

HOUSE BILL No. 4709

June 7, 2017, Introduced by Rep. Vaupel and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 7303a, 16327, 17001, 17011, 17501, and 17511
(MCL 333.7303a, 333.16327, 333.17001, 333.17011, 333.17501, and
333.17511), sections 7303a, 17001, and 17501 as amended by 2016 PA
379, section 16327 as amended by 2016 PA 499, and sections 17011
and 17511 as amended by 2006 PA 398, and by adding sections 16325a,
17034, 17035, 17036, 17215, 17534, 17535, 17536, and 21525.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7303a. (1) A prescriber who holds a controlled substances
2 license may administer or dispense a controlled substance listed in
3 schedules 2 to 5 without a separate controlled substances license
4 for those activities.

1 (2) Before prescribing or dispensing a controlled substance to
2 a patient, a licensed prescriber shall ask the patient about other
3 controlled substances the patient may be using. The prescriber
4 shall record the patient's response in the patient's medical or
5 clinical record.

6 (3) A licensed prescriber who dispenses controlled substances
7 shall maintain all of the following records separately from other
8 prescription records:

9 (a) All invoices and other acquisition records for each
10 controlled substance acquired by the prescriber for not less than 5
11 years after the date the prescriber acquires the controlled
12 substance.

13 (b) A log of all controlled substances dispensed by the
14 prescriber for not less than 5 years after the date the controlled
15 substance is dispensed.

16 (c) Records of all other dispositions of controlled substances
17 under the licensee's control for not less than 5 years after the
18 date of the disposition.

19 (4) The requirement under section 7303 for a license is waived
20 in the following circumstances:

21 (a) When a controlled substance listed in schedules 2 to 5 is
22 administered on the order of a licensed prescriber by an individual
23 who is licensed under article 15 as a practical nurse, ~~or a~~
24 registered professional nurse, **OR A CERTIFIED ANESTHESIOLOGIST**
25 **ASSISTANT.**

26 (b) When methadone or a methadone congener is dispensed on the
27 order of a licensed prescriber in a methadone treatment program

1 licensed under article 6 or when a controlled substance listed in
2 schedules 2 to 5 is dispensed on the order of a licensed prescriber
3 in a hospice rendering emergency care services in a patient's home
4 as described in section 17746 by a registered professional nurse
5 licensed under article 15.

6 **SEC. 16325A. FEES FOR AN INDIVIDUAL LICENSED OR SEEKING**
7 **LICENSURE TO ENGAGE IN PRACTICE AS A CERTIFIED ANESTHESIOLOGIST**
8 **ASSISTANT UNDER PART 170 OR PART 175 ARE AS FOLLOWS:**

9	(A) APPLICATION PROCESSING FEE.....	\$ 75.00
10	(B) LICENSE FEE, PER YEAR.....	60.00
11	(C) EDUCATIONAL LIMITED LICENSE.....	25.00

12 Sec. 16327. Fees for an individual who is licensed or seeking
13 licensure to practice nursing as a registered professional nurse, a
14 licensed practical nurse, or a trained attendant under part 172 are
15 as follows:

16	(a) Application processing fee.....	\$ 75.00
17	(b) License fee, per year.....	60.00
18	(c) Temporary license.....	10.00
19	(d) Limited license, per year.....	10.00
20	(e) Specialty certification for	
21	registered nurse:	
22	(i) Application processing fee.....	24.00 50.00
23	(ii) Specialty certification, per year....	14.00 30.00

24 Sec. 17001. (1) As used in this part:

25 (a) "Academic institution" means either of the following:

26 (i) A medical school approved by the board.

27 (ii) A hospital licensed under article 17 that meets all of

1 the following requirements:

2 (A) Was the sole sponsor or a co-sponsor, if each other co-
3 sponsor is either a medical school approved by the board or a
4 hospital owned by the federal government and directly operated by
5 the United States Department of Veterans Affairs, of not less than
6 4 postgraduate education residency programs approved by the board
7 under section 17031(1) for not less than the 3 years immediately
8 preceding the date of an application for a limited license under
9 section 16182(2)(c) or an application for a full license under
10 section 17031(2), if at least 1 of the residency programs is in the
11 specialty area of medical practice, or in a specialty area that
12 includes the subspecialty of medical practice, in which the
13 applicant for a limited license proposes to practice or in which
14 the applicant for a full license has practiced for the hospital.

15 (B) Has spent not less than \$2,000,000.00 for medical
16 education during each of the 3 years immediately preceding the date
17 of an application for a limited license under section 16182(2)(c)
18 or an application for a full license under section 17031(2). As
19 used in this sub-subparagraph, "medical education" means the
20 education of physicians and candidates for degrees or licenses to
21 become physicians, including, but not limited to, physician staff,
22 residents, interns, and medical students.

23 **(B) "ANESTHESIOLOGIST" MEANS A PHYSICIAN WHO HAS BEEN TRAINED**
24 **IN THE SPECIALTY OF ANESTHESIOLOGY BY COMPLETING A RESIDENCY IN**
25 **ANESTHESIOLOGY THAT IS APPROVED BY THE BOARD.**

26 **(C) "CERTIFIED ANESTHESIOLOGIST ASSISTANT" MEANS AN INDIVIDUAL**
27 **WHO IS LICENSED UNDER THIS ARTICLE TO ENGAGE IN PRACTICE AS A**

1 **CERTIFIED ANESTHESIOLOGIST ASSISTANT.**

2 (D) ~~(b)~~—"Electrodiagnostic studies" means the testing of
3 neuromuscular functions utilizing nerve conduction tests and needle
4 electromyography. It does not include the use of surface
5 electromyography.

6 (E) "IMMEDIATELY AVAILABLE" MEANS THAT A SUPERVISING
7 ANESTHESIOLOGIST IS IN THE PHYSICAL PROXIMITY OF A CERTIFIED
8 ANESTHESIOLOGIST ASSISTANT THAT ALLOWS THE ANESTHESIOLOGIST TO
9 RETURN AND REESTABLISH DIRECT CONTACT WITH THE PATIENT TO MEET THE
10 PATIENT'S MEDICAL NEEDS AND ADDRESS ANY OF THE PATIENT'S URGENT OR
11 EMERGENT CLINICAL PROBLEMS.

12 (F) ~~(e)~~—"Medical care services" means those services within
13 the scope of practice of physicians licensed by the board, except
14 those services that the board prohibits or otherwise restricts
15 within a practice agreement or determines shall not be delegated by
16 a physician ~~without endangering~~ **BECAUSE A DELEGATION WOULD ENDANGER**
17 the health and safety of patients, as provided for in section
18 17048(1).

19 (G) ~~(d)~~—"Participating physician" means a physician, a
20 physician designated by a group of physicians under section 17049
21 to represent that group, or a physician designated by a health
22 facility or agency under section 20174 to represent that health
23 facility or agency.

24 (H) ~~(e)~~—"Physician" means an individual who is licensed under
25 this article to engage in the practice of medicine.

26 (I) ~~(f)~~—"Podiatrist" means an individual who is licensed under
27 this article to engage in the practice of podiatric medicine and

1 surgery.

2 **(J)** ~~(g)~~—"Practice agreement" means an agreement described in
3 section 17047.

4 **(K)** **"PRACTICE OF ANESTHESIOLOGY" MEANS ENGAGING IN THE**
5 **PRACTICE OF MEDICINE AS AN ANESTHESIOLOGIST.**

6 **(L)** ~~(h)~~—"Practice of medicine" means the diagnosis, treatment,
7 prevention, cure, or relieving of a human disease, ailment, defect,
8 complaint, or other physical or mental condition, by attendance,
9 advice, device, diagnostic test, or other means, or offering,
10 undertaking, attempting to do, or holding oneself out as able to
11 do, any of these acts.

12 **(M)** **"PRACTICE AS A CERTIFIED ANESTHESIOLOGIST ASSISTANT" MEANS**
13 **THE PRACTICE OF ANESTHESIOLOGY PERFORMED UNDER THE SUPERVISION OF**
14 **AN ANESTHESIOLOGIST.**

15 **(N)** ~~(i)~~—"Practice as a physician's assistant" means the
16 practice of medicine with a participating physician under a
17 practice agreement.

18 **(O)** **"SUPERVISION" MEANS THAT TERM AS DEFINED IN SECTION 16109,**
19 **EXCEPT THAT IT ALSO INCLUDES THE EXISTENCE OF A PREDETERMINED PLAN**
20 **FOR EMERGENCY SITUATIONS, INCLUDING, BUT NOT LIMITED TO, THE**
21 **DESIGNATION OF AN ANESTHESIOLOGIST TO SUPERVISE A CERTIFIED**
22 **ANESTHESIOLOGIST ASSISTANT IN THE ABSENCE OF THE PRIMARY**
23 **SUPERVISING ANESTHESIOLOGIST.**

24 **(P)** ~~(j)~~—"Task force" means the joint task force created in
25 section 17025.

26 (2) In addition to the definitions in this part, article 1
27 contains definitions and principles of construction applicable to

1 all articles in this code and part 161 contains definitions
2 applicable to this part.

3 Sec. 17011. (1) An individual shall not engage in the practice
4 of medicine or practice as a physician's assistant unless licensed
5 or otherwise authorized by this article. An individual shall not
6 engage in teaching or research that requires the practice of
7 medicine unless the individual is licensed or otherwise authorized
8 by this article.

9 (2) Notwithstanding section 16145 or rules promulgated under
10 that section, the board may grant a license to an individual who
11 meets the requirements of section 16186 or 17031(2) after reviewing
12 the applicant's record of practice, experience, and credentials and
13 determining that the applicant is competent to practice medicine.

14 (3) For individuals applying for licensure under section
15 16186, the board shall not impose requirements on graduates of
16 medical schools located outside the United States or Canada that
17 exceed the requirements imposed on graduates of medical schools
18 located in the United States or Canada.

19 (4) Notwithstanding section 16145 or rules promulgated under
20 that section, the board may grant a license in accordance with
21 section 16186 after determining that each of the following
22 conditions is satisfied:

23 (a) The applicant has disclosed that a sanction is in force
24 against him or her as described in section 16174(2)(b) and
25 considering the reasons for the sanction and the applicant's record
26 of practice, experience, credentials, and competence to engage in
27 the practice of medicine, that sanction should not prevent the

1 applicant from being granted a license in this state.

2 (b) The sanction imposed by the other state is not permanent.

3 (c) The sanction imposed by the other state was not the result
4 of a patient safety violation.

5 (d) If the applicant was required by the state that imposed
6 the sanction to participate in and complete a probationary period
7 or treatment plan as a condition of the continuation of his or her
8 licensure, the applicant did not complete the probationary period
9 or treatment plan because the applicant ceased engaging in the
10 practice of medicine in that state.

11 (e) As a condition of licensure under this subsection, the
12 applicant voluntarily agrees to complete a probationary period or
13 treatment plan, the terms of which are no less stringent than those
14 imposed by the state that imposed the sanction.

15 (5) Except as otherwise provided in this subsection, the
16 following words, titles, or letters or a combination thereof, ~~OF~~
17 **THE WORDS, TITLES, OR LETTERS**, with or without qualifying words or
18 phrases, are restricted in use only to those individuals authorized
19 under this part to use the terms and in a way prescribed in this
20 part: "doctor of medicine", "m.d.", "physician's assistant", and
21 "p.a.", **"CERTIFIED ANESTHESIOLOGIST ASSISTANT", AND "C.A.A."**.

22 Notwithstanding section 16261, an individual who was specially
23 trained at an institution of higher education in this state to
24 assist a physician in the field of orthopedics and, upon completion
25 of training, received a 2-year associate of science degree as an
26 orthopedic physician's assistant before January 1, 1977 may use the
27 title "orthopedic physician's assistant" whether or not the

1 individual is licensed under this part.

2 SEC. 17034. (1) BY 90 DAYS AFTER THE EFFECTIVE DATE OF THE
3 RULES PROMULGATED BY THE BOARD UNDER SECTION 17035, AN INDIVIDUAL
4 SHALL NOT ENGAGE IN PRACTICE AS A CERTIFIED ANESTHESIOLOGIST
5 ASSISTANT UNLESS HE OR SHE IS LICENSED OR OTHERWISE AUTHORIZED
6 UNDER THIS ARTICLE AS A CERTIFIED ANESTHESIOLOGIST ASSISTANT.

7 (2) THE BOARD MAY GRANT AN EDUCATIONAL LIMITED LICENSE UNDER
8 SECTION 16182(2) (A) TO AN INDIVIDUAL WHO PROVIDES SATISFACTORY
9 EVIDENCE TO THE BOARD THAT HE OR SHE MEETS ALL OF THE REQUIREMENTS
10 FOR LICENSURE EXCEPT THE CERTIFYING EXAMINATION. AN EDUCATIONAL
11 LIMITED LICENSE ISSUED UNDER THIS SECTION IS VALID UNTIL THE
12 EXPIRATION OF A PERIOD DETERMINED BY THE BOARD THAT DOES NOT EXCEED
13 1 YEAR OR UNTIL THE RESULTS OF THE REQUIRED CERTIFYING EXAMINATION
14 ARE MADE AVAILABLE, WHICHEVER IS EARLIER.

15 (3) THE BOARD MAY GRANT A LICENSE AS A CERTIFIED
16 ANESTHESIOLOGIST ASSISTANT TO AN INDIVIDUAL WHO PROVIDES
17 SATISFACTORY EVIDENCE TO THE BOARD THAT HE OR SHE HAS SUCCESSFULLY
18 COMPLETED ALL OF THE FOLLOWING:

19 (A) A GRADUATE LEVEL TRAINING PROGRAM APPROVED BY THE BOARD.

20 (B) A CERTIFYING EXAMINATION FOR CERTIFIED ANESTHESIOLOGIST
21 ASSISTANTS APPROVED BY THE BOARD.

22 (C) A COURSE IN ADVANCED CARDIAC LIFE-SUPPORT TECHNIQUES
23 APPROVED BY THE BOARD.

24 SEC. 17035. THE BOARD, IN CONSULTATION WITH THE DEPARTMENT,
25 SHALL PROMULGATE RULES TO DO ALL OF THE FOLLOWING:

26 (A) ESTABLISH AND, WHERE APPROPRIATE, LIMIT THE DUTIES AND
27 ACTIVITIES RELATED TO THE PRACTICE OF ANESTHESIOLOGY THAT MAY BE

1 PERFORMED BY CERTIFIED ANESTHESIOLOGIST ASSISTANTS.

2 (B) ESTABLISH AN APPROPRIATE RATIO OF SUPERVISING
3 ANESTHESIOLOGISTS TO CERTIFIED ANESTHESIOLOGIST ASSISTANTS, EXCEPT
4 IN EMERGENCY CASES.

5 (C) SUBJECT TO SECTION 16204, PRESCRIBE CONTINUING EDUCATION
6 REQUIREMENTS AS A CONDITION FOR THE RENEWAL OF A CERTIFIED
7 ANESTHESIOLOGIST ASSISTANT LICENSE.

8 SEC. 17036. AN ANESTHESIOLOGIST WHO SUPERVISES A CERTIFIED
9 ANESTHESIOLOGIST ASSISTANT SHALL COMPLY WITH BOTH OF THE FOLLOWING:

10 (A) HE OR SHE SHALL BE IMMEDIATELY AVAILABLE AT ALL TIMES.

11 (B) HE OR SHE SHALL ENSURE THAT ALL ACTIVITIES, FUNCTIONS,
12 SERVICES, AND TREATMENT MEASURES PERFORMED BY A CERTIFIED
13 ANESTHESIOLOGIST ASSISTANT ARE PROPERLY DOCUMENTED BY THE CERTIFIED
14 ANESTHESIOLOGIST ASSISTANT.

15 SEC. 17215. (1) ALL OF THE FOLLOWING APPLY TO THE SUPERVISION
16 OF A NURSE ANESTHETIST IN A HOSPITAL:

17 (A) IF A PHYSICIAN HAS ENTERED INTO AN AGREEMENT WITH THE
18 HOSPITAL TO SUPERVISE THE NURSE ANESTHETIST, AS EVIDENCE OF
19 SUPERVISION THE PHYSICIAN MAY SIGN A PATIENT'S CHART REGARDING AN
20 ANESTHESIA OR ANALGESIA SERVICE THAT IS PROVIDED BY THE NURSE
21 ANESTHETIST.

22 (B) SUBJECT TO SUBSECTION (3), IF THE HOSPITAL HAS ENTERED
23 INTO A COLLABORATIVE AGREEMENT, THE NURSE ANESTHETIST MAY PROVIDE
24 AN ANESTHESIA OR ANALGESIA SERVICE UNDER THE TERMS OF THE
25 COLLABORATIVE AGREEMENT WITHOUT THE ANESTHESIA OR ANALGESIA SERVICE
26 BEING SUPERVISED BY A PHYSICIAN WHO IS PHYSICALLY PRESENT WHEN THE
27 SERVICE IS PERFORMED.

1 (2) A HOSPITAL MAY ENTER INTO AND IMPLEMENT A COLLABORATIVE
2 AGREEMENT WITH AN ANESTHESIOLOGIST IF ALL OF THE FOLLOWING ARE MET:

3 (A) THE HOSPITAL IS CERTIFIED AS A CRITICAL ACCESS HOSPITAL
4 UNDER ARTICLE 17.

5 (B) THE STUDY DESCRIBED IN SUBSECTION (4) HAS FOUND A SHORTAGE
6 OF ANESTHESIOLOGISTS AT THE HOSPITAL THAT IS DETRIMENTAL TO THE
7 PUBLIC HEALTH.

8 (C) THE HOSPITAL PROVIDES DOCUMENTATION TO THE DEPARTMENT OF
9 HEALTH AND HUMAN SERVICES THAT A PHYSICIAN REFUSES TO SUPERVISE THE
10 NURSE ANESTHETIST AND THAT A REASONABLE EFFORT TO RECRUIT AN
11 ANESTHESIOLOGIST TO SUPERVISE THE NURSE ANESTHETIST HAS FAILED.

12 (D) THE COLLABORATIVE AGREEMENT IS APPROVED BY ALL OF THE
13 FOLLOWING:

14 (i) THE MEDICAL DIRECTOR OF ANESTHESIA SERVICES FOR THE
15 HOSPITAL.

16 (ii) THE CHIEF OF SURGERY OR CHIEF OF STAFF OF THE HOSPITAL.

17 (iii) THE CHIEF MEDICAL OFFICER AND THE CHIEF EXECUTIVE
18 OFFICER OF THE HOSPITAL.

19 (iv) THE MICHIGAN BOARD OF MEDICINE.

20 (v) THE MICHIGAN BOARD OF OSTEOPATHIC MEDICINE AND SURGERY.

21 (vi) THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

22 (E) THE COLLABORATIVE AGREEMENT CONTAINS ALL OF THE FOLLOWING:

23 (i) AN AGREEMENT BY THE ANESTHESIOLOGIST TO PARTICIPATE IN
24 MONITORING THE QUALITY OF ANESTHESIA AND ANALGESIA SERVICES
25 PROVIDED BY THE NURSE ANESTHETIST AND TO SERVE AS, OR COLLABORATE
26 WITH, THE MEDICAL DIRECTOR OF ANESTHESIA SERVICES FOR THE HOSPITAL.

27 (ii) AN AGREEMENT BY THE ANESTHESIOLOGIST TO BE IMMEDIATELY

1 AVAILABLE FOR DIRECT COMMUNICATION WITH THE NURSE ANESTHETIST
2 EITHER IN PERSON OR BY RADIO, TELEPHONE, OR TELECOMMUNICATION.

3 (iii) A PROVISION STATING THAT AN ANESTHESIA OR ANALGESIA
4 SERVICE SHALL NOT BE PROVIDED EXCEPT UNDER THE SUPERVISION OF A
5 PHYSICIAN WHO IS PHYSICALLY PRESENT WHEN THE SERVICE IS PERFORMED
6 IF ANY OF THE FOLLOWING ARE MET:

7 (A) THE PATIENT IS LESS THAN 12 YEARS OLD.

8 (B) THE PATIENT FALLS INTO CLASS III, IV, OR V OF THE AMERICAN
9 SOCIETY OF ANESTHESIOLOGISTS PHYSICAL STATUS CLASSIFICATION SYSTEM.

10 (C) THE PATIENT IS SUSCEPTIBLE TO MALIGNANT HYPERTHERMIA.

11 (D) THE PATIENT HAS A BODY MASS INDEX THAT IS GREATER THAN 50.

12 (E) THE PATIENT HAS A DIFFICULT AIRWAY OR IT IS ANTICIPATED
13 THAT THE PATIENT WILL HAVE A DIFFICULT AIRWAY.

14 (F) THE PATIENT HAS AN IMPLANTABLE CARDIAC DEVICE.

15 (G) OTHER THAN POSTOPERATIVE NAUSEA AND VOMITING, THE PATIENT
16 IS KNOWN TO HAVE A HISTORY OF SIGNIFICANT DIFFICULTY WITH
17 ANESTHESIA.

18 (H) THE PATIENT IS UNDERGOING SURGERY THAT IS ANTICIPATED TO
19 LAST LONGER THAN 3 OR MORE HOURS.

20 (I) IT IS ANTICIPATED THAT THE PATIENT'S SURGERY WILL REQUIRE
21 A BLOOD TRANSFUSION.

22 (J) THE PATIENT, THE NURSE ANESTHETIST, OR THE PHYSICIAN WHO
23 IS PERFORMING THE PROCEDURE REQUESTS THAT THE SERVICE BE PROVIDED
24 UNDER THE SUPERVISION OF A PHYSICIAN WHO IS PHYSICALLY PRESENT WHEN
25 THE SERVICE IS PERFORMED.

26 (3) A NURSE ANESTHETIST WHO PROVIDES AN ANESTHESIA OR
27 ANALGESIA SERVICE UNDER SUBSECTION (1) (B) SHALL INFORM THE PATIENT,

1 IN WRITING, THAT THE ANESTHESIA OR ANALGESIA SERVICE WILL BE
2 PERFORMED BY THE NURSE ANESTHETIST UNDER THE SUPERVISION OF A
3 PHYSICIAN WHO IS NOT PHYSICALLY PRESENT WHEN THE SERVICE IS
4 PERFORMED.

5 (4) BY 24 MONTHS AFTER THE EFFECTIVE DATE OF THE AMENDATORY
6 ACT THAT ADDED THIS SECTION, THE DEPARTMENT OF HEALTH AND HUMAN
7 SERVICES SHALL CONDUCT AND COMPLETE A STUDY THAT ASSESSES THE
8 ANESTHESIA WORKFORCE WITHIN THIS STATE AT EACH HOSPITAL TO
9 DETERMINE WHETHER THERE IS A SHORTAGE OF ANESTHESIOLOGISTS WITHIN
10 THIS STATE AND WHETHER THE SHORTAGE IS DETRIMENTAL TO PUBLIC
11 HEALTH. THE STUDY MUST INCLUDE, BUT IS NOT LIMITED TO, ALL OF THE
12 FOLLOWING:

13 (A) A REVIEW OF A COMMUNITY HEALTH NEEDS ASSESSMENT FOR EACH
14 HOSPITAL, IF APPLICABLE. AS USED IN THIS SUBDIVISION, "COMMUNITY
15 HEALTH NEEDS ASSESSMENT" MEANS THE COMMUNITY HEALTH NEEDS
16 ASSESSMENT DESCRIBED IN SECTION 501(R) OF THE INTERNAL REVENUE CODE
17 OF 1986, 26 USC 501.

18 (B) CONSIDERATION OF THE NUMBER OF ANESTHESIOLOGIST RESIDENCY
19 TRAINING POSITIONS THAT ARE AVAILABLE IN THIS STATE.

20 (C) CONSIDERATION OF WHETHER A COLLABORATIVE AGREEMENT IS
21 BENEFICIAL TO THE PUBLIC HEALTH.

22 (5) AS USED IN THIS SECTION:

23 (A) "ANESTHESIOLOGIST" MEANS A PHYSICIAN WHO HAS BEEN TRAINED
24 IN THE SPECIALTY OF ANESTHESIOLOGY BY COMPLETING A RESIDENCY IN
25 ANESTHESIOLOGY THAT IS APPROVED BY THE MICHIGAN BOARD OF MEDICINE
26 OR THE MICHIGAN BOARD OF OSTEOPATHIC MEDICINE AND SURGERY.

27 (B) "COLLABORATIVE AGREEMENT" MEANS THE AGREEMENT DESCRIBED IN

1 SUBSECTION (2).

2 (C) "HOSPITAL" MEANS A HOSPITAL THAT IS LICENSED UNDER ARTICLE
3 17.

4 (D) "NURSE ANESTHETIST" MEANS A REGISTERED PROFESSIONAL NURSE
5 WHO HAS BEEN GRANTED A SPECIALTY CERTIFICATION AS A NURSE
6 ANESTHETIST UNDER SECTION 17210.

7 Sec. 17501. (1) As used in this part:

8 (A) "ANESTHESIOLOGIST" MEANS A PHYSICIAN WHO HAS BEEN TRAINED
9 IN THE SPECIALTY OF ANESTHESIOLOGY BY COMPLETING A RESIDENCY IN
10 ANESTHESIOLOGY THAT IS APPROVED BY THE BOARD.

11 (B) "CERTIFIED ANESTHESIOLOGIST ASSISTANT" MEANS AN INDIVIDUAL
12 WHO IS LICENSED UNDER THIS ARTICLE TO ENGAGE IN PRACTICE AS A
13 CERTIFIED ANESTHESIOLOGIST ASSISTANT.

14 (C) ~~(a)~~—"Electrodiagnostic studies" means the testing of
15 neuromuscular functions utilizing nerve conduction tests and needle
16 electromyography. It does not include the use of surface
17 electromyography.

18 (D) "IMMEDIATELY AVAILABLE" MEANS THAT A SUPERVISING
19 ANESTHESIOLOGIST IS IN THE PHYSICAL PROXIMITY OF A CERTIFIED
20 ANESTHESIOLOGIST ASSISTANT THAT ALLOWS THE ANESTHESIOLOGIST TO
21 RETURN AND REESTABLISH DIRECT CONTACT WITH THE PATIENT TO MEET THE
22 PATIENT'S MEDICAL NEEDS AND ADDRESS ANY OF THE PATIENT'S URGENT OR
23 EMERGENT CLINICAL PROBLEMS.

24 (E) ~~(b)~~—"Medical care services" means those services within
25 the scope of practice of physicians licensed and approved by the
26 board, except those services that the board prohibits or otherwise
27 restricts within a practice agreement or determines shall not be

1 delegated by a physician ~~without endangering~~ **BECAUSE A DELEGATION**
 2 **WOULD ENDANGER** the health and safety of patients as provided for in
 3 section 17548(1).

4 (F) ~~(e)~~—"Participating physician" means a physician, a
 5 physician designated by a group of physicians under section 17549
 6 to represent that group, or a physician designated by a health
 7 facility or agency under section 20174 to represent that health
 8 facility or agency.

9 (G) ~~(d)~~—"Physician" means an individual who is licensed under
 10 this article to engage in the practice of osteopathic medicine and
 11 surgery.

12 (H) ~~(e)~~—"Practice agreement" means an agreement described in
 13 section 17547.

14 (I) **"PRACTICE OF ANESTHESIOLOGY" MEANS ENGAGING IN THE**
 15 **PRACTICE OF OSTEOPATHIC MEDICINE AND SURGERY AS AN**
 16 **ANESTHESIOLOGIST.**

17 (J) **"PRACTICE AS A CERTIFIED ANESTHESIOLOGIST ASSISTANT" MEANS**
 18 **THE PRACTICE OF ANESTHESIOLOGY PERFORMED UNDER THE SUPERVISION OF**
 19 **AN ANESTHESIOLOGIST.**

20 (K) ~~(f)~~—"Practice of osteopathic medicine and surgery" means a
 21 separate, complete, and independent school of medicine and surgery
 22 utilizing full methods of diagnosis and treatment in physical and
 23 mental health and disease, including the prescription and
 24 administration of drugs and biologicals, operative surgery,
 25 obstetrics, radiological and other electromagnetic emissions, and
 26 placing special emphasis on the interrelationship of the
 27 musculoskeletal system to other body systems.

1 (l) ~~(g)~~—"Practice as a physician's assistant" means the
2 practice of osteopathic medicine and surgery with a participating
3 physician under a practice agreement.

4 (M) "SUPERVISION" MEANS THAT TERM AS DEFINED IN SECTION 16109,
5 EXCEPT THAT IT ALSO INCLUDES THE EXISTENCE OF A PREDETERMINED PLAN
6 FOR EMERGENCY SITUATIONS, INCLUDING, BUT NOT LIMITED TO, THE
7 DESIGNATION OF AN ANESTHESIOLOGIST TO SUPERVISE A CERTIFIED
8 ANESTHESIOLOGIST ASSISTANT IN THE ABSENCE OF THE PRIMARY
9 SUPERVISING ANESTHESIOLOGIST.

10 (N) ~~(h)~~—"Task force" means the joint task force created in
11 section 17025.

12 (2) In addition to the definitions in this part, article 1
13 contains general definitions and principles of construction
14 applicable to all articles in the code and part 161 contains
15 definitions applicable to this part.

16 Sec. 17511. (1) A person shall not engage in the practice of
17 osteopathic medicine and surgery or practice as a physician's
18 assistant unless licensed or otherwise authorized by this article.

19 (2) Notwithstanding section 16145 or rules promulgated under
20 that section, the board may grant a license in accordance with
21 section 16186 after determining that each of the following
22 conditions is satisfied:

23 (a) The applicant has disclosed that a sanction is in force
24 against him or her as described in section 16174(2)(b) and
25 considering the reasons for the sanction and the applicant's record
26 of practice, experience, credentials, and competence to engage in
27 the practice of osteopathic medicine and surgery, that sanction

1 should not prevent the applicant from being granted a license in
2 this state.

3 (b) The sanction imposed by the other state is not permanent.

4 (c) The sanction imposed by the other state was not the result
5 of a patient safety violation.

6 (d) If the applicant was required by the state that imposed
7 the sanction to participate in and complete a probationary period
8 or treatment plan as a condition of the continuation of his or her
9 licensure, the applicant did not complete the probationary period
10 or treatment plan because the applicant ceased engaging in the
11 practice of osteopathic medicine and surgery in that state.

12 (e) As a condition of licensure under this subsection, the
13 applicant voluntarily agrees to complete a probationary period or
14 treatment plan, the terms of which are no less stringent than those
15 imposed by the state that imposed the sanction.

16 (3) Except as otherwise provided in this subsection, the
17 following words, titles, or letters or a combination thereof, ~~OF~~
18 **THE WORDS, TITLES, OR LETTERS**, with or without qualifying words or
19 phrases, are restricted in use only to those persons authorized
20 under this part to use the terms and in a way prescribed in this
21 part: "osteopath", "osteopathy", "osteopathic practitioner",
22 "doctor of osteopathy", "diplomate in osteopathy", "d.o.",
23 "physician's assistant", ~~and~~ "p.a.", "**CERTIFIED ANESTHESIOLOGIST**
24 **ASSISTANT**", **AND "C.A.A."**. Notwithstanding section 16261, a person
25 who was specially trained at an institution of higher education in
26 this state to assist a physician in the field of orthopedics and,
27 upon completion of training, received a 2-year associate of science

1 degree as an orthopedic physician's assistant before January 1,
2 1977 may use the title "orthopedic physician's assistant" whether
3 or not the individual is licensed under this part.

4 **SEC. 17534. (1) BY 90 DAYS AFTER THE EFFECTIVE DATE OF THE**
5 **RULES PROMULGATED BY THE BOARD UNDER SECTION 17535, AN INDIVIDUAL**
6 **SHALL NOT ENGAGE IN PRACTICE AS A CERTIFIED ANESTHESIOLOGIST**
7 **ASSISTANT UNLESS HE OR SHE IS LICENSED OR OTHERWISE AUTHORIZED**
8 **UNDER THIS ARTICLE AS A CERTIFIED ANESTHESIOLOGIST ASSISTANT.**

9 **(2) THE BOARD MAY GRANT AN EDUCATIONAL LIMITED LICENSE UNDER**
10 **SECTION 16182(2) (A) TO AN INDIVIDUAL WHO PROVIDES SATISFACTORY**
11 **EVIDENCE TO THE BOARD THAT HE OR SHE MEETS ALL OF THE REQUIREMENTS**
12 **FOR LICENSURE EXCEPT THE CERTIFYING EXAMINATION. AN EDUCATIONAL**
13 **LIMITED LICENSE ISSUED UNDER THIS SECTION IS VALID UNTIL THE**
14 **EXPIRATION OF A PERIOD DETERMINED BY THE BOARD THAT DOES NOT EXCEED**
15 **1 YEAR OR UNTIL THE RESULTS OF THE REQUIRED CERTIFYING EXAMINATION**
16 **ARE MADE AVAILABLE, WHICHEVER IS EARLIER.**

17 **(3) THE BOARD MAY GRANT A LICENSE AS A CERTIFIED**
18 **ANESTHESIOLOGIST ASSISTANT TO AN INDIVIDUAL WHO PROVIDES**
19 **SATISFACTORY EVIDENCE TO THE BOARD THAT HE OR SHE HAS SUCCESSFULLY**
20 **COMPLETED ALL OF THE FOLLOWING:**

21 **(A) A GRADUATE LEVEL TRAINING PROGRAM APPROVED BY THE BOARD.**

22 **(B) A CERTIFYING EXAMINATION FOR CERTIFIED ANESTHESIOLOGIST**
23 **ASSISTANTS APPROVED BY THE BOARD.**

24 **(C) A COURSE IN ADVANCED CARDIAC LIFE-SUPPORT TECHNIQUES**
25 **APPROVED BY THE BOARD.**

26 **SEC. 17535. THE BOARD, IN CONSULTATION WITH THE DEPARTMENT,**
27 **SHALL PROMULGATE RULES TO DO ALL OF THE FOLLOWING:**

1 (A) ESTABLISH AND, WHERE APPROPRIATE, LIMIT THE DUTIES AND
2 ACTIVITIES RELATED TO THE PRACTICE OF ANESTHESIOLOGY THAT MAY BE
3 PERFORMED BY CERTIFIED ANESTHESIOLOGIST ASSISTANTS.

4 (B) ESTABLISH AN APPROPRIATE RATIO OF SUPERVISING
5 ANESTHESIOLOGISTS TO CERTIFIED ANESTHESIOLOGIST ASSISTANTS, EXCEPT
6 IN EMERGENCY CASES.

7 (C) SUBJECT TO SECTION 16204, PRESCRIBE CONTINUING EDUCATION
8 REQUIREMENTS AS A CONDITION FOR THE RENEWAL OF A CERTIFIED
9 ANESTHESIOLOGIST ASSISTANT LICENSE.

10 SEC. 17536. AN ANESTHESIOLOGIST WHO SUPERVISES A CERTIFIED
11 ANESTHESIOLOGIST ASSISTANT SHALL COMPLY WITH BOTH OF THE FOLLOWING:

12 (A) HE OR SHE SHALL BE IMMEDIATELY AVAILABLE AT ALL TIMES.

13 (B) HE OR SHE SHALL ENSURE THAT ALL ACTIVITIES, FUNCTIONS,
14 SERVICES, AND TREATMENT MEASURES PERFORMED BY A CERTIFIED
15 ANESTHESIOLOGIST ASSISTANT ARE PROPERLY DOCUMENTED BY THE CERTIFIED
16 ANESTHESIOLOGIST ASSISTANT.

17 SEC. 21525. A HOSPITAL THAT ENTERS INTO A COLLABORATIVE
18 AGREEMENT UNDER SECTION 17215 SHALL DO BOTH OF THE FOLLOWING:

19 (A) SUBMIT AN ANNUAL REPORT TO THE MICHIGAN BOARD OF MEDICINE
20 AND THE MICHIGAN BOARD OF OSTEOPATHIC MEDICINE AND SURGERY THAT
21 ADDRESSES METRICS FOR ANESTHESIA AND ANALGESIA SERVICES, AS
22 REQUIRED BY THE BOARDS BY RULE. THE REPORT SHALL BE SUBMITTED TO
23 THE BOARDS DESCRIBED IN THIS SECTION IN THE FORM AND MANNER
24 PRESCRIBED BY THE BOARDS.

25 (B) PROVIDE A WRITTEN OR ELECTRONIC COPY OF THE REPORT
26 DESCRIBED IN SUBDIVISION (A) TO THE PUBLIC UPON REQUEST.

27 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.