

HOUSE BILL No. 6368

December 7, 2004, Introduced by Reps. Walker, Vander Veen, Amos and Shaffer and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 16215 (MCL 333.16215), as amended by 1999 PA
60.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16215. (1) Subject to subsections (2) to (5), a
2 licensee who holds a license other than a health profession
3 subfield license may delegate to a licensed or unlicensed
4 individual who is otherwise qualified by education, training, or
5 experience the performance of selected acts, tasks, or functions
6 where the acts, tasks, or functions fall within the scope of
7 practice of the licensee's profession and will be performed under
8 the licensee's supervision. A licensee shall not delegate an
9 act, task, or function under this section if the act, task, or
10 function, under standards of acceptable and prevailing practice,

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1 requires the level of education, skill, and judgment required of
2 the licensee under this article.

3 (2) Subject to subsection (1) and except as otherwise
4 provided in this subsection and subsection (3), a licensee who is
5 an allopathic physician or osteopathic physician and surgeon
6 shall delegate an act, task, or function that involves the
7 performance of a procedure that requires the use of surgical
8 instrumentation only to an individual who is licensed under this
9 article. A licensee who is an allopathic physician or
10 osteopathic physician and surgeon may delegate an act, task, or
11 function described in this subsection to an individual who is not
12 licensed under this article if the unlicensed individual is 1 or
13 more of the following and if the procedure is directly supervised
14 by a licensed allopathic physician or osteopathic physician and
15 surgeon who is physically present during the performance of the
16 procedure:

17 (a) A student enrolled in a school of medicine or osteopathic
18 medicine approved by the Michigan board of medicine or the
19 Michigan board of osteopathic medicine and surgery.

20 (b) A student enrolled in a physician's assistant training
21 program approved by the joint physician's assistant task force
22 created under part 170.

23 (c) **An individual who has successfully completed an**
24 **accredited education program in surgical technology or surgical**
25 **first assisting and is certified as a surgical technologist by**
26 **the liaison council on certification for the surgical**
27 **technologist or is certified as a surgical first assistant by the**

1 national surgical assistant association on the certification of
2 surgical assistants, the liaison council on certification for the
3 surgical technologist, or the American board of surgical
4 assisting.

5 (3) Subject to subsection (1), a licensee who is an
6 allopathic physician or osteopathic physician and surgeon may
7 delegate an act, task, or function described in subsection (2) to
8 an individual who is not licensed under this article and who is 1
9 of the following:

10 (a) Performing acupuncture.

11 (b) Surgically removing only bone, skin, blood vessels,
12 cartilage, dura mater, ligaments, tendons, pericardial tissue, or
13 heart valves only from a deceased individual for transplantation,
14 implantation, infusion, injection, or other medical or scientific
15 purpose.

16 (4) A board may promulgate rules to further prohibit or
17 otherwise restrict delegation of specific acts, tasks, or
18 functions to a licensed or unlicensed individual if the board
19 determines that the delegation constitutes or may constitute a
20 danger to the health, safety, or welfare of the patient or
21 public.

22 (5) To promote safe and competent practice, a board may
23 promulgate rules to specify conditions under which, and
24 categories and types of licensed and unlicensed individuals for
25 whom, closer supervision may be required for acts, tasks, and
26 functions delegated under this section.

27 (6) An individual who performs acts, tasks, or functions

1 delegated pursuant to this section does not violate the part that
2 regulates the scope of practice of that health profession.