

Legislative Analysis



HEALTH BOARDS COMPOSITION: REVISE

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5765 as introduced
Sponsor: Rep. Lisa Brown
Committee: Health Policy

First Analysis (2-1-10)

BRIEF SUMMARY: The bill would amend the Public Health Code to revise the membership of several health boards and the task force for the licensed health profession subfields.

FISCAL IMPACT: The bill as introduced will have modest fiscal implications for the Department of Community Health's Bureau of Health Professions for costs related to the increase of 14 total members for 4 health professions boards. There are over 23 health professional licensing boards and task forces, which are 100% funded with health profession licensing fees. Expenditures for all health professions licensing boards totaled \$101,100 in FY 2008-09.

THE APPARENT PROBLEM:

Each regulated health profession has its own licensing board or task force composed of both professionals and public members appointed by the governor. The boards, working in conjunction with the Department of Community Health, establish minimum standards for training and education, investigate complaints, and impose administrative sanctions on licensees and registrants who violate provisions of the Michigan Health Code. The board composition for each of the licensing boards is set by statute and requires, among other things, that a board be composed of a majority of members licensed in the health profession which the board licenses.

Recently, it was discovered that several of the more recently created licensing boards were out of compliance with the required composition of members set in statute. Legislation has been offered to correct the composition on the affected boards.

THE CONTENT OF THE BILL:

The bill would amend the Public Health Code (MCL 333.16521 et al.) to revise the membership of several health boards and the task force for the licensed health profession subfields. Until June 30, 2010, the composition of each board would remain the same. As of July 1, 2010, the affected boards would have the following compositions:

**** Michigan Board of Acupuncturists**

- Seven acupuncturists (increased from four)
- Three licensed physicians (M.D. or D.O.)
- Three public members (increased from two)

**** The Joint Task Force for the Health Profession Subfields**

- One member each from the Board of Medicine, Board of Osteopathic Medicine and Surgery, and the Board of Podiatric Medicine and Surgery
- Seven physician's assistants (increased from five)
- Three public members

**** Michigan Athletic Trainer Board**

- Six athletic trainers (increased from four)
- Three public members (increased from one)
- Two licensed physicians (M.D. or D.O.)

**** Michigan Board of Respiratory Care**

- Seven individuals who are engaged in the practice of respiratory care [instead of four individuals who meet the requirements of Section 16135(2)]
- One medical director
- Three public members (increased from two)

The bill would also delete an obsolete provision regarding the qualifications for appointment of a task force member.

ARGUMENTS:

For:

The bill would make a technical fix to bring several health boards into compliance with statutory requirements regarding board composition. Each of the boards addressed in the bill have been found to be noncompliant. For example, statute requires that a licensing board be composed of a majority of members licensed (or registered) in the health profession that that board licenses (or registers). However, only four of the nine members on the Board of Acupuncture are currently required in their act to be acupuncturists – putting the acupuncturists in the minority. The bill would make the needed corrections to board composition the four boards named in the legislation.

POSITIONS:

A representative of the Department of Community testified in support of the bill. (1-26-10)

The Michigan Athletic Training Society indicated support for the bill. (1-26-10)

The Michigan Academy of Physician Assistants indicated support for the bill. (1-26-10)

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Susan Frey

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.