



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 5614 (Substitute S-2 as reported by the Committee of the Whole)

Sponsor: Representative Roy Schmidt

House Committee: Health Policy

Senate Committee: Health Policy

CONTENT

The bill would amend the Public Health Code to do the following:

- Require the Department of Community Health (DCH) to investigate a nonlicensed or nonregistered individual for an alleged violation of the Code.
- Allow a person who was at least 16 years old to donate blood with his or her parent's or legal guardian's permission or authorization.
- Allow a licensed, registered, or authorized health professional to perform chiropractic or physical therapy activities, if the activities were within the individual's scope of practice.

Under the Code, a person or governmental entity who believes that a violation of Article 15 (Occupations) or Article 7 (Controlled Substances) exists may make a written allegation to the DCH. If it determines there is a reasonable basis to believe a violation exists, the Department must investigate with the authorization of the chair of the applicant's, licensee's, or registrant's board or task force. The bill would delete this reference to an applicant, licensee, or registrant and instead refer to the *appropriate* board or task force.

Under the Code, within 90 days after an investigation is initiated, the DCH must do one of the following: issue a formal complaint, a summary suspension, or a cease and desist order, conduct a compliance conference, dismiss the complaint, or place a 30-day extension in the complaint file. The bill would refer to an individual, in addition to an applicant, licensee, or registrant, in provisions regarding a compliance conference and a formal complaint.

The bill also would refer to an individual, rather than an applicant, licensee, or registrant, in provisions regarding a hearing for a person ordered to cease and desist.

Currently, Public Act 22 of 1971 allows a person who is at least 17 years old to donate blood in a voluntary and noncompensatory program without the permission or authorization of his or her parent or legal guardian. The bill would repeal Public Act 22 and reenact this provision in the Public Health Code. The bill also allow a person who was at least 16 years old to donate blood with his or her parent's or legal guardian's permission or authorization. These provisions would be known as "Jenna's Law".

In addition, under the bill, the Code's provisions regulating chiropractors and physical therapists would not prohibit other licensed, registered, or authorized health professionals from performing activities considered the practice of chiropractic or physical therapy, or the practice as a physical therapist assistant, as long as the activities were within the individual's scope of practice and he or she did not use the protected words, titles, or letters associated with those two professions.

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 12-2-10

Fiscal Analyst: Steve Angelotti