

# HOUSE BILL No. 5078

September 25, 2003, Introduced by Reps. Hardman, Hune, Gaffney, Stallworth, McConico, Ward, Plakas and Murphy and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17001 and 17501 (MCL 333.17001 and 333.17501), section 17001 as amended by 1990 PA 248 and section 17501 as amended by 1990 PA 247, and by adding sections 17018 and 17518.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1       Sec. 17001. (1) As used in this part:
- 2       (a) "Academic institution" means either of the following:
- 3       (i) A medical school approved by the board.
- 4       (ii) A hospital licensed under article 17 that meets all of
- 5 the following requirements:
- 6       (A) Was the sole sponsor or a co-sponsor, if each other
- 7 co-sponsor is either a medical school approved by the board or a
- 8 hospital owned by the federal government and directly operated by

1 the United States department of veterans' affairs, of not less  
2 than 4 postgraduate education residency programs approved by the  
3 board under section 17031(1) for not less than the 3 years  
4 immediately preceding the date of an application for a limited  
5 license under section 16182(2)(c) or an application for a full  
6 license under section 17031(2), provided that at least 1 of the  
7 residency programs is in the specialty area of medical practice,  
8 or in a specialty area that includes the subspecialty of medical  
9 practice, in which the applicant for a limited license proposes  
10 to practice or in which the applicant for a full license has  
11 practiced for the hospital.

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

21 (b) "Medical care services" means those services within the  
22 scope of practice of physicians licensed by the board, except  
23 those services that the board determines shall not be delegated  
24 by a physician without endangering the health and safety of  
25 patients as provided for in section 17048(3).

26 (c) "Physician" means an individual licensed under this  
27 article to engage in the practice of medicine.

1 (d) "Practice of medicine" means the diagnosis, treatment,  
2 prevention, cure, or relieving of a human disease, ailment,  
3 defect, complaint, or other physical or mental condition, by  
4 attendance, advice, device, diagnostic test, or other means, or  
5 offering, undertaking, attempting to do, or holding oneself out  
6 as able to do, any of these acts. **It includes the performance of**  
7 **needle electromyography and the performance and interpretation of**  
8 **nerve conduction studies.**

9 (e) "Practice as a physician's assistant" means the practice  
10 of medicine or osteopathic medicine and surgery performed under  
11 the supervision of a physician or physicians licensed under this  
12 part or part 175.

13 (f) "Supervision" means that term as defined in section  
14 16109, except that it also includes the existence of a  
15 predetermined plan for emergency situations, including, but not  
16 limited to, the designation of a physician to supervise a  
17 physician's assistant in the absence of the primary supervising  
18 physician.

19 (g) "Task force" means the joint task force created in  
20 sections 17025 and 17525.

21 (2) In addition to the definitions in this part, article 1  
22 contains definitions and principles of construction applicable to  
23 all articles in this code and part 161 contains definitions  
24 applicable to this part.

25 **Sec. 17018. (1) Only an individual licensed or otherwise**  
26 **authorized by this article as a physician shall perform needle**  
27 **electromyography or interpret nerve conduction studies. A**

1 physician shall not delegate the performance of needle  
2 electromyography or the interpretation of nerve conduction  
3 studies to another individual unless that individual is licensed  
4 under this article to engage in the practice of medicine or  
5 osteopathic medicine and surgery.

6 (2) Upon delegation by a physician under section 16215 and  
7 under the direct supervision of a physician, a licensed or  
8 unlicensed individual who is otherwise qualified by education,  
9 training, or experience may perform nerve conduction studies.

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

11 (a) "Medical care services" means those services within the  
12 scope of practice of physicians licensed and approved by the  
13 board, except those services that the board determines shall not  
14 be delegated by a physician without endangering the health and  
15 safety of patients as provided for in section 17548(3).

16 (b) "Physician" means an individual licensed under this  
17 article to engage in the practice of osteopathic medicine and  
18 surgery.

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

1 and the performance and interpretation of nerve conduction  
2 studies.

3 (d) "Practice as a physician's assistant" means the practice  
4 of osteopathic medicine performed under the supervision of a  
5 physician licensed under this part or part 170.

6 (e) "Supervision" has the meaning ascribed to it in section  
7 16109 except that it includes the existence of a predetermined  
8 plan for emergency situations, including, but not limited to, the  
9 designation of a physician to supervise a physician's assistant  
10 in the absence of the primary supervising physician.

11 (f) "Task force" means the joint task force created in  
12 sections 17025 and 17525.

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

17 **Sec. 17518. (1) Only an individual licensed or otherwise**  
18 **authorized by this article as a physician shall perform needle**  
19 **electromyography or interpret nerve conduction studies. A**  
20 **physician shall not delegate the performance of needle**  
21 **electromyography or the interpretation of nerve conduction**  
22 **studies to another individual unless that individual is licensed**  
23 **under this article to engage in the practice of medicine or**  
24 **osteopathic medicine and surgery.**

25 (2) Upon delegation by a physician under section 16215 and  
26 under the direct supervision of a physician, a licensed or  
27 unlicensed individual who is otherwise qualified by education,

1 training, or experience may perform nerve conduction studies.