

SENATE BILL No. 570

October 1, 2013, Introduced by Senator MARLEAU and referred to the Committee on Health Policy.

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending sections 902 and 904 (MCL 450.4902 and 450.4904), section 902 as amended by 2012 PA 568 and section 904 as amended by 2010 PA 126.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 902. As used in this article:

2 (a) "Licensed person" means an individual who is licensed or
3 otherwise legally authorized to practice a professional service by
4 a court, department, board, commission, or an agency of this state
5 or another jurisdiction, any corporation or professional services
6 corporation all of whose shareholders are licensed persons, any
7 partnership all of whose partners are licensed persons, or any
8 limited liability company all of whose members and managers are

1 licensed persons.

2 (b) "Professional service" means a type of personal service to
 3 the public that requires as a condition precedent to the rendering
 4 of the service the obtaining of a license or other legal
 5 authorization. Professional service includes, but is not limited
 6 to, services rendered by a certified or other public accountant,
 7 chiropractor, dentist, optometrist, veterinarian, osteopathic
 8 physician, physician, surgeon, podiatrist, chiropodist, ~~physician's~~
 9 **PHYSICIAN** assistant, **ADVANCED PRACTICE REGISTERED NURSE, NURSE**
 10 **ANESTHETIST**, architect, professional engineer, land surveyor, or
 11 attorney-at-law.

12 (c) "Professional services corporation" means a corporation
 13 formed under former 1962 PA 192 or a corporation incorporated under
 14 and governed by chapter 2A of the business corporation act, 1972 PA
 15 284, MCL 450.1101 to 450.2098.

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

21 (2) Except as provided in subsection (3), ~~or~~ (4), **OR (5)**, if a
 22 professional limited liability company renders a professional
 23 service that is included within the public health code, 1978 PA
 24 368, MCL 333.1101 to 333.25211, then all members and managers of
 25 the company must be licensed or legally authorized in this state to
 26 render the same professional service.

27 (3) One or more individuals **WHO ARE** licensed to engage in the

1 practice of medicine under part 170, ~~the practice of osteopathic~~
 2 ~~medicine and surgery under part 175, 171~~ or the practice of
 3 podiatric medicine and surgery under part 180 of article 15 of the
 4 public health code, 1978 PA 368, MCL 333.16101 to 333.18838, may
 5 organize a professional liability company under this article with 1
 6 or more other individuals **WHO ARE** licensed to engage in the
 7 practice of medicine under part 170, ~~the practice of osteopathic~~
 8 ~~medicine and surgery under part 175, 171~~, or the practice of
 9 podiatric medicine and surgery under part 180, of article 15 of the
 10 public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

11 (4) ~~Subject to section 17048 of the public health code, 1978~~
 12 ~~PA 368, MCL 333.17048, 1 or more~~ **ONE OR MORE** individuals **WHO ARE**
 13 licensed to engage in the practice of medicine, ~~under part 170, the~~
 14 ~~practice of osteopathic medicine and surgery under part 175, or the~~
 15 ~~practice of podiatric medicine and surgery under part 180 of~~
 16 ~~article 15 of the public health code, 1978 PA 368, MCL 333.16101 to~~
 17 ~~333.18838,~~ **PRACTICE AS A PHYSICIAN ASSISTANT, OR THE PRACTICE OF**
 18 **ADVANCED PRACTICE REGISTERED NURSING, UNDER PART 171 OF THE PUBLIC**
 19 **HEALTH CODE, 1978 PA 368, MCL 333.17101 TO 333.17186,** may organize
 20 a professional limited liability company under this article with 1
 21 ~~or more physician's assistants~~ **ANY OTHER INDIVIDUALS WHO ARE**
 22 licensed under article 15 of the public health code, 1978 PA 368,
 23 MCL 333.16101 to 333.18838. ~~Beginning on the effective date of the~~
 24 ~~amendatory act that added this subsection, 1 or more physician's~~
 25 ~~assistants may not organize a professional limited liability~~
 26 ~~company under this act that will have only physician's assistants~~
 27 ~~as members.~~ **THAT PART 171.**

1 (5) ONE OR MORE INDIVIDUALS WHO ARE LICENSED TO ENGAGE IN THE
2 PRACTICE OF MEDICINE UNDER PART 171 OF THE PUBLIC HEALTH CODE, 1978
3 PA 368, MCL 333.17101 TO 333.17186, MAY ORGANIZE A PROFESSIONAL
4 LIMITED LIABILITY COMPANY UNDER THIS ARTICLE WITH 1 OR MORE
5 REGISTERED PROFESSIONAL NURSES WHO HOLD SPECIALTY CERTIFICATIONS IN
6 THE FIELD OF NURSE ANESTHETIST UNDER SECTION 17210 OF THE PUBLIC
7 HEALTH CODE, 1978 PA 368, MCL 333.17210.

8 (6) ~~(5)~~—A licensed person of another jurisdiction may become a
9 member, manager, employee, or agent of a professional limited
10 liability company, but shall not render any professional services
11 in this state until the person is licensed or otherwise legally
12 authorized to render the professional service in this state.

13 (7) ~~(6)~~—A limited liability company may engage in the practice
14 of architecture, professional engineering, or professional
15 surveying in this state if not less than 2/3 of the members or
16 managers of the limited liability company are licensed in this
17 state to render 1 or more of the professional services offered. A
18 professional limited liability company organized under this article
19 may engage in the practice of architecture, professional
20 engineering, or professional surveying in this state if all of the
21 members and managers of the professional limited liability company
22 organized under this article are licensed in this state to render 1
23 or more of the professional services offered.

24 Enacting section 1. This amendatory act does not take effect
25 unless Senate Bill No. 568

26 of the 97th Legislature is enacted into law.