

**SUBSTITUTE FOR
HOUSE BILL NO. 4912**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16215, 16283, 16286, 16287, 16288, 18802, 18805, 18811, 18812, and 18814 (MCL 333.16215, 333.16283, 333.16286, 333.16287, 333.16288, 333.18802, 333.18805, 333.18811, 333.18812, and 333.18814), section 16215 as amended by 2019 PA 140, sections 16283, 16286, and 16288 as added by 2016 PA 359, section 16287 as amended by 2017 PA 22, section 18802 as amended by 2000 PA 22, section 18805 as amended by 1982 PA 353, section 18811 as amended by 2006 PA 406, and section 18812 as amended by 1982 PA 337, and by adding sections 18818, 18819, and 18829; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:



1 Sec. 16215. (1) Subject to subsections (2) to ~~(6),~~ (7), a
2 licensee who holds a license other than a health profession
3 subfield license may delegate to a licensed or unlicensed
4 individual who is otherwise qualified by education, training, or
5 experience the performance of selected acts, tasks, or functions
6 ~~where~~ **if** the acts, tasks, or functions fall within the scope of
7 practice of the licensee's profession and will be performed under
8 the licensee's supervision. A licensee shall not delegate an act,
9 task, or function under this section if the act, task, or function,
10 under standards of acceptable and prevailing practice, requires the
11 level of education, skill, and judgment required of the licensee
12 under this article.

13 (2) Subject to subsection (1) and except as otherwise provided
14 in this subsection and subsections (3) and (4), a licensee who is
15 an allopathic physician or osteopathic physician and surgeon shall
16 delegate an act, task, or function that involves the performance of
17 a procedure that requires the use of surgical instrumentation only
18 to an individual who is licensed under this article. A licensee who
19 is an allopathic physician or osteopathic physician and surgeon may
20 delegate an act, task, or function described in this subsection to
21 an individual who is not licensed under this article if the
22 unlicensed individual is 1 or more of the following and if the
23 procedure is directly supervised by a licensed allopathic physician
24 or osteopathic physician and surgeon who is physically present
25 during the performance of the procedure:

26 (a) A student enrolled in a school of medicine or osteopathic
27 medicine approved by the Michigan board of medicine or the Michigan
28 board of osteopathic medicine and surgery.

29 (b) A student enrolled in a physician's assistant training



1 program approved by the joint physician's assistant task force
2 created under part 170.

3 (3) Subject to subsection (1), a licensee who is an allopathic
4 physician or osteopathic physician and surgeon may delegate an act,
5 task, or function described in subsection (2) to an individual who
6 is not licensed under this article and who is 1 of the following:

7 (a) Performing acupuncture. This subdivision does not apply
8 beginning 36 months after the effective date of the rules
9 promulgated under section 16525 on the licensure of acupuncturists.

10 (b) Surgically removing only bone, skin, blood vessels,
11 cartilage, dura mater, ligaments, tendons, pericardial tissue, or
12 heart valves only from a deceased individual for transplantation,
13 implantation, infusion, injection, or other medical or scientific
14 purpose.

15 (4) Subject to subsection (1), a licensee who is an allopathic
16 physician or osteopathic physician and surgeon may delegate an act,
17 task, or function described in subsection (2) to an individual who
18 is not licensed under this article if the procedure is directly
19 supervised by a licensed allopathic physician or osteopathic
20 physician and surgeon who is physically present during the
21 performance of the procedure, the delegation of such procedure is
22 not prohibited or otherwise restricted by the board or that health
23 facility or agency, and the delegation of that act, task, or
24 function is specifically authorized by that health facility or
25 agency to be delegated and performed by either of the following
26 unlicensed individuals:

27 (a) A surgical technologist who meets the qualifications
28 established by the health facility or agency with which he or she
29 is employed or under contract.



1 (b) A surgical first assistant who meets the qualifications
 2 established by the health facility or agency with which he or she
 3 is employed or under contract.

4 (5) Subject to subsection (1), a veterinarian may delegate the
 5 performance of an act, task, or function if both of the following
 6 are met:

7 (a) Except as otherwise provided in this subdivision, the
 8 veterinarian has established a veterinarian-client-patient
 9 relationship for the patient on which the delegated act, task, or
 10 function is to be performed and has determined the need for the
 11 act, task, or function. A veterinarian-client-patient relationship
 12 is not required if any of the following apply:

13 (i) The delegated act, task, or function is for the purpose of
 14 rendering or attempting to render, in good faith, emergency or
 15 urgent care to a patient when the client cannot be identified.

16 (ii) The patient on whom the delegated act, task, or function
 17 is to be performed is in the custody of an animal shelter or rescue
 18 and the client is not identified.

19 (b) The supervision required under subsection (1) includes
 20 that degree of monitoring necessary for the supervising
 21 veterinarian to ensure that an individual to whom an act, task, or
 22 function is delegated is performing within the scope of an order,
 23 assignment, or prescription of the supervising veterinarian.

24 (6) ~~(5)~~—A board may promulgate rules to further prohibit or
 25 otherwise restrict delegation of specific acts, tasks, or functions
 26 to a licensed or unlicensed individual if the board determines that
 27 the delegation constitutes or may constitute a danger to the
 28 health, safety, or welfare of the patient or public.

29 (7) ~~(6)~~—To promote safe and competent practice, a board may



1 promulgate rules to specify conditions under which, and categories
 2 and types of licensed and unlicensed individuals for whom, closer
 3 supervision may be required for acts, tasks, and functions
 4 delegated under this section.

5 (8) ~~(7)~~—An individual who performs acts, tasks, or functions
 6 delegated ~~pursuant to~~ **under** this section does not violate the part
 7 that regulates the scope of practice of that health profession.

8 (9) ~~(8)~~—The amendatory act that added this subsection does not
 9 require new or additional third party reimbursement or mandated
 10 worker's compensation benefits for services rendered by an
 11 individual authorized to perform those services under subsection
 12 (4).

13 (10) **As used in subsection (5), "client" and "patient" mean**
 14 **those terms as defined in section 18818 and "veterinarian-client-**
 15 **patient relationship" means that term as described in section**
 16 **18818.**

17 Sec. 16283. As used in this section and sections ~~16284~~ **16285**
 18 to 16288:

19 (a) "Health professional" means an individual who is engaging
 20 in the practice of a health profession.

21 (b) "Prescriber" means that term as defined in section 17708.

22 (c) "Telehealth" means the use of electronic information and
 23 telecommunication technologies to support or promote long-distance
 24 clinical health care, patient and professional health-related
 25 education, public health, or health administration. Telehealth may
 26 include, but is not limited to, telemedicine. As used in this
 27 subdivision, "telemedicine" means that term as defined in section
 28 3476 of the insurance code of 1956, 1956 PA 218, MCL 500.3476.

29 (d) "Telehealth service" means a health care service that is



1 provided through telehealth.

2 Sec. 16286. In a manner consistent with this part and in
3 addition to the provisions set forth in this part, a disciplinary
4 subcommittee may place restrictions or conditions on a health
5 professional's ability to provide a telehealth service if the
6 disciplinary subcommittee finds that the health professional has
7 violated section ~~16284~~ or 16285.

8 Sec. 16287. The department, in consultation with a board,
9 shall promulgate rules to implement ~~sections 16284 and~~ **section**
10 16285.

11 Sec. 16288. Sections ~~16284~~ **16285** to 16287 do not do any of the
12 following:

13 (a) Require new or additional third party reimbursement for
14 health care services rendered by a health professional through
15 telehealth.

16 (b) Limit the provision of a health care service otherwise
17 allowed by law.

18 (c) Authorize a health care service otherwise prohibited by
19 law.

20 Sec. 18802. (1) "Abandoned by its owner" means any of the
21 following:

22 (a) Failure of an owner to return to regain custody of an
23 animal left in the custody of a veterinarian by its owner for
24 treatment, boarding, or other services at the scheduled time for
25 the animal's return or at completion of the services.

26 (b) Refusal of an owner to accept custody of an animal left in
27 the custody of a veterinarian by its owner for treatment, boarding,
28 or other services at the scheduled time for the animal's return or
29 at completion of the services.



1 (c) Failure of an owner to provide payment for treatment,
 2 boarding, or other services on an animal left in the custody of a
 3 veterinarian by its owner as agreed ~~upon~~**on** by the owner and the
 4 veterinarian.

5 (2) "Animal" means an animal other than a human being and
 6 includes all fowl, birds, fish, and reptiles, wild or domestic,
 7 living or dead, which may be carriers of infectious diseases.

8 **(3) "Complementary, alternative, and integrative therapy"**
 9 **means a preventative, diagnostic, and therapeutic philosophy and**
 10 **practice that is not considered part of conventional, Western**
 11 **veterinary medicine and includes, but is not limited to, all of the**
 12 **following:**

13 (a) **Veterinary acupuncture, acuthery, and acupressure.**

14 (b) **Veterinary homeopathy.**

15 (c) **Veterinary manual or manipulative therapy.**

16 (d) **Veterinary nutraceutical therapy.**

17 (e) **Veterinary phytotherapy.**

18 (4) ~~(3)~~ "Owner" means the actual owner of an animal, an agent
 19 of the owner of the animal, or a person with the apparent authority
 20 to act as the owner or as the agent of the owner of an animal.

21 ~~(4) "Supervision" includes that degree of close physical~~
 22 ~~proximity necessary for the supervising veterinarian to observe and~~
 23 ~~monitor the performance of a veterinary technician.~~

24 Sec. 18805. (1) "Practice as a veterinary technician" means
 25 the practice of veterinary medicine based on less comprehensive
 26 knowledge and skill than that required of a veterinarian and
 27 performed under supervision of a veterinarian.

28 (2) "Practice of veterinary medicine" means:

29 (a) Prescribing or administering a drug, medicine, treatment,



1 or method of procedure, **including, but not limited to,**
 2 **administering vaccinations;** performing an operation, **physical**
 3 **therapy,** or manipulation; **performing a dental procedure;** applying
 4 an apparatus or appliance; or giving an instruction or
 5 demonstration designed to alter ~~an animal from its normal~~ **the**
 6 **condition of an animal.**

7 (b) Curing, ameliorating, correcting, reducing, or modifying a
 8 disease, deformity, defect, wound, or injury in or to an animal.

9 (c) Diagnosing or prognosing, or both, a disease, deformity,
 10 or defect in an animal by a test, procedure, manipulation,
 11 technique, autopsy, biopsy, or other examination.

12 (d) **Providing a complementary, alternative, and integrative**
 13 **therapy.**

14 (3) "Veterinarian" means an individual **who is** licensed under
 15 this article to engage in the practice of veterinary medicine.

16 Sec. 18811. (1) ~~A person~~ **An individual** shall not engage in the
 17 practice of veterinary medicine unless licensed or otherwise
 18 authorized by this article.

19 (2) ~~After July 1, 1979, an~~ **An** individual shall not practice as
 20 a veterinary technician without a license.

21 (3) A veterinary technician shall not diagnose animal
 22 diseases, prescribe medical or surgical treatment, or perform as a
 23 surgeon.

24 (4) The following words, titles, or letters or a combination
 25 ~~thereof,~~ **of words, titles, or letters,** with or without qualifying
 26 words or phrases, are restricted in use only to those ~~persons~~
 27 **individuals** authorized under this part to use the terms and in a
 28 way prescribed in this part: "veterinary", "veterinarian",
 29 "veterinary doctor", "veterinary surgeon", "doctor of veterinary



1 medicine", "v.m.d.", "d.v.m.", "animal technician", or "animal
2 technologist".

3 Sec. 18812. (1) A limited license for practice apart from
4 veterinary education ~~shall~~**must** require that the individual be a
5 senior student in an approved school of veterinary medicine and be
6 under the supervision of a veterinarian licensed by this state.

7 (2) Graduates of nonapproved veterinary education programs may
8 be granted a limited license under section 16182(1).

9 Sec. 18814. An individual is not engaging in the practice of
10 veterinary medicine in this state who **meets any of the following:**

11 (a) Administers to livestock owned by ~~that~~**the** individual **or**
12 **cared for by the individual's designee**, except when the title **to**
13 **the livestock** is vested in ~~him or her~~**the individual** for the
14 purpose of circumventing this act.

15 (b) Conducts experimentation and scientific research in the
16 development of methods, techniques, or treatments directly or
17 indirectly applicable to the problems of medicine and who in
18 connection therewith uses animals.

19 (c) Conducts routine vaccination and pullorum testing of
20 poultry under supervision of the ~~national poultry improvement plan~~
21 **National Poultry Improvement Plan** as administered by the official
22 state agency and the United States ~~department of~~
23 ~~agriculture.~~**Department of Agriculture.**

24 (d) Is a regularly employed veterinarian of the United States
25 ~~department of agriculture~~**Department of Agriculture** or a full-time
26 veterinary food inspector while engaged in the inspection of
27 animals as food for human consumption.

28 **Sec. 18818. (1) Except as otherwise provided in subsections**
29 **(3) and (4), a veterinarian shall not engage in the practice of**



1 veterinary medicine unless it is within the context of a
2 veterinarian-client-patient relationship. All of the following
3 requirements must be met for a veterinarian-client-patient
4 relationship to exist:

5 (a) The veterinarian must assume responsibility for making
6 clinical judgments regarding the health of the patient and the need
7 for medical treatment and the client must have agreed to follow the
8 veterinarian's instructions.

9 (b) The veterinarian must have sufficient knowledge of the
10 patient to initiate, at a minimum, a general or preliminary
11 diagnosis of the medical condition of the patient. As used in this
12 subdivision, "sufficient knowledge of the patient" means recently
13 seen and be personally acquainted with the keeping and care of the
14 patient by the client by virtue of physically examining the patient
15 or by medically appropriate and timely professional visits to the
16 location where the patient is kept.

17 (c) The veterinarian must be readily available, or must
18 arrange for emergency coverage, for a follow-up evaluation in the
19 event of an adverse reaction or the failure of the treatment
20 regimen.

21 (2) A veterinarian may terminate a veterinarian-client-patient
22 relationship by notifying the client that the veterinarian no
23 longer wishes to serve the patient and the client. If a
24 veterinarian terminates the veterinarian-client-patient
25 relationship under this subsection when the patient that is the
26 subject of the relationship has an ongoing medical or surgical
27 condition, the veterinarian shall refer the client to another
28 veterinarian for the diagnosis, care, and treatment of the patient
29 and shall continue to provide lifesaving support to the patient, as



1 needed, until a new veterinarian-client-patient relationship is
2 established.

3 (3) In an emergency and subject to section 16285, a
4 veterinarian may engage in the practice of veterinary medicine
5 through telehealth without a veterinarian-client-patient
6 relationship until the patient can be seen in person by a
7 veterinarian. However, the veterinarian shall make a good-faith
8 effort to arrange an in-person visit as soon as practicable to
9 establish a veterinarian-client-patient relationship.

10 (4) A veterinarian may engage in the practice of veterinary
11 medicine without a veterinarian-client-patient relationship if any
12 of the following apply:

13 (a) The veterinarian renders or attempts to render, in good
14 faith, emergency or urgent care to a patient when the client cannot
15 be identified.

16 (b) The patient is in the custody of an animal shelter and the
17 client cannot be identified.

18 (5) As used in this section:

19 (a) "Client" means the owner of the animal.

20 (b) "Patient" means the animal.

21 (c) "Telehealth" means that term as defined in section 16283.

22 Sec. 18819. A veterinarian who recommends a prescription drug
23 for an animal shall, on request of the animal's owner, issue the
24 owner a prescription for the prescription drug instead of
25 dispensing the prescription drug.

26 Sec. 18829. A licensee shall not represent that a facility is
27 an emergency veterinary hospital unless all of the following
28 requirements are met:

29 (a) The facility's primary function is receiving, treating,



1 and monitoring animals that are emergency patients during its
2 designated hours of operation as an emergency veterinary hospital.

3 (b) A veterinarian is in attendance during all hours of the
4 facility's operation and sufficient staff is available to provide
5 timely and appropriate care.

6 (c) The number of licensees, instruments, medications, and
7 supplies is sufficient to provide animals with the appropriate
8 level of emergency care.

9 (d) The facility is a full-services hospital or provides 1 of
10 the following:

11 (i) Independent, after-hours emergency veterinary services.

12 (ii) Independent, 24-hour emergency veterinary services.

13 Enacting section 1. Section 16284 of the public health code,
14 1978 PA 368, MCL 333.16284, is repealed.

