

SUBSTITUTE FOR
SENATE BILL NO. 331

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 17001 and 17021 (MCL 333.17001 and 333.17021),
as amended by 2016 PA 379, and by adding sections 16338, 17091,
17092, 17093, 17094, 17095, 17096, and 17097.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 16338. (1) FEES FOR AN INDIVIDUAL LICENSED OR SEEKING
2 LICENSURE TO ENGAGE IN THE PRACTICE OF GENETIC COUNSELING UNDER
3 PART 170 ARE AS FOLLOWS:

4 (A) SUBJECT TO SUBSECTION (2), APPLICATION
5 PROCESSING FEE..... \$ 230.00
6 (B) LICENSE FEE, PER YEAR..... 54.00
7 (C) TEMPORARY LICENSE FEE, PER YEAR..... 50.00

8 (2) AFTER THE DEPARTMENT DETERMINES THAT IT HAS RECOUPED ITS

1 UP-FRONT COSTS FROM APPLICATION PROCESSING FEES FROM INDIVIDUALS
2 WHO ARE LICENSED OR SEEKING LICENSURE TO ENGAGE IN THE PRACTICE OF
3 GENETIC COUNSELING UNDER PART 170, THE APPLICATION PROCESSING FEE
4 IS REDUCED TO \$75.00.

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

6 (a) "Academic institution" means either of the following:

7 (i) A medical school approved by the board.

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

10 (A) Was the sole sponsor or a co-sponsor, if each other co-
11 sponsor is either a medical school approved by the board or a
12 hospital owned by the federal government and directly operated by
13 the United States Department of Veterans Affairs, of not less than
14 4 postgraduate education residency programs approved by the board
15 under section 17031(1) for not less than the 3 years immediately
16 preceding the date of an application for a limited license under
17 section 16182(2)(c) or an application for a full license under
18 section 17031(2), if at least 1 of the residency programs is in the
19 specialty area of medical practice, or in a specialty area that
20 includes the subspecialty of medical practice, in which the
21 applicant for a limited license proposes to practice or in which
22 the applicant for a full license has practiced for the hospital.

23 (B) Has spent not less than \$2,000,000.00 for medical
24 education during each of the 3 years immediately preceding the date
25 of an application for a limited license under section 16182(2)(c)
26 or an application for a full license under section 17031(2). As
27 used in this sub-subparagraph, "medical education" means the

1 education of physicians and candidates for degrees or licenses to
2 become physicians, including, but not limited to, physician staff,
3 residents, interns, and medical students.

4 (b) "Electrodiagnostic studies" means the testing of
5 neuromuscular functions utilizing nerve conduction tests and needle
6 electromyography. It does not include the use of surface
7 electromyography.

8 (C) **"GENETIC COUNSELOR" MEANS AN INDIVIDUAL WHO IS LICENSED**
9 **UNDER THIS PART TO ENGAGE IN THE PRACTICE OF GENETIC COUNSELING.**

10 (D) ~~(e)~~—"Medical care services" means those services within
11 the scope of practice of physicians licensed by the board, except
12 those services that the board prohibits or otherwise restricts
13 within a practice agreement or determines shall not be delegated by
14 a physician ~~without endangering~~ **BECAUSE A DELEGATION WOULD ENDANGER**
15 the health and safety of patients as provided for in section
16 17048(1).

17 (E) ~~(d)~~—"Participating physician" means a physician, a
18 physician designated by a group of physicians under section 17049
19 to represent that group, or a physician designated by a health
20 facility or agency under section 20174 to represent that health
21 facility or agency.

22 (F) ~~(e)~~—"Physician" means an individual who is licensed under
23 this article to engage in the practice of medicine.

24 (G) ~~(f)~~—"Podiatrist" means an individual who is licensed under
25 this article to engage in the practice of podiatric medicine and
26 surgery.

27 (H) ~~(g)~~—"Practice agreement" means an agreement described in

1 section 17047.

2 (I) "PRACTICE OF GENETIC COUNSELING" MEANS PROVISION OF ANY OF
3 THE FOLLOWING SERVICES:

4 (i) OBTAINING AND EVALUATING INDIVIDUAL, FAMILY, AND MEDICAL
5 HISTORIES TO DETERMINE THE GENETIC RISK FOR GENETIC OR MEDICAL
6 CONDITIONS OR DISEASES IN A CLIENT, THE CLIENT'S DESCENDANTS, OR
7 OTHER FAMILY MEMBERS OF THE CLIENT.

8 (ii) DISCUSSING WITH A CLIENT THE FEATURES, NATURAL HISTORY,
9 MEANS OF DIAGNOSIS, GENETIC AND ENVIRONMENTAL FACTORS, AND
10 MANAGEMENT OF THE GENETIC RISKS OF GENETIC OR MEDICAL CONDITIONS OR
11 DISEASES.

12 (iii) IDENTIFYING AND COORDINATING APPROPRIATE GENETIC
13 LABORATORY TESTS AND OTHER DIAGNOSTIC STUDIES FOR GENETIC
14 ASSESSMENT OF A CLIENT.

15 (iv) INTEGRATING GENETIC LABORATORY TEST RESULTS AND OTHER
16 DIAGNOSTIC STUDIES WITH PERSONAL AND FAMILY MEDICAL HISTORY TO
17 ASSESS AND COMMUNICATE A CLIENT'S RISK FACTORS FOR GENETIC OR
18 MEDICAL CONDITIONS OR DISEASES.

19 (v) EXPLAINING TO A CLIENT THE CLINICAL IMPLICATIONS OF
20 GENETIC LABORATORY TESTS AND OTHER DIAGNOSTIC STUDIES AND THEIR
21 RESULTS.

22 (vi) EVALUATING THE RESPONSES OF A CLIENT AND THE CLIENT'S
23 FAMILY TO A GENETIC OR MEDICAL CONDITION OR DISEASE OR TO THE RISK
24 OF RECURRENCE OF THAT CONDITION OR DISEASE AND PROVIDING CLIENT-
25 CENTERED COUNSELING AND ANTICIPATORY GUIDANCE.

26 (vii) IDENTIFYING AND UTILIZING COMMUNITY RESOURCES THAT
27 PROVIDE MEDICAL, EDUCATIONAL, FINANCIAL, AND PSYCHOSOCIAL SUPPORT

1 AND ADVOCACY TO A CLIENT.

2 (viii) PROVIDING WRITTEN DOCUMENTATION OF MEDICAL, GENETIC,
3 AND COUNSELING INFORMATION FOR FAMILIES OF AND HEALTH CARE
4 PROFESSIONALS OF A CLIENT.

5 (J) ~~(h)~~—"Practice of medicine" means the diagnosis, treatment,
6 prevention, cure, or relieving of a human disease, ailment, defect,
7 complaint, or other physical or mental condition, by attendance,
8 advice, device, diagnostic test, or other means, or offering,
9 undertaking, attempting to do, or holding oneself out as able to
10 do, any of these acts.

11 (K) ~~(i)~~—"Practice as a physician's assistant" means the
12 practice of medicine with a participating physician under a
13 practice agreement.

14 (L) "QUALIFIED SUPERVISOR" MEANS AN INDIVIDUAL WHO IS A
15 GENETIC COUNSELOR AND WHO HOLDS A LICENSE UNDER THIS PART OTHER
16 THAN A TEMPORARY OR LIMITED LICENSE.

17 (M) ~~(j)~~—"Task force" means the joint task force created in
18 section 17025.

19 (N) "TEMPORARY LICENSED GENETIC COUNSELOR" MEANS A GENETIC
20 COUNSELOR WHO HAS BEEN ISSUED A TEMPORARY LICENSE UNDER THIS
21 ARTICLE.

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

26 Sec. 17021. (1) The Michigan board of medicine is created in
27 the department and consists of the following 19 voting members who

1 shall meet the requirements of part 161: 10 physicians, 1
2 physician's assistant, and 8 public members.

3 (A) TEN PHYSICIANS.

4 (B) ONE PHYSICIAN'S ASSISTANT.

5 (C) ONE GENETIC COUNSELOR. HOWEVER, THE GOVERNOR SHALL NOT
6 APPOINT A GENETIC COUNSELOR MEMBER TO THE BOARD UNTIL THERE ARE
7 ONLY 7 PUBLIC MEMBERS OF THE BOARD UNDER SUBDIVISION (D).

8 (D) SEVEN PUBLIC MEMBERS. HOWEVER, IF THERE ARE 8 PUBLIC
9 MEMBERS OF THE BOARD ON THE EFFECTIVE DATE OF THE AMENDATORY ACT
10 THAT ADDED THIS SENTENCE, EACH PUBLIC MEMBER OF THE BOARD MAY
11 CONTINUE IN OFFICE UNTIL HE OR SHE RESIGNS OR OTHERWISE VACATES THE
12 OFFICE OR UNTIL THE EXPIRATION OF HIS OR HER TERM.

13 ~~—— (2) The requirement of section 16135(1)(d) that a board member~~
14 ~~shall have practiced that profession for 2 years immediately before~~
15 ~~appointment is waived until September 30, 1980 for members of the~~
16 ~~board licensed in a health profession subfield created under this~~
17 ~~part.~~

18 (2) ~~(3)~~ Except as otherwise provided in this article, the
19 board of medicine shall DOES not have the powers and duties vested
20 in the task force by sections 17060 to 17084.

21 SEC. 17091. (1) THE DEPARTMENT, IN CONSULTATION WITH THE
22 BOARD, SHALL PROMULGATE RULES THAT SPECIFY THE MINIMUM STANDARDS
23 FOR LICENSURE, TEMPORARY LICENSURE, AND LICENSE RENEWAL OF GENETIC
24 COUNSELORS.

25 (2) IN ADDITION TO ANY OTHER REQUIREMENTS OF THIS ARTICLE, THE
26 BOARD SHALL PERFORM OTHER FUNCTIONS AND DUTIES AS NECESSARY TO
27 CARRY OUT THE REGULATION OF GENETIC COUNSELORS UNDER THIS PART.

1 SEC. 17092. TO BE LICENSED AS A GENETIC COUNSELOR UNDER THIS
2 PART, AN INDIVIDUAL SHALL DO ALL OF THE FOLLOWING:

3 (A) SUBMIT AN APPLICATION PRESCRIBED BY THE BOARD.

4 (B) PAY THE FEE PRESCRIBED IN SECTION 16338.

5 (C) PROVIDE SATISFACTORY EVIDENCE OF HAVING CURRENT
6 CERTIFICATION THROUGH A NATIONALLY RECOGNIZED CERTIFYING AGENCY FOR
7 GENETIC COUNSELORS OR MEDICAL GENETICISTS APPROVED BY THE BOARD.

8 SEC. 17093. BEGINNING 1 YEAR AFTER THE EFFECTIVE DATE OF THE
9 RULES PROMULGATED UNDER SECTION 17091, AN INDIVIDUAL SHALL NOT
10 ENGAGE IN THE PRACTICE OF GENETIC COUNSELING UNLESS HE OR SHE IS
11 LICENSED AS A GENETIC COUNSELOR UNDER THIS PART.

12 SEC. 17094. A TEMPORARY LICENSED GENETIC COUNSELOR SHALL WORK
13 UNDER THE SUPERVISION OF A QUALIFIED SUPERVISOR AT ALL TIMES DURING
14 WHICH THE TEMPORARY LICENSED GENETIC COUNSELOR ENGAGES IN THE
15 PRACTICE OF GENETIC COUNSELING.

16 SEC. 17095. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
17 (2), AN INDIVIDUAL WHO IS NOT LICENSED AS A GENETIC COUNSELOR UNDER
18 THIS PART SHALL NOT USE IN CONNECTION WITH HIS OR HER NAME OR PLACE
19 OF BUSINESS, THE TITLE "GENETIC COUNSELOR", "LICENSED GENETIC
20 COUNSELOR", "GENE COUNSELOR", "GENETIC CONSULTANT", "GENETIC
21 ASSOCIATE" OR ANY WORDS, LETTERS, ABBREVIATIONS, OR INSIGNIA
22 INDICATING OR IMPLYING THAT AN INDIVIDUAL HOLDS A LICENSE TO ENGAGE
23 IN THE PRACTICE OF GENETIC COUNSELING UNDER THIS PART.

24 (2) SECTIONS 17091 TO 17096 DO NOT APPLY TO THE FOLLOWING
25 INDIVIDUALS:

26 (A) AN INDIVIDUAL WHO IS CERTIFIED BY THE AMERICAN BOARD OF
27 MEDICAL GENETICS AND GENOMICS AS A DOCTOR OF PHILOSOPHY MEDICAL

1 GENETICIST, OR HOLDS AN EQUIVALENT CERTIFICATION AS DETERMINED BY
2 THE BOARD.

3 (B) AN INDIVIDUAL WHO IS LICENSED BY THIS STATE TO ENGAGE IN
4 THE PRACTICE OF A HEALTH PROFESSION OTHER THAN THE PRACTICE OF
5 GENETIC COUNSELING WHEN ACTING WITHIN THE SCOPE OF THE INDIVIDUAL'S
6 HEALTH PROFESSION AND DOING WORK OF A NATURE CONSISTENT WITH THE
7 INDIVIDUAL'S EDUCATION AND TRAINING.

8 SEC. 17096. TO OBTAIN A LICENSE RENEWAL AS A GENETIC COUNSELOR
9 UNDER THIS PART, A LICENSEE SHALL PRESENT SATISFACTORY EVIDENCE TO
10 THE BOARD THAT IN THE PERIOD SINCE THE LICENSE WAS ISSUED OR LAST
11 RENEWED THE LICENSEE HAS MAINTAINED CERTIFICATION THROUGH A
12 NATIONALLY RECOGNIZED CERTIFYING AGENCY FOR GENETIC COUNSELORS OR
13 MEDICAL GENETICISTS APPROVED BY THE BOARD.

14 SEC. 17097. THIS PART DOES NOT REQUIRE NEW OR ADDITIONAL THIRD
15 PARTY REIMBURSEMENT OR MANDATED WORKER'S COMPENSATION BENEFITS FOR
16 SERVICES RENDERED BY AN INDIVIDUAL WHO IS LICENSED AS A GENETIC
17 COUNSELOR UNDER THIS PART.

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