

SENATE BILL No. 331

April 26, 2017, Introduced by Senators EMMONS, HUNE, BRANDENBURG, PROOS and CASPERSON and referred to the Committee on Health Policy.

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, and 17096.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 16338. 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) APPLICATION PROCESSING FEE.....	\$ 75.00
5	(B) LICENSE FEE, PER YEAR.....	95.00
6	(C) TEMPORARY LICENSE FEE, PER YEAR.....	50.00

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

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

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

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

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

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

27 (b) "Electrodiagnostic studies" means the testing of

1 neuromuscular functions utilizing nerve conduction tests and needle
2 electromyography. It does not include the use of surface
3 electromyography.

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

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

13 (E) ~~(d)~~—"Participating physician" means a physician, a
14 physician designated by a group of physicians under section 17049
15 to represent that group, or a physician designated by a health
16 facility or agency under section 20174 to represent that health
17 facility or agency.

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

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

23 (H) ~~(g)~~—"Practice agreement" means an agreement described in
24 section 17047.

25 (I) **"PRACTICE OF GENETIC COUNSELING" MEANS PROVISION OF ANY OF**
26 **THE FOLLOWING SERVICES:**

27 (i) **OBTAINING AND EVALUATING INDIVIDUAL, FAMILY, AND MEDICAL**

1 HISTORIES TO DETERMINE THE GENETIC RISK FOR GENETIC OR MEDICAL
2 CONDITIONS OR DISEASES IN A CLIENT, THE CLIENT'S DESCENDANTS, OR
3 OTHER FAMILY MEMBERS OF THE CLIENT.

4 (ii) DISCUSSING WITH A CLIENT THE FEATURES, NATURAL HISTORY,
5 MEANS OF DIAGNOSIS, GENETIC AND ENVIRONMENTAL FACTORS, AND
6 MANAGEMENT OF THE GENETIC RISKS OF GENETIC OR MEDICAL CONDITIONS OR
7 DISEASES.

8 (iii) IDENTIFYING AND COORDINATING APPROPRIATE GENETIC
9 LABORATORY TESTS AND OTHER DIAGNOSTIC STUDIES FOR GENETIC
10 ASSESSMENT OF A CLIENT.

11 (iv) INTEGRATING GENETIC LABORATORY TEST RESULTS AND OTHER
12 DIAGNOSTIC STUDIES WITH PERSONAL AND FAMILY MEDICAL HISTORY TO
13 ASSESS AND COMMUNICATE A CLIENT'S RISK FACTORS FOR GENETIC OR
14 MEDICAL CONDITIONS OR DISEASES.

15 (v) EXPLAINING TO A CLIENT THE CLINICAL IMPLICATIONS OF
16 GENETIC LABORATORY TESTS AND OTHER DIAGNOSTIC STUDIES AND THEIR
17 RESULTS.

18 (vi) EVALUATING THE RESPONSES OF A CLIENT AND THE CLIENT'S
19 FAMILY TO A GENETIC OR MEDICAL CONDITION OR DISEASE OR TO THE RISK
20 OF RECURRENCE OF THAT CONDITION OR DISEASE AND PROVIDING CLIENT-
21 CENTERED COUNSELING AND ANTICIPATORY GUIDANCE.

22 (vii) IDENTIFYING AND UTILIZING COMMUNITY RESOURCES THAT
23 PROVIDE MEDICAL, EDUCATIONAL, FINANCIAL, AND PSYCHOSOCIAL SUPPORT
24 AND ADVOCACY TO A CLIENT.

25 (viii) PROVIDING WRITTEN DOCUMENTATION OF MEDICAL, GENETIC,
26 AND COUNSELING INFORMATION FOR FAMILIES OF AND HEALTH CARE
27 PROFESSIONALS OF A CLIENT.

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

7 (K) ~~(i)~~ "Practice as a physician's assistant" means the
8 practice of medicine with a participating physician under a
9 practice agreement.

10 (L) **"QUALIFIED SUPERVISOR" MEANS AN INDIVIDUAL WHO IS A**
11 **GENETIC COUNSELOR AND WHO HOLDS A LICENSE UNDER THIS PART OTHER**
12 **THAN A TEMPORARY OR LIMITED LICENSE.**

13 (M) ~~(j)~~ "Task force" means the joint task force created in
14 section 17025.

15 (N) **"TEMPORARY LICENSED GENETIC COUNSELOR" MEANS A GENETIC**
16 **COUNSELOR WHO HAS BEEN ISSUED A TEMPORARY LICENSE UNDER THIS**
17 **ARTICLE.**

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

22 Sec. 17021. (1) The Michigan board of medicine is created in
23 the department and consists of the following 19 voting members who
24 shall meet the requirements of part 161: ~~10 physicians, 1~~
25 ~~physician's assistant, and 8 public members.~~

26 (A) **TEN PHYSICIANS.**

27 (B) **ONE PHYSICIAN'S ASSISTANT.**

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

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

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

14 (2) ~~(3)~~ Except as otherwise provided in this article, the
 15 board of medicine shall ~~shall~~ DOES not have the powers and duties vested
 16 in the task force by sections 17060 to 17084.

17 SEC. 17091. (1) THE DEPARTMENT, IN CONSULTATION WITH THE
 18 BOARD, SHALL PROMULGATE RULES THAT SPECIFY THE MINIMUM STANDARDS
 19 FOR LICENSURE, TEMPORARY LICENSURE, AND LICENSE RENEWAL OF GENETIC
 20 COUNSELORS.

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

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

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

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

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

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

8 SEC. 17094. A TEMPORARY LICENSED GENETIC COUNSELOR SHALL WORK
9 UNDER THE SUPERVISION OF A QUALIFIED SUPERVISOR AT ALL TIMES DURING
10 WHICH THE TEMPORARY LICENSED GENETIC COUNSELOR ENGAGES IN THE
11 PRACTICE OF GENETIC COUNSELING.

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

20 (2) SECTIONS 17091 TO 17096 DO NOT APPLY TO THE FOLLOWING
21 INDIVIDUALS:

22 (A) AN INDIVIDUAL WHO IS CERTIFIED BY THE AMERICAN BOARD OF
23 MEDICAL GENETICS AND GENOMICS AS A DOCTOR OF PHILOSOPHY MEDICAL
24 GENETICIST, OR HOLDS AN EQUIVALENT CERTIFICATION AS DETERMINED BY
25 THE BOARD.

26 (B) AN INDIVIDUAL WHO IS LICENSED BY THIS STATE TO ENGAGE IN
27 THE PRACTICE OF A HEALTH PROFESSION OTHER THAN THE PRACTICE OF

1 GENETIC COUNSELING WHEN ACTING WITHIN THE SCOPE OF THE INDIVIDUAL'S
2 HEALTH PROFESSION AND DOING WORK OF A NATURE CONSISTENT WITH THE
3 INDIVIDUAL'S EDUCATION AND TRAINING.

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

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