

Act No. 624
Public Acts of 2018
Approved by the Governor
December 28, 2018
Filed with the Secretary of State
December 28, 2018
EFFECTIVE DATE: March 28, 2019

**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2018**

Introduced by Senators Emmons, Hune, Brandenburg, Proos and Casperson

ENROLLED SENATE BILL No. 331

AN ACT to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” 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:

Sec. 16338. (1) Fees for an individual licensed or seeking licensure to engage in the practice of genetic counseling under part 170 are as follows:

- | | |
|--|-----------|
| (a) Subject to subsection (2), application processing fee..... | \$ 230.00 |
| (b) License fee, per year | 54.00 |
| (c) Temporary license fee, per year..... | 50.00 |

(2) After the department determines that it has recouped its up-front costs from application processing fees from individuals who are licensed or seeking licensure to engage in the practice of genetic counseling under part 170, the application processing fee is reduced to \$75.00.

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

- (a) “Academic institution” means either of the following:
- (i) A medical school approved by the board.

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

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

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

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

(c) "Genetic counselor" means an individual who is licensed under this part to engage in the practice of genetic counseling.

(d) "Medical care services" means those services within the scope of practice of physicians who are licensed or authorized by the board, except those services that the board prohibits or otherwise restricts within a practice agreement or determines shall not be delegated by a physician because a delegation would endanger the health and safety of patients as provided for in section 17048(1).

(e) "Participating physician" means a physician, a physician designated by a group of physicians under section 17049 to represent that group, or a physician designated by a health facility or agency under section 20174 to represent that health facility or agency.

(f) "Physician" means an individual who is licensed or authorized under this article to engage in the practice of medicine.

(g) "Podiatrist" means an individual who is licensed under this article to engage in the practice of podiatric medicine and surgery.

(h) "Practice agreement" means an agreement described in section 17047.

(i) "Practice of genetic counseling" means provision of any of the following services:

(i) Obtaining and evaluating individual, family, and medical histories to determine the genetic risk for genetic or medical conditions or diseases in a client, the client's descendants, or other family members of the client.

(ii) Discussing with a client the features, natural history, means of diagnosis, genetic and environmental factors, and management of the genetic risks of genetic or medical conditions or diseases.

(iii) Identifying and coordinating appropriate genetic laboratory tests and other diagnostic studies for genetic assessment of a client.

(iv) Integrating genetic laboratory test results and other diagnostic studies with personal and family medical history to assess and communicate a client's risk factors for genetic or medical conditions or diseases.

(v) Explaining to a client the clinical implications of genetic laboratory tests and other diagnostic studies and their results.

(vi) Evaluating the responses of a client and the client's family to a genetic or medical condition or disease or to the risk of recurrence of that condition or disease and providing client-centered counseling and anticipatory guidance.

(vii) Identifying and utilizing community resources that provide medical, educational, financial, and psychosocial support and advocacy to a client.

(viii) Providing written documentation of medical, genetic, and counseling information for families of and health care professionals of a client.

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

(k) "Practice as a physician's assistant" means the practice of medicine with a participating physician under a practice agreement.

(l) "Qualified supervisor" means an individual who is a genetic counselor and who holds a license under this part other than a temporary or limited license.

(m) "Task force" means the joint task force created in section 17025.

(n) “Temporary licensed genetic counselor” means a genetic counselor who has been issued a temporary license under this article.

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

Sec. 17021. (1) The Michigan board of medicine is created in the department and consists of the following 19 voting members who meet the requirements of part 161:

(a) Ten physicians.

(b) One physician’s assistant.

(c) One genetic counselor. However, the governor shall not appoint a genetic counselor member to the board until there are only 7 public members of the board under subdivision (d).

(d) Seven public members. However, if there are 8 public members of the board on the effective date of the amendatory act that added this sentence, each public member of the board may continue in office until he or she resigns or otherwise vacates the office or until the expiration of his or her term.

(2) Except as otherwise provided in this article, the board of medicine does not have the powers and duties vested in the task force by sections 17060 to 17084.

Sec. 17091. (1) The department, in consultation with the board, shall promulgate rules that specify the minimum standards for licensure, temporary licensure, and license renewal of genetic counselors.

(2) In addition to any other requirements of this article, the board shall perform other functions and duties as necessary to carry out the regulation of genetic counselors under this part.

Sec. 17092. To be licensed as a genetic counselor under this part, an individual shall do all of the following:

(a) Submit an application prescribed by the board.

(b) Pay the fee prescribed in section 16338.

(c) Provide satisfactory evidence of having current certification through a nationally recognized certifying agency for genetic counselors or medical geneticists approved by the board.

Sec. 17093. Beginning 1 year after the effective date of the rules promulgated under section 17091, an individual shall not engage in the practice of genetic counseling unless he or she is licensed as a genetic counselor under this part.

Sec. 17094. A temporary licensed genetic counselor shall work under the supervision of a qualified supervisor at all times during which the temporary licensed genetic counselor engages in the practice of genetic counseling.

Sec. 17095. (1) Except as otherwise provided in subsection (2), an individual who is not licensed as a genetic counselor under this part shall not use in connection with his or her name or place of business, the title “genetic counselor”, “licensed genetic counselor”, “gene counselor”, “genetic consultant”, “genetic associate” or any words, letters, abbreviations, or insignia indicating or implying that an individual holds a license to engage in the practice of genetic counseling under this part.

(2) Sections 17091 to 17096 do not apply to the following individuals:

(a) An individual who is certified by the American Board of Medical Genetics and Genomics as a doctor of philosophy medical geneticist, or holds an equivalent certification as determined by the board.

(b) An individual who is licensed by this state to engage in the practice of a health profession other than the practice of genetic counseling when acting within the scope of the individual’s health profession and doing work of a nature consistent with the individual’s education and training.

Sec. 17096. To obtain a license renewal as a genetic counselor under this part, a licensee shall present satisfactory evidence to the board that in the period since the license was issued or last renewed the licensee has maintained certification through a nationally recognized certifying agency for genetic counselors or medical geneticists approved by the board.

Sec. 17097. This part does not require new or additional third party reimbursement or mandated worker’s compensation benefits for services rendered by an individual who is licensed as a genetic counselor under this part.

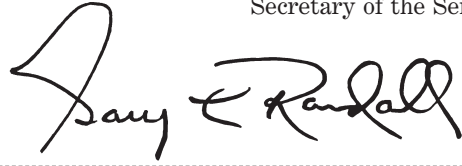
Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 4067 of the 99th Legislature is enacted into law.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

.....
Governor