PATIENT
13 TO REDUCE TESTING TIME OR TIME TO TREATMENT, BUT DOES NOT INCLUDE A
14 LABORATORY TEST PERFORMED IN A LABORATORY DESCRIBED IN SECTION
15 20507(A), (B), OR (C).

16 (K) "PRACTICE OF LABORATORY TESTING AT THE CLINICAL LABORATORY
17 ASSISTANT/MEDICAL LABORATORY ASSISTANT LEVEL" MEANS 1 OR MORE OF
18 THE FOLLOWING:

19 (i) PERFORMING A LABORATORY TEST PURSUANT TO ESTABLISHED
20 PROTOCOLS.

21 (ii) COMPARING PATIENT DATA TO REFERENCE RANGES ESTABLISHED OR
22 APPROVED BY THE LABORATORY DIRECTOR OR A CLINICAL LABORATORY
23 SCIENTIST/MEDICAL TECHNOLOGIST.

24 (iii) APPLYING ARITHMETIC OR ALGEBRAIC CALCULATIONS ACCORDING TO
25 PROTOCOLS.

26 (iv) PERFORMING AUTOMATED TESTS IN A MANNER REQUIRING COMPLETE
27 RELIANCE ON LABORATORY INSTRUMENTS FOR CALIBRATIONS, CALCULATIONS,

1 AND ANALYSES.

2 (l) "PRACTICE OF LABORATORY TESTING AT THE CLINICAL LABORATORY
3 TECHNICIAN/MEDICAL LABORATORY TECHNICIAN LEVEL" MEANS THE PRACTICE
4 OF LABORATORY TESTING AT THE CLINICAL LABORATORY ASSISTANT/MEDICAL
5 LABORATORY ASSISTANT LEVEL AND 1 OR MORE OF THE FOLLOWING:

6 (i) PERFORMING A LABORATORY TEST PURSUANT TO CRITERIA
7 ESTABLISHED OR APPROVED BY THE LABORATORY DIRECTOR OR A CLINICAL
8 LABORATORY SCIENTIST/MEDICAL TECHNOLOGIST.

9 (ii) EVALUATING DATA PURSUANT TO CRITERIA ESTABLISHED OR
10 APPROVED BY THE LABORATORY DIRECTOR OR A CLINICAL LABORATORY
11 SCIENTIST/MEDICAL TECHNOLOGIST.

12 (iii) ARITHMETICAL, MATHEMATICAL, OR STATISTICAL MANIPULATION OF
13 NUMBERS ACCORDING TO PROTOCOL.

14 (iv) IDENTIFYING A DIRECT CAUSE OF IMPROPER TEST PERFORMANCE
15 AND CORRECTING THAT CAUSE ACCORDING TO STRATEGIES ESTABLISHED BY
16 THE LABORATORY DIRECTOR OR A CLINICAL LABORATORY SCIENTIST/MEDICAL
17 TECHNOLOGIST.

18 (M) "PRACTICE OF LABORATORY TESTING AT THE CLINICAL LABORATORY
19 SCIENTIST/MEDICAL TECHNOLOGIST LEVEL" MEANS THE PRACTICE OF
20 LABORATORY TESTING AT THE CLINICAL LABORATORY ASSISTANT/MEDICAL
21 LABORATORY ASSISTANT LEVEL, THE PRACTICE OF LABORATORY TESTING AT
22 THE CLINICAL LABORATORY TECHNICIAN/MEDICAL LABORATORY TECHNICIAN
23 LEVEL, AND 1 OR MORE OF THE FOLLOWING:

24 (i) DECISION MAKING THAT EMPLOYS ADVANCED KNOWLEDGE OF
25 PATHOPHYSIOLOGY, CYTOPATHOLOGY LABORATORY METHODS, OR LABORATORY
26 INSTRUMENTATION, AND THAT DOES NOT EMPLOY PREDETERMINED CRITERIA.

27 (ii) ESTABLISHING CRITERIA FOR DECISION MAKING IN LABORATORY

1 TESTING.

2 (iii) VALIDATING LABORATORY TEST DATA.

3 (iv) ESTABLISHING PROCEDURES FOR REPORTING RESULTS.

4 (v) SELECTING APPROPRIATE CALCULATION METHODS IN THE ABSENCE
5 OF ESTABLISHED GUIDELINES.

6 (vi) WITHOUT PRESET STRATEGIES, IDENTIFYING CAUSES OF IMPROPER
7 TEST PERFORMANCE AND DETERMINING ALTERNATIVE MEANS OF OBTAINING
8 CORRECT TEST PERFORMANCE OR SOLUTIONS TO PROBLEMS CREATED BY
9 INCORRECT TEST PERFORMANCE.

10 (N) "PROTOCOL" MEANS INFORMATION PREPARED OR APPROVED BY THE
11 LABORATORY DIRECTOR OR A CLINICAL LABORATORY SCIENTIST/MEDICAL
12 TECHNOLOGIST THAT PROVIDES A STEP-BY-STEP DESCRIPTION OF THE MANNER
13 IN WHICH A LABORATORY TEST IS TO BE PERFORMED.

14 (O) "WAIVED TEST" MEANS A LABORATORY EXAMINATION OR PROCEDURE
15 THAT MEETS THE CRITERIA ESTABLISHED UNDER THE PROVISIONS OF PART
16 493 OF TITLE 42 OF THE CODE OF FEDERAL REGULATIONS, 42 CFR PART
17 493, AND IS APPROVED BY THE BOARD. IF THE CRITERIA AND DESIGNATION
18 OF WAIVED TESTS UNDER PART 493 OF TITLE 42 OF THE CODE OF FEDERAL
19 REGULATIONS, 42 CFR PART 493, ARE AMENDED AFTER THE EFFECTIVE DATE
20 OF THE AMENDATORY ACT THAT ADDED THIS SECTION, THE DIRECTOR OF THE
21 DEPARTMENT OF COMMUNITY HEALTH, IN COOPERATION WITH THE BOARD,
22 SHALL DETERMINE WHETHER THOSE CHANGES SHALL APPLY TO THIS SECTION
23 AND MAY ADOPT THOSE CHANGES BY RULE.

24 (2) IN ADDITION TO THE DEFINITIONS IN THIS PART, ARTICLE 1
25 CONTAINS GENERAL DEFINITIONS AND PRINCIPLES OF CONSTRUCTION
26 APPLICABLE TO ALL ARTICLES IN THIS CODE AND PART 161 CONTAINS
27 DEFINITIONS APPLICABLE TO THIS PART.

1 SEC. 18753. BEGINNING 1 YEAR AFTER THE EFFECTIVE DATE OF THIS
2 PART, A PERSON SHALL NOT ENGAGE IN LABORATORY TESTING AS DESCRIBED
3 IN SECTION 18751(1) (K), (L), OR (M) OR USE THE TITLES DESCRIBED IN
4 SECTION 16263(1) (U) UNLESS THAT PERSON IS LICENSED OR OTHERWISE
5 AUTHORIZED BY THIS ARTICLE.

6 SEC. 18755. (1) THE DEPARTMENT MAY GRANT A LIMITED LICENSE TO
7 AN INDIVIDUAL TO PRACTICE LABORATORY TESTING AT THE CLINICAL
8 LABORATORY SCIENTIST/MEDICAL TECHNOLOGIST, CLINICAL LABORATORY
9 TECHNICIAN/MEDICAL LABORATORY TECHNICIAN, OR CLINICAL LABORATORY
10 ASSISTANT/MEDICAL LABORATORY ASSISTANT LEVEL. A LIMITED LICENSE TO
11 PRACTICE LABORATORY TESTING AT THE CLINICAL LABORATORY
12 SCIENTIST/MEDICAL TECHNOLOGIST, CLINICAL LABORATORY
13 TECHNICIAN/MEDICAL LABORATORY TECHNICIAN, OR CLINICAL LABORATORY
14 ASSISTANT/MEDICAL LABORATORY ASSISTANT LEVEL UNDER THIS PART SHALL
15 REQUIRE THAT THE INDIVIDUAL HAS SUCCESSFULLY COMPLETED THE
16 EDUCATIONAL REQUIREMENTS REQUIRED UNDER SECTION 18761 FOR THAT
17 LEVEL. AN INDIVIDUAL WHO HOLDS A LIMITED LICENSE UNDER THIS SECTION
18 SHALL PROVIDE A LABORATORY TEST SERVICE ONLY UNDER THE SUPERVISION
19 OF AN INDIVIDUAL LICENSED, AT AN EQUIVALENT LEVEL OR HIGHER, OR
20 OTHERWISE AUTHORIZED UNDER THIS PART TO PERFORM THE LABORATORY
21 TEST.

22 (2) A LIMITED LICENSE TO PRACTICE LABORATORY TESTING AT THE
23 CLINICAL LABORATORY SCIENTIST/MEDICAL TECHNOLOGIST OR CLINICAL
24 LABORATORY TECHNICIAN/MEDICAL LABORATORY TECHNICIAN LEVEL ISSUED
25 UNDER THIS SECTION IS EFFECTIVE FOR NOT MORE THAN 4 YEARS FROM THE
26 DATE OF ISSUANCE. A LIMITED LICENSE TO PRACTICE LABORATORY TESTING
27 AT THE CLINICAL LABORATORY ASSISTANT/MEDICAL LABORATORY ASSISTANT

1 LEVEL ISSUED UNDER THIS SECTION IS EFFECTIVE FOR NOT MORE THAN 2
2 YEARS FROM THE DATE OF ISSUANCE.

3 (3) IN ADDITION TO THE GROUNDS FOR DISCIPLINE AND SANCTIONS
4 PRESCRIBED UNDER SECTIONS 16221 AND 16226, THE BOARD SHALL REVIEW
5 THE SUPERVISION OF AN INDIVIDUAL LICENSED UNDER THIS SECTION AT
6 LEAST ONCE ANNUALLY AND MAY RECOMMEND TO THE DEPARTMENT THE
7 REVOCATION OR SUSPENSION OF A LIMITED LICENSE IF THE BOARD
8 DETERMINES THAT THE INDIVIDUAL TO WHOM THAT LIMITED LICENSE IS
9 ISSUED LACKS ADEQUATE SUPERVISION.

10 SEC. 18757. THIS PART DOES NOT APPLY TO THE FOLLOWING:

11 (A) AN INDIVIDUAL WHO IS ENROLLED IN AN ACCREDITED EDUCATIONAL
12 PROGRAM, IF THE LABORATORY TESTING PERFORMED BY THAT INDIVIDUAL IS
13 PART OF A COURSE OF STUDY WITHIN THE ACCREDITED EDUCATIONAL
14 PROGRAM.

15 (B) AN INDIVIDUAL ENGAGED IN TEACHING OR RESEARCH, IF THE
16 RESULTS OF EACH LABORATORY TEST PERFORMED BY THAT INDIVIDUAL ARE
17 NOT USED IN DIAGNOSIS, PREVENTION, MONITORING, OR TREATMENT OF A
18 DISEASE OR IMPAIRMENT OR ASSESSMENT OF A MEDICAL CONDITION OR
19 PREDISPOSITION.

20 (C) A LICENSED OR STATUTORILY RECOGNIZED MEMBER OF ANY OTHER
21 PROFESSION WHO PRACTICES HIS OR HER PROFESSION AS AUTHORIZED BY
22 LAW, IF THAT INDIVIDUAL DOES NOT HOLD HIMSELF OR HERSELF OUT TO THE
23 PUBLIC AS A CLINICAL LABORATORY SCIENTIST/MEDICAL TECHNOLOGIST,
24 CLINICAL LABORATORY TECHNICIAN/MEDICAL LABORATORY TECHNICIAN, OR
25 CLINICAL LABORATORY ASSISTANT/MEDICAL LABORATORY ASSISTANT LICENSED
26 UNDER THIS ARTICLE.

27 (D) AN INDIVIDUAL PERFORMING POINT-OF-CARE TESTING IF BOTH OF

1 THE FOLLOWING REQUIREMENTS ARE MET:

2 (i) THE FACILITY IN WHICH THE POINT-OF-CARE TESTING IS
3 PERFORMED IS UNDER THE DIRECTION OF A CLINICAL LABORATORY
4 SCIENTIST/MEDICAL TECHNOLOGIST WHO IS RESPONSIBLE FOR ALL OF THE
5 FOLLOWING:

6 (A) DESIGNING AND PROVIDING OR SUPERVISING THE TRAINING
7 PROGRAMS FOR INDIVIDUALS WHO PERFORM POINT-OF-CARE TESTING IN THE
8 HOSPITAL OR FREESTANDING OUTPATIENT SURGICAL FACILITY.

9 (B) SUPERVISING AND MONITORING THE QUALITY ASSURANCE AND
10 QUALITY CONTROL ACTIVITIES OF THE LABORATORY.

11 (C) ASSISTING IN THE SELECTION OF TECHNOLOGY FOR THE POINT-OF-
12 CARE TESTING.

13 (D) MONITORING THE CONTINUED COMPETENCY OF INDIVIDUALS
14 PERFORMING POINT-OF-CARE TESTING.

15 (E) REVIEWING THE RESULTS OF PROFICIENCY TESTING OF
16 INDIVIDUALS PERFORMING POINT-OF-CARE TESTING AND RECOMMENDING
17 CORRECTIVE ACTION, IF NECESSARY.

18 (ii) THE FACILITY IN WHICH THE POINT-OF-CARE TESTING IS
19 PERFORMED HAS PROCEDURES THAT ENSURE AND DOCUMENT THE CONTINUED
20 COMPETENCY OF INDIVIDUALS WHO PERFORM POINT-OF-CARE TESTING AND
21 THAT ARE APPROVED BY THE BOARD.

22 (E) A PERFUSIONIST PERFORMING LABORATORY TESTING FOR
23 EXTRACORPOREAL FUNCTIONS INCLUDING, BUT NOT LIMITED TO, THOSE
24 FUNCTIONS NECESSARY FOR THE SUPPORT, TREATMENT, MEASUREMENT, OR
25 SUPPLEMENTATION OF THE CARDIOPULMONARY OR CIRCULATORY SYSTEM OF A
26 PATIENT, IF THE PERFUSIONIST DOES NOT PERFORM AN ACT, TASK, OR
27 FUNCTION FOR WHICH HE OR SHE IS NOT TRAINED AND MEETS 1 OF THE

1 FOLLOWING:

2 (i) HAS GRADUATED FROM A PERFUSION TRAINING PROGRAM APPROVED BY
3 THE DEPARTMENT AND ACCREDITED BY THE COMMISSION ON ACCREDITATION OF
4 ALLIED HEALTH EDUCATION PROGRAMS OR ITS SUCCESSOR ORGANIZATION AND
5 HAS SUCCESSFULLY COMPLETED THE EXAMINATION DEVELOPED BY THE
6 AMERICAN BOARD OF CARDIOVASCULAR PERFUSION OR ITS SUCCESSOR AND
7 APPROVED BY THE DEPARTMENT.

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

11 (iii) HAS GRADUATED FROM A PERFUSION TRAINING PROGRAM APPROVED
12 BY THE DEPARTMENT AND ACCREDITED BY THE COMMISSION ON ACCREDITATION
13 OF ALLIED HEALTH EDUCATION PROGRAMS OR ITS SUCCESSOR ORGANIZATION
14 AND, BEFORE SUCCESSFULLY COMPLETING THE EXAMINATION DEVELOPED BY
15 THE AMERICAN BOARD OF CARDIOVASCULAR PERFUSION OR ITS SUCCESSOR AND
16 APPROVED BY THE DEPARTMENT, IS SUPERVISED BY A PERFUSIONIST WHO
17 MEETS THE REQUIREMENTS OF EITHER SUBPARAGRAPH (i) OR (ii).

18 (F) AN INDIVIDUAL WHO PERFORMS LABORATORY TESTING AS DESCRIBED
19 IN SUBDIVISION (E) WHILE ENGAGED IN THE PRACTICE OF PERFUSION AS A
20 STUDENT IN A PERFUSION TRAINING PROGRAM APPROVED BY THE DEPARTMENT
21 AND ACCREDITED BY THE COMMISSION ON ACCREDITATION OF ALLIED HEALTH
22 EDUCATION PROGRAMS OR ITS SUCCESSOR ORGANIZATION, IF DURING THE
23 PERFORMANCE OF LABORATORY TESTING THE INDIVIDUAL IS UNDER THE
24 DIRECT PHYSICAL SUPERVISION OF A PERFUSIONIST WHO MEETS THE
25 REQUIREMENTS OF SUBDIVISION (E) (i) OR (ii).

26 (G) A RESPIRATORY CARE PRACTITIONER LICENSED UNDER THIS
27 ARTICLE WHO PERFORMS LABORATORY TESTING WHILE ENGAGED IN THE

1 PRACTICE OF RESPIRATORY CARE.

2 SEC. 18759. (1) THE MICHIGAN BOARD OF LABORATORY TESTING IS
3 CREATED WITHIN THE DEPARTMENT. THE BOARD SHALL COMPLY WITH PART 161
4 AND SHALL CONSIST OF THE FOLLOWING 7 MEMBERS:

5 (A) FIVE MEMBERS WHO ARE LICENSED UNDER THIS PART.

6 (B) TWO PUBLIC MEMBERS.

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

10 (3) THE BOARD SHALL SUBMIT RULES TO IMPLEMENT THIS PART FOR
11 PUBLIC HEARING PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF
12 1969 WITHIN 180 DAYS AFTER THE EFFECTIVE DATE OF THIS PART.

13 SEC. 18761. (1) THE DEPARTMENT MAY ISSUE A LICENSE UNDER THIS
14 PART AS FOLLOWS:

15 (A) TO ENGAGE IN THE PRACTICE OF LABORATORY TESTING AT THE
16 CLINICAL LABORATORY ASSISTANT/MEDICAL LABORATORY ASSISTANT LEVEL TO
17 AN INDIVIDUAL WHO THE BOARD DETERMINES HAS SUFFICIENT KNOWLEDGE
18 ESSENTIAL TO THE SAFE AND COMPETENT PRACTICE OF HIS OR HER
19 PROFESSION AND WHO HAS SUCCESSFULLY COMPLETED HIGH SCHOOL OR ITS
20 EQUIVALENT AND EITHER OF THE FOLLOWING:

21 (i) AN ACCREDITED EDUCATIONAL PROGRAM APPROVED BY THE BOARD
22 INCLUDING, BUT NOT LIMITED TO, PROGRAMS AT THE CLINICAL LABORATORY
23 ASSISTANT/MEDICAL LABORATORY ASSISTANT LEVEL OR AT AN EQUIVALENT
24 LEVEL THAT IS APPROVED BY THE BOARD.

25 (ii) ONE YEAR OF FULL-TIME LABORATORY EXPERIENCE WITHIN THE 3-
26 YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF APPLICATION IN A
27 LABORATORY ACTIVITY APPROVED BY THE BOARD AND UNDER THE SUPERVISION

1 OF A CLINICAL LABORATORY SCIENTIST/MEDICAL TECHNOLOGIST, A CLINICAL
2 LABORATORY TECHNICIAN/MEDICAL LABORATORY TECHNICIAN, CLINICAL
3 LABORATORY ASSISTANT/MEDICAL LABORATORY ASSISTANT, OR AN INDIVIDUAL
4 DESCRIBED IN SECTION 18769.

5 (B) TO ENGAGE IN THE PRACTICE OF LABORATORY TESTING AT THE
6 CLINICAL LABORATORY TECHNICIAN/MEDICAL LABORATORY TECHNICIAN LEVEL
7 TO AN INDIVIDUAL WHO THE BOARD DETERMINES HAS SUFFICIENT KNOWLEDGE
8 ESSENTIAL TO THE SAFE AND COMPETENT PRACTICE OF HIS OR HER
9 PROFESSION AND WHO HAS SUCCESSFULLY COMPLETED OR ATTAINED AN
10 ASSOCIATE'S DEGREE FROM AN ACCREDITED COLLEGE OR UNIVERSITY
11 APPROVED BY THE BOARD, INCLUDING COURSE WORK APPROVED BY THE BOARD,
12 AND 1 OR MORE OF THE FOLLOWING:

13 (i) AN ACCREDITED EDUCATIONAL PROGRAM APPROVED BY THE BOARD,
14 INCLUDING, BUT NOT LIMITED TO, PROGRAMS AT THE CLINICAL LABORATORY
15 TECHNICIAN/MEDICAL LABORATORY TECHNICIAN OR HISTOTECHNICIAN LEVEL.

16 (ii) TWO YEARS OF FULL-TIME LABORATORY EXPERIENCE ATTAINED
17 WITHIN THE 3 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION IN
18 A LABORATORY ACTIVITY APPROVED BY THE BOARD AND UNDER THE
19 SUPERVISION OF A CLINICAL LABORATORY SCIENTIST/MEDICAL
20 TECHNOLOGIST, CLINICAL LABORATORY SCIENTIST/MEDICAL LABORATORY
21 TECHNOLOGIST, OR AN INDIVIDUAL DESCRIBED IN SECTION 18769.

22 (C) TO ENGAGE IN THE PRACTICE OF LABORATORY TESTING AT THE
23 CLINICAL LABORATORY SCIENTIST/MEDICAL TECHNOLOGIST LEVEL TO AN
24 INDIVIDUAL WHO THE BOARD DETERMINES HAS SUFFICIENT KNOWLEDGE
25 ESSENTIAL TO THE SAFE AND COMPETENT PRACTICE OF HIS OR HER
26 PROFESSION AND WHO HAS SUCCESSFULLY COMPLETED OR ATTAINED A
27 BACCALAUREATE DEGREE FROM AN ACCREDITED COLLEGE OR UNIVERSITY

1 APPROVED BY THE BOARD, INCLUDING COURSE WORK APPROVED BY THE BOARD,
2 AND 1 OR MORE OF THE FOLLOWING:

3 (i) AN ACCREDITED EDUCATIONAL PROGRAM APPROVED BY THE BOARD
4 INCLUDING, BUT NOT LIMITED TO, PROGRAMS AT THE CYTOTECHNOLOGIST,
5 CLINICAL LABORATORY SCIENTIST/MEDICAL TECHNOLOGIST,
6 HISTOTECHNOLOGIST, CYTOGENETIC TECHNOLOGIST, OR DIAGNOSTIC
7 MOLECULAR SCIENTIST LEVEL.

8 (ii) TWO YEARS OF FULL-TIME LABORATORY EXPERIENCE ATTAINED
9 WITHIN THE 4-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF
10 APPLICATION IN A LABORATORY ACTIVITY APPROVED BY THE BOARD AND
11 UNDER THE SUPERVISION OF A CLINICAL LABORATORY SCIENTIST/MEDICAL
12 TECHNOLOGIST OR AN INDIVIDUAL DESCRIBED IN SECTION 18769.

13 (2) THE DEPARTMENT MAY ACCEPT A PERSON'S CERTIFICATION BY A
14 NATIONAL ORGANIZATION APPROVED BY THE BOARD AS EVIDENCE THAT THE
15 PERSON HAS SUFFICIENT KNOWLEDGE ESSENTIAL TO THE SAFE AND COMPETENT
16 PRACTICE OF HIS OR HER PROFESSION. THE BOARD SHALL NOT ACCEPT
17 CERTIFICATION OF A PERSON AS DESCRIBED IN THIS SUBSECTION UNLESS
18 THE CERTIFYING NATIONAL ORGANIZATION REQUIRES SUCCESSFUL PASSAGE OF
19 A COMPETENCY BASED EXAMINATION VALIDATED BY THAT ORGANIZATION.

20 SEC. 18763. (1) IF A PERSON APPLIES FOR LICENSURE AT A LEVEL
21 DESCRIBED IN SECTION 18751(1)(K), (L), OR (M) WITHIN 1 YEAR AFTER
22 THE EFFECTIVE DATE OF THIS PART AND THAT PERSON IS TRAINED IN
23 LABORATORY TESTING AT THAT LEVEL AND CERTIFIED BY A NATIONAL
24 CERTIFYING AGENCY APPROVED BY THE BOARD, OR HAS ENGAGED IN THE
25 PRACTICE OF LABORATORY TESTING AT THAT LEVEL IN A LABORATORY FOR A
26 PERIOD OF AT LEAST 1 YEAR OR NOT LESS THAN 1,500 CLOCK HOURS IN THE
27 IMMEDIATELY PRECEDING YEAR, THE DEPARTMENT SHALL ISSUE TO THAT

1 PERSON A LICENSE FOR THAT LEVEL.

2 (2) THE DEPARTMENT SHALL REQUIRE EACH INDIVIDUAL WHO APPLIES
3 FOR RENEWAL OF A LICENSE GRANTED UNDER THIS SECTION TO MEET
4 APPLICABLE CONTINUING EDUCATION REQUIREMENTS OF SECTION 18765.

5 SEC. 18765. (1) IN ADDITION TO THE REQUIREMENTS OF PART 161,
6 THE DEPARTMENT SHALL REQUIRE A CLINICAL LABORATORY
7 SCIENTIST/MEDICAL TECHNOLOGIST OR CLINICAL LABORATORY
8 TECHNICIAN/MEDICAL LABORATORY TECHNICIAN SEEKING RENEWAL OF A
9 LICENSE TO FURNISH EVIDENCE OF EITHER OF THE FOLLOWING:

10 (A) THE LICENSEE'S SUCCESSFUL COMPLETION, DURING THE 3 YEARS
11 IMMEDIATELY PRECEDING APPLICATION FOR RENEWAL, OF AT LEAST 30 CLOCK
12 HOURS OF CONTINUING EDUCATION COURSES, CLINICS, LECTURES, TRAINING
13 PROGRAMS, SEMINARS, OR OTHER PROGRAMS RELATED TO LABORATORY TESTING
14 THAT ARE APPROVED BY THE BOARD.

15 (B) PROOF OF RECERTIFICATION BY A NATIONAL CERTIFICATION
16 AGENCY APPROVED BY THE BOARD.

17 (2) THE DEPARTMENT SHALL REQUIRE A CLINICAL LABORATORY
18 ASSISTANT/MEDICAL LABORATORY ASSISTANT SEEKING RENEWAL OF A LICENSE
19 TO FURNISH EVIDENCE OF EITHER OF THE FOLLOWING:

20 (A) THAT PERSON'S SUCCESSFUL COMPLETION, DURING THE 3 YEARS
21 IMMEDIATELY PRECEDING APPLICATION FOR RENEWAL, OF AT LEAST 10 CLOCK
22 HOURS OF CONTINUING EDUCATION COURSES, CLINICS, LECTURES, TRAINING
23 PROGRAMS, SEMINARS, OR OTHER PROGRAMS APPROVED BY THE BOARD.

24 (B) PROOF OF RECERTIFICATION BY A NATIONAL CERTIFYING AGENCY
25 APPROVED BY THE BOARD.

26 SEC. 18767. (1) A LICENSE ISSUED UNDER THIS PART IS EFFECTIVE
27 FOR 3 YEARS.

1 (2) A LICENSEE SHALL NOT PERFORM AN ACT, TASK, OR FUNCTION
2 WITHIN THE PRACTICE OF LABORATORY TESTING FOR WHICH HE OR SHE IS
3 NOT TRAINED.

4 SEC. 18769. THE SUPERVISION DESCRIBED IN SECTION 18755 MAY BE
5 PROVIDED BY AN ALLOPATHIC OR OSTEOPATHIC PHYSICIAN LICENSED UNDER
6 THIS ARTICLE.

7 SEC. 18771. A COMMUNICATION BETWEEN A LICENSEE AND A CLIENT
8 AND A CLIENT'S LABORATORY TEST RESULTS ARE CONFIDENTIAL AND SHALL
9 NOT BE DISCLOSED TO A THIRD PARTY BY THE LICENSEE WITHOUT THE
10 CONSENT OF THE CLIENT OR EXCEPT AS OTHERWISE PROVIDED BY LAW. FOR
11 PURPOSES OF THIS SECTION, "THIRD PARTY" DOES NOT INCLUDE A HEALTH
12 CARE PROFESSIONAL LICENSED UNDER THIS ARTICLE WHO REQUESTED THE
13 LABORATORY TEST ON BEHALF OF THE CLIENT.