

**SUBSTITUTE FOR  
HOUSE BILL NO. 4912**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16215, 16284, 18802, 18805, 18811, 18812, and 18814 (MCL 333.16215, 333.16284, 333.18802, 333.18805, 333.18811, 333.18812, and 333.18814), section 16215 as amended by 2019 PA 140, section 16284 as added by 2016 PA 359, 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 18818a, 18819, and 18829.

**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

1 individual who is otherwise qualified by education, training, or  
2 experience the performance of selected acts, tasks, or functions  
3 ~~where~~ ~~if~~ the acts, tasks, or functions fall within the scope of  
4 practice of the licensee's profession and will be performed under  
5 the licensee's supervision. A licensee shall not delegate an act,  
6 task, or function under this section if the act, task, or function,  
7 under standards of acceptable and prevailing practice, requires the  
8 level of education, skill, and judgment required of the licensee  
9 under this article.

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

23 (a) A student enrolled in a school of medicine or osteopathic  
24 medicine approved by the Michigan board of medicine or the Michigan  
25 board of osteopathic medicine and surgery.

26 (b) A student enrolled in a physician's assistant training  
27 program approved by the joint physician's assistant task force  
28 created under part 170.

29 (3) Subject to subsection (1), a licensee who is an allopathic

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

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

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

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

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

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

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

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

10           (i) The delegated act, task, or function is for the purpose of  
11 rendering or attempting to render, in good faith, emergency  
12 treatment or urgent care to an animal that has been brought to the  
13 veterinarian by a person other than the owner and the veterinarian  
14 does not know who owns the animal or is unable to contact the owner  
15 before a decision must be made with respect to emergency treatment  
16 or urgent care.

17           (ii) The delegated act, task, or function is for the purpose of  
18 rendering or attempting to render emergency treatment or urgent  
19 care to an animal that is in the custody of an animal control  
20 shelter or animal protection shelter regulated under 1969 PA 287,  
21 MCL 287.331 to 287.340, and the owner cannot be identified.

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

27           (6) ~~(5)~~—A board may promulgate rules to further prohibit or  
28 otherwise restrict delegation of specific acts, tasks, or functions  
29 to a licensed or unlicensed individual if the board determines that

1 the delegation constitutes or may constitute a danger to the  
2 health, safety, or welfare of the patient or public.

3       (7) ~~(6)~~—To promote safe and competent practice, a board may  
4 promulgate rules to specify conditions under which, and categories  
5 and types of licensed and unlicensed individuals for whom, closer  
6 supervision may be required for acts, tasks, and functions  
7 delegated under this section.

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

11       (9) ~~(8)~~ ~~The amendatory act that added this subsection~~**2005 PA**  
12 **211** does not require new or additional third party reimbursement or  
13 mandated worker's compensation benefits for services rendered by an  
14 individual authorized to perform those services under subsection  
15 (4).

16       (10) **As used in subsection (5), "animal" and "owner" mean**  
17 **those terms as defined in section 18802 and "veterinarian-client-**  
18 **patient relationship" means that term as described in section**  
19 **18818.**

20       Sec. 16284. Except as otherwise provided in this section, a  
21 health professional shall not provide a telehealth service without  
22 directly or indirectly obtaining consent for treatment. This  
23 section does not apply to **a veterinarian or to** a health  
24 professional who is providing a telehealth service to an inmate who  
25 is under the jurisdiction of the department of corrections and is  
26 housed in a correctional facility.

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

29       (a) Failure of an owner to return to regain custody of an

1 animal left in the custody of a veterinarian by its owner for  
2 treatment, boarding, or other services at the scheduled time for  
3 the animal's return or at completion of the services.

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

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

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

15 (3) **"Complementary, alternative, and integrative therapy"**  
16 **means a preventative, diagnostic, and therapeutic philosophy and**  
17 **practice that is not considered part of conventional, Western**  
18 **veterinary medicine and includes, but is not limited to, all of the**  
19 **following:**

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

21 (b) **Veterinary homeopathy.**

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

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

24 (e) **Veterinary phytotherapy.**

25 (4) ~~(3)~~ "Owner" means the actual owner of an animal, an agent  
26 of the owner of the animal, or a person with the apparent authority  
27 to act as the owner or as the agent of the owner of an animal.

28 ~~(4) "Supervision" includes that degree of close physical~~  
29 ~~proximity necessary for the supervising veterinarian to observe and~~

1 ~~monitor the performance of a veterinary technician.~~

2       Sec. 18805. (1) "Practice as a veterinary technician" means  
3 the practice of veterinary medicine based on less comprehensive  
4 knowledge and skill than that required of a veterinarian and  
5 performed under supervision of a veterinarian.

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

7       (a) Prescribing or administering a drug, medicine, treatment,  
8 or method of procedure, ~~including~~, **but not limited to**, performing  
9 an operation, **physical therapy**, or manipulation; **performing a**  
10 **dental procedure**; applying an apparatus or appliance; or giving an  
11 instruction or demonstration designed to alter ~~an animal from its~~  
12 ~~normal~~**the condition of an animal.**

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

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

18       (d) **Providing a complementary, alternative, and integrative**  
19 **therapy.**

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

23       (4) ~~(3)~~"Veterinarian" means an individual **who is** licensed  
24 under this article to engage in the practice of veterinary  
25 medicine.

26       (5) "Veterinary-client-patient relationship" means that term  
27 as described in section 18818.

28       Sec. 18811. (1) ~~A person~~**An individual** shall not engage in the  
29 practice of veterinary medicine unless licensed or otherwise

1 authorized by this article.

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

4 (3) A veterinary technician shall not diagnose animal  
5 diseases, prescribe medical or surgical treatment, or perform as a  
6 surgeon.

7 (4) The following words, titles, or letters or a combination  
8 ~~thereof, of words, titles, or letters,~~ with or without qualifying  
9 words or phrases, are restricted in use only to those ~~persons~~  
10 **individuals** authorized under this part to use the terms and in a  
11 way prescribed in this part: "veterinary", "veterinarian",  
12 "veterinary doctor", "veterinary surgeon", "doctor of veterinary  
13 medicine", "v.m.d.", "d.v.m.", "animal technician", or "animal  
14 technologist".

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

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

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

23 (a) Administers to livestock owned by ~~that~~ **the** individual,  
24 except when the title **to the livestock** is vested in ~~him or her~~ **the**  
25 **individual** for the purpose of circumventing this act.

26 (b) Conducts experimentation and scientific research in the  
27 development of methods, techniques, or treatments directly or  
28 indirectly applicable to the problems of medicine and who in  
29 connection therewith uses animals.

1 (c) Conducts routine vaccination and pullorum testing of  
2 poultry under supervision of the ~~national poultry improvement plan~~  
3 **National Poultry Improvement Plan** as administered by the official  
4 state agency and the United States ~~department of~~  
5 ~~agriculture.~~ **Department of Agriculture.**

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

10 **Sec. 18818a. (1) A veterinarian may terminate a veterinarian-**  
11 **client-patient relationship by notifying the owner that the**  
12 **veterinarian no longer wishes to serve the animal and the owner. If**  
13 **a veterinarian terminates the veterinarian-client-patient**  
14 **relationship under this subsection when the animal that is the**  
15 **subject of the relationship has an ongoing medical or surgical**  
16 **condition, the veterinarian shall refer the owner to another**  
17 **veterinarian for the diagnosis, care, and treatment of the animal**  
18 **and shall continue to provide lifesaving support to the animal, as**  
19 **needed, until a new veterinarian-client-patient relationship is**  
20 **established.**

21 (2) In an emergency and subject to section 16285, a  
22 veterinarian may engage in the practice of veterinary medicine  
23 through telehealth without a veterinarian-client-patient  
24 relationship until the animal can be seen in person by a  
25 veterinarian. However, the veterinarian shall make a good-faith  
26 effort to arrange an in-person visit as soon as practicable to  
27 establish a veterinarian-client-patient relationship.

28 (3) A veterinarian may engage in the practice of veterinary  
29 medicine without a veterinarian-client-patient relationship if any

1 of the following apply:

2 (a) The veterinarian renders or attempts to render, in good  
3 faith, emergency or urgent care to an animal when its owner cannot  
4 be identified.

5 (b) The animal is in the care or custody of an animal control  
6 shelter or animal protection shelter regulated under 1969 PA 287,  
7 MCL 287.331 to 287.340, and its owner cannot be identified.

8 (4) As used in this section, "telehealth" means that term as  
9 defined in section 16283.

10 Sec. 18819. A veterinarian who recommends a prescription drug  
11 for an animal shall, on request of the animal's owner, issue the  
12 owner a prescription for the prescription drug instead of  
13 dispensing the prescription drug.

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

17 (a) The facility's primary function is receiving, treating,  
18 and monitoring animals that are emergency patients during its  
19 designated hours of operation as an emergency veterinary hospital.

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

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

26 (d) The facility is a full-service hospital or provides 1 of  
27 the following:

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

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

1           Enacting section 1. This amendatory act does not take effect  
2 unless Senate Bill No.\_\_\_\_ or House Bill No.5804 (request no.  
3 04870'21) of the 101st Legislature is enacted into law.