

HOUSE BILL NO. 5295

September 14, 2021, Introduced by Reps. Hauck and Hertel and referred to the Committee on Regulatory Reform.

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending section 904 (MCL 450.4904), as amended by 2013 PA 131.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 904. (1) Except as provided in this section or otherwise
2 prohibited, a professional limited liability company may render 1
3 or more professional services, and each member and manager must be
4 a licensed person in 1 or more of the professional services
5 rendered by the company.

1 (2) Except as provided in subsection (3) or (4), if a
2 professional limited liability company renders a professional
3 service that is included within the public health code, 1978 PA
4 368, MCL 333.1101 to 333.25211, then all members and managers of
5 the company must be licensed or legally authorized in this state to
6 render the same professional service.

7 (3) One or more individuals licensed to engage in **the practice**
8 **of chiropractic under part 164**, the practice of medicine under part
9 170, the practice of osteopathic medicine and surgery under part
10 175, or the practice of podiatric medicine and surgery under part
11 180 of article 15 of the public health code, 1978 PA 368, MCL
12 333.16101 to 333.18838, may organize a professional **limited**
13 liability company under this article with 1 or more other
14 individuals licensed to engage in **the practice of chiropractic**
15 **under part 164**, the practice of medicine under part 170, the
16 practice of osteopathic medicine and surgery under part 175, or the
17 practice of podiatric medicine and surgery under part 180 of
18 article 15 of the public health code, 1978 PA 368, MCL 333.16101 to
19 333.18838.

20 (4) Subject to section 17048 of the public health code, 1978
21 PA 368, MCL 333.17048, 1 or more individuals licensed to engage in
22 **the practice of chiropractic under part 164**, the practice of
23 medicine under part 170, the practice of osteopathic medicine and
24 surgery under part 175, or the practice of podiatric medicine and
25 surgery under part 180 of article 15 of the public health code,
26 1978 PA 368, MCL 333.16101 to 333.18838, may organize a
27 professional limited liability company under this article with 1 or
28 more physician's assistants licensed under article 15 of the public
29 health code, 1978 PA 368, MCL 333.16101 to 333.18838. Beginning on

1 July 19, 2010, 1 or more physician's assistants may not organize a
2 professional limited liability company under this act that will
3 have only physician's assistants as members. **Subject to section**
4 **17048 of the public health code, 1978 PA 368, MCL 333.17048, 1 or**
5 **more physician's assistants shall not form a professional limited**
6 **liability company with a chiropractic physician unless a physician**
7 **licensed under part 170 or 175 of article 15 of the public health**
8 **code, 1978 PA 368, MCL 333.16101 to 333.18838, is also a member in**
9 **the company.**

10 (5) A licensed person of another jurisdiction may become a
11 member, manager, employee, or agent of a professional limited
12 liability company, but shall not render any professional services
13 in this state until the person is licensed or otherwise legally
14 authorized to render the professional service in this state.

15 (6) A limited liability company may engage in the practice of
16 architecture, professional engineering, or professional surveying
17 in this state if not less than 2/3 of the members or managers of
18 the limited liability company are licensed in this state to render
19 1 or more of the professional services offered. A professional
20 limited liability company organized under this article may engage
21 in the practice of architecture, professional engineering, or
22 professional surveying in this state if all of the members and
23 managers of the professional limited liability company organized
24 under this article are licensed in this state to render 1 or more
25 of the professional services offered.

26 (7) A professional limited liability company organized under
27 this article may engage in the practice of public accounting, as
28 defined in section 720 of the occupational code, 1980 PA 299, MCL
29 339.720, in this state if more than 50% of the equity and voting

1 rights of the professional limited liability company are held
2 directly or beneficially by individuals who are licensed or
3 otherwise authorized to engage in the practice of public accounting
4 under article 7 of the occupational code, 1980 PA 299, MCL 339.720
5 to 339.736.