

HOUSE BILL NO. 4912

May 25, 2021, Introduced by Reps. Bezotte, Brixie, Wozniak, Paquette, Whiteford and Whitsett and referred to the Committee on Agriculture.

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 18811a, 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:

1 (a) A student enrolled in a school of medicine or osteopathic
2 medicine approved by the Michigan board of medicine or the Michigan
3 board of osteopathic medicine and surgery.

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

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

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

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

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

1 unlicensed individuals:

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

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

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

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

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

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

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

28 (6) ~~(5)~~A board may promulgate rules to further prohibit or
29 otherwise restrict delegation of specific acts, tasks, or functions

1 to a licensed or unlicensed individual if the board determines that
 2 the delegation constitutes or may constitute a danger to the
 3 health, safety, or welfare of the patient or public.

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

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

12 (9) ~~(8)~~—The amendatory act that added this subsection does not
 13 require new or additional third party reimbursement or mandated
 14 worker's compensation benefits for services rendered by an
 15 individual authorized to perform those services under subsection
 16 (4).

17 (10) **As used in subsection (5), "client" and "patient" mean**
 18 **those terms as defined in section 18818 and "veterinarian-client-**
 19 **patient relationship" means that term as described in section**
 20 **18818.**

21 Sec. 16283. As used in this section and sections ~~16284-16285~~
 22 to 16288:

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

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

26 (c) "Telehealth" means the use of electronic information and
 27 telecommunication technologies to support or promote long-distance
 28 clinical health care, patient and professional health-related
 29 education, public health, or health administration. Telehealth may

1 include, but is not limited to, telemedicine. As used in this
2 subdivision, "telemedicine" means that term as defined in section
3 3476 of the insurance code of 1956, 1956 PA 218, MCL 500.3476.

4 (d) "Telehealth service" means a health care service that is
5 provided through telehealth.

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

12 Sec. 16287. The department, in consultation with a board,
13 shall promulgate rules to implement ~~sections 16284 and~~ **section**
14 16285.

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

17 (a) Require new or additional third party reimbursement for
18 health care services rendered by a health professional through
19 telehealth.

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

22 (c) Authorize a health care service otherwise prohibited by
23 law.

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

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

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

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

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

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

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

18 (b) **Veterinary homeopathy.**

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

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

21 (e) **Veterinary phytotherapy.**

22 (4) ~~(3)~~"Owner" means the actual owner of an animal, an agent
23 of the owner of the animal, or a person with the apparent authority
24 to act as the owner or as the agent of the owner of an animal.

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

28 Sec. 18805. (1) "Practice as a veterinary technician" means
29 the practice of veterinary medicine based on less comprehensive

1 knowledge and skill than that required of a veterinarian and
2 performed under supervision of a veterinarian.

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

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

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

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

16 (d) **Providing a complementary, alternative, and integrative**
17 **therapy.**

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

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

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

25 (3) A veterinary technician shall not diagnose animal
26 diseases, prescribe medical or surgical treatment, or perform as a
27 surgeon.

28 (4) The following words, titles, or letters or a combination
29 ~~thereof,~~ **of words, titles, or letters,** with or without qualifying

1 words or phrases, are restricted in use only to those ~~persons~~
2 **individuals** authorized under this part to use the terms and in a
3 way prescribed in this part: "veterinary", "veterinarian",
4 "veterinary doctor", "veterinary surgeon", "doctor of veterinary
5 medicine", "v.m.d.", "d.v.m.", "animal technician", or "animal
6 technologist".

7 **Sec. 18811a. (1) During a qualified state of emergency or to**
8 **respond to a large-scale animal cruelty case, the board may grant a**
9 **license to engage in the practice of veterinary medicine or**
10 **practice as a veterinary technician for up to 90 days to an**
11 **individual if all of the following requirements are met:**

12 (b) The individual is authorized to engage in the practice of
13 veterinary medicine or practice as a veterinary technician in
14 another state that maintains licensing standards substantially
15 equivalent to those of this state.

16 (b) The applicant has established that disciplinary
17 proceedings before a similar licensure board of any other state are
18 not pending against the applicant.

19 (c) The applicant has established that if sanctions have been
20 imposed against the applicant by a similar licensure board of any
21 other state, the sanctions are not in force at the time of
22 application.

23 (d) The applicant agrees to not receive any direct or indirect
24 payment or compensation for any services performed under the
25 emergency license unless he or she is receiving the payment or
26 compensation from this state, the federal government, or a
27 nonprofit organization.

28 (2) The board shall grant a license within 48 to 72 hours of
29 receiving a completed application under this section and shall not

1 charge a fee for a license under this section.

2 (3) As used in this section, "qualified state of emergency"
3 means a state of disaster or state of emergency declared under the
4 emergency management act, 1976 PA 390, MCL 30.401 to 30.421, that
5 impacts animals.

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

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

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

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

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

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

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

1 Sec. 18818. (1) Except as otherwise provided in subsections
2 (3) and (4), a veterinarian shall not engage in the practice of
3 veterinary medicine unless it is within the context of a
4 veterinarian-client-patient relationship. All of the following
5 requirements must be met for a veterinarian-client-patient
6 relationship to exist:

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

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

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

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

1 veterinarian for the diagnosis, care, and treatment of the patient
2 and shall continue to provide lifesaving support to the patient, as
3 needed, until a new veterinarian-client-patient relationship is
4 established.

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

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

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

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

20 (5) As used in this section:

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

22 (b) "Patient" means the animal.

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

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

28 Sec. 18829. A licensee shall ensure that a facility does not
29 represent that it is an emergency veterinary hospital unless all of

1 the following requirements are met:

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

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

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

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

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

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

15 Enacting section 1. Section 16284 of the public health code,
16 1978 PA 368, MCL 333.16284, is repealed.