

**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2018**

Introduced by Reps. Tedder and Marino

ENROLLED HOUSE BILL No. 4067

AN ACT to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending sections 17001 and 17501 (MCL 333.17001 and 333.17501), as amended by 2016 PA 379, and by adding sections 16189a, 16189b, 17011a, 17511a, and 20189.

The People of the State of Michigan enact:

Sec. 16189a. (1) Notwithstanding section 16189 and any rule promulgated by the interstate commission under the compact, a member board of this state may only disclose information about an individual under the compact if all of the following are met:

(a) Any of the following apply to the individual:

(i) He or she holds a current expedited license that was granted by a member board of this state under the compact.

(ii) He or she holds a current expedited license that was granted by another member state or is applying to receive an expedited license in another member state, and this state is currently designated as the individual’s state of principal license.

(iii) He or she is requesting to designate this state as his or her state of principal license under the compact.

(iv) He or she is applying to receive an expedited license to practice in this state under the compact.

(b) The information is provided only to a member board of another state with responsibility for authorizing the practice of medicine in the member state or to the interstate commission.

(c) The information is not considered confidential under a law of this state.

(2) A subpoena issued under the compact is only enforceable in this state or against a citizen of this state if all of the following apply:

(a) The subpoena is issued by a member board with responsibility for authorizing the practice of medicine in the member state.

(b) The individual being subpoenaed meets 1 of the following:

(i) He or she is a physician who holds a current expedited license granted by a member board of this state under the compact.

(ii) He or she is a physician who holds a current expedited license granted by another member state, and this state is currently designated as the physician's state of principal license.

(3) In applying section 9(e) of the compact, a member board of this state may only undertake an investigation of a violation of another state's statute authorizing the practice of medicine if 1 of the following applies to the physician being investigated:

(a) He or she holds a current expedited license that was granted by a member board of this state and holds a current expedited license that was granted by the other state under the compact.

(b) He or she holds a current expedited license that was granted by a member board of this state under the compact and the other state is the physician's currently designated state of principal license.

(c) He or she holds a current expedited license that was granted by the other state under the compact and this state is the physician's currently designated state of principal license.

(4) As used in this section and section 16189b:

(a) "Compact" means the interstate medical licensure compact enacted in section 16189(1).

(b) "Expedited license" means that term as defined in section 2(d) of the compact.

(c) "Interstate commission" means that term as defined in section 2(e) of the compact.

(d) "Member board" means that term as defined in section 2(h) of the compact.

(e) "Practice of medicine" means that term as defined in section 2(j) of the compact.

(f) "State of principal license" means that term as defined in section 2(o) of the compact.

Sec. 16189b. (1) An individual who is applying for an expedited license under the compact with a member board of this state shall submit 1 set of his or her fingerprints to the department of state police in order for the department of state police to conduct a criminal history check on the individual and to forward the individual's fingerprints to the Federal Bureau of Investigation for a national criminal history check. The individual shall submit with the application his or her written consent to the criminal history check described in this section and the submission of his or her fingerprints to, and the inclusion of his or her fingerprints in, the state and federal database systems described in subsection (4).

(2) The fingerprints required under subsection (1) may be taken by a law enforcement agency or any other person determined by the department of state police to be qualified to take fingerprints. The individual described in subsection (1) shall submit a fingerprint processing fee to the department in an amount required under section 3 of 1935 PA 120, MCL 28.273, and any costs imposed by the Federal Bureau of Investigation.

(3) The department of state police shall conduct a criminal history check on the individual described in subsection (1) and shall request the Federal Bureau of Investigation to make a determination of the existence of any national criminal history pertaining to the individual. The department of state police shall provide a member board of this state with a written report containing the criminal history record information of the individual who was the subject of the criminal history check conducted under this section.

(4) All of the following apply concerning fingerprints submitted to the department of state police under this section:

(a) The department of state police shall store and retain all fingerprints submitted under this section in an automated fingerprint identification system database that searches against latent fingerprints, and provides for an automatic notification if and when a subsequent fingerprint is submitted into the system that matches a set of fingerprints previously submitted under this section or if and when the criminal history of an individual whose fingerprints are retained in the system is updated. Upon receiving a notification, the department of state police shall immediately notify a member board of this state. Information in the database maintained under this subsection is confidential, is not subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed to any person except for purposes of this act or for law enforcement purposes.

(b) The department of state police shall forward all fingerprints submitted to it under this section to the Federal Bureau of Investigation for submission of those fingerprints into the FBI automatic notification system. This subdivision does not apply until the department of state police is a participant in the FBI automatic notification system. As used in this subdivision:

(i) "Automatic notification system" means a system that stores and retains fingerprints, and that provides for an automatic notification to a participant if and when a fingerprint is submitted into the system that matches an individual whose fingerprints are retained in the system or if and when the criminal history of an individual whose fingerprints are retained in the system is updated.

(ii) "FBI automatic notification system" means the automatic notification system that is maintained by the Federal Bureau of Investigation.

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

(a) “Academic institution” means either of the following:

(i) A medical school approved by the board.

(ii) A hospital licensed under article 17 that meets all of the following requirements:

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

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

(b) “Electrodiagnostic studies” means the testing of neuromuscular functions utilizing nerve conduction tests and needle electromyography. It does not include the use of surface electromyography.

(c) “Medical care services” means those services within the scope of practice of physicians who are licensed or authorized by the board, except those services that the board prohibits or otherwise restricts within a practice agreement or determines shall not be delegated by a physician without endangering the health and safety of patients as provided for in section 17048(1).

(d) “Participating physician” means a physician, a physician designated by a group of physicians under section 17049 to represent that group, or a physician designated by a health facility or agency under section 20174 to represent that health facility or agency.

(e) “Physician” means an individual who is licensed or authorized under this article to engage in the practice of medicine.

(f) “Podiatrist” means an individual who is licensed under this article to engage in the practice of podiatric medicine and surgery.

(g) “Practice agreement” means an agreement described in section 17047.

(h) “Practice of medicine” means the diagnosis, treatment, prevention, cure, or relieving of a human disease, ailment, defect, complaint, or other physical or mental condition, by attendance, advice, device, diagnostic test, or other means, or offering, undertaking, attempting to do, or holding oneself out as able to do, any of these acts.

(i) “Practice as a physician’s assistant” means the practice of medicine with a participating physician under a practice agreement.

(j) “Task force” means the joint task force created in section 17025.

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

Sec. 17011a. (1) An allopathic physician who holds an expedited license under the interstate medical licensure compact is authorized to engage in the practice of medicine under this article.

(2) For purposes of this article, including the obligations of an individual who is licensed as a physician under this part, an allopathic physician who holds an expedited license under the interstate medical licensure compact is considered a physician who is licensed under this part.

(3) As used in this section, “interstate medical licensure compact” means the interstate medical licensure compact as enacted in section 16189.

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

(a) “Electrodiagnostic studies” means the testing of neuromuscular functions utilizing nerve conduction tests and needle electromyography. It does not include the use of surface electromyography.

(b) “Medical care services” means those services within the scope of practice of physicians who are licensed or authorized by the board, except those services that the board prohibits or otherwise restricts within a practice agreement or determines shall not be delegated by a physician without endangering the health and safety of patients as provided for in section 17548(1).

(c) “Participating physician” means a physician, a physician designated by a group of physicians under section 17549 to represent that group, or a physician designated by a health facility or agency under section 20174 to represent that health facility or agency.

(d) "Physician" means an individual who is licensed or authorized under this article to engage in the practice of osteopathic medicine and surgery.

(e) "Practice agreement" means an agreement described in section 17547.

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

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

(h) "Task force" means the joint task force created in section 17025.

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

Sec. 17511a. (1) An osteopathic physician who holds an expedited license under the interstate medical licensure compact is authorized to engage in the practice of osteopathic medicine and surgery under this article.

(2) For purposes of this article, including the obligations of an individual who is licensed as a physician under this part, an osteopathic physician who holds an expedited license under the interstate medical licensure compact is considered a physician who is licensed under this part.

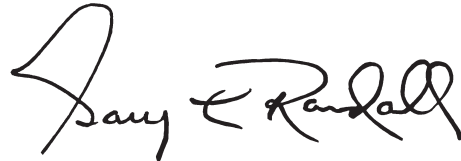
(3) As used in this section, "interstate medical licensure compact" means the interstate medical licensure compact as enacted in section 16189.

Sec. 20189. A health facility or agency shall not require a physician who is licensed under article 15 to seek licensure through the interstate medical licensure compact enacted in section 16189 as a condition of initial or continued employment. However, a health facility or agency may require a physician who is licensed under article 15 to obtain and maintain a license to engage in the practice of medicine or practice of osteopathic medicine and surgery in 1 or more other states if the physician is free to obtain and maintain each license by any means authorized by the laws of the other states.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 4066 of the 99th Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor