

HOUSE BILL NO. 4885

June 28, 2023, Introduced by Reps. McKinney, Wilson, Edwards, Byrnes and Aiyash and referred to the Committee on Regulatory Reform.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 21907, 21909, 21911, 21913, 21915, 21919, 21921, and 21923 (MCL 333.21907, 333.21909, 333.21911, 333.21913, 333.21915, 333.21919, 333.21921, and 333.21923), sections 21907, 21909, 21913, 21915, 21919, 21921, and 21923 as added by 2017 PA 172 and section 21911 as amended by 2022 PA 79, and by adding sections 21912, 21916, 21918, and 21920.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 21907. The department shall ~~administer~~ **do both of the**
2 **following:**

3 **(a) Administer** a nurse aide training and ~~registration~~ **permit**
4 program in this state in conformance with this part, 42 USC 1396r,
5 and 42 CFR parts 483 and 488.

6 **(b) Administer a medication aide training and permit program**
7 **as established in rules promulgated by the department under this**
8 **part.**

9 Sec. 21909. **(1)** An individual shall not engage in practice as a
10 nurse aide unless the individual holds a registration **to engage**
11 **in practice as a nurse aide** or is in compliance with 42 CFR 483.35.

12 **(2)** A person shall not offer a nurse aide training program or
13 provide training or instruction to a nurse aide candidate unless
14 the ~~individual~~ **person** holds a permit **to offer that training program**
15 **or provide that training or instruction.**

16 Sec. 21911. **(1)** The department shall grant **a registration to**
17 **engage in practice** as a nurse aide to an applicant who meets all of
18 the following requirements:

19 **(a)** Submits an application on a form and in a manner
20 prescribed by the department.

21 **(b)** Pays the fee prescribed in section 21919.

22 **(c)** Subject to subsection (4), demonstrates to the department
23 that ~~he or she~~ **the applicant** has met both of the following:

24 **(i)** Successfully completed a nurse aide training program
25 approved by the department.

26 **(ii)** Is competent as demonstrated by successful completion of a
27 nurse aide competency examination approved by the department.

28 **(d)** Meets the requirements for registration in rules
29 promulgated under section 21923.

1 (2) The department shall grant a permit as a nurse aide
2 trainer to an applicant who meets all of the following
3 requirements:

4 (a) Submits an application on a form and in a manner
5 prescribed by the department.

6 (b) Pays the fee prescribed in section 21919.

7 (c) Is a registered professional nurse licensed under article
8 15 who meets the requirements of 42 CFR 483.152(a)(5)(i) and (ii),
9 or who meets the requirements for a permit in rules promulgated
10 under section 21923.

11 (3) The department shall grant a permit as a nurse aide
12 training program to an applicant that meets all of the following
13 requirements:

14 (a) Submits an application on a form and in a manner
15 prescribed by the department.

16 (b) Pays the fee prescribed in section 21919.

17 (c) Meets the requirements for a permit in 42 CFR 483.152 and
18 in rules promulgated under section 21923.

19 (d) Demonstrates to the department that the applicant's
20 curriculum is consistent with other nurse aide training programs as
21 provided by rules promulgated by the department under this part.

22 (4) Except as provided under subsection (6), the department
23 shall allow an applicant to complete a nurse aide competency
24 examination online or through remote means, or at a nursing care
25 facility that proctors the examination under 42 CFR 483.154. The
26 department shall allow the testing vendor to contract with the
27 staff of the nursing care facility to proctor a nurse aide
28 competency examination as provided under 42 CFR 483.154.

29 (5) Subject to subsection (6), the department shall not deny a

1 person a permit under subsection (3) solely because the nurse aide
2 training program allows individuals to complete curricula online or
3 through remote means, or counts the time an individual has worked
4 performing skills necessary of a nurse aide as time in training.

5 (6) The online option described under subsections (4) and (5)
6 does not apply to training required under 42 CFR 483.152(a)(3) or
7 to testing required under 42 CFR 483.154(b)(2).

8 ~~(7) A registration or permit is not transferable. A~~
9 ~~certificate of registration or certificate of permit must state the~~
10 ~~persons to which it applies.~~

11 **Sec. 21912. A registration or permit is not transferable. A**
12 **certificate of registration or certificate of permit must state the**
13 **persons to which it applies.**

14 Sec. 21913. The department may grant a registration to an
15 applicant who is from another state **and seeking a registration to**
16 **practice as a nurse aide** if the applicant meets ~~either~~**any** of the
17 following requirements:

18 (a) The applicant passes a training program that the
19 department determines is equivalent to or exceeds a nurse aide
20 training program offered in this state and the applicant passes a
21 competency examination approved by the department.

22 (b) The applicant's status as a nurse aide in the other state
23 is in good standing, as verified by that state's nurse aide
24 registry, and the department determines that the other state's
25 training program is equivalent to or exceeds a nurse aide training
26 program offered in this state.

27 Sec. 21915. (1) A registration or permit is effective for no
28 longer than 2 years after the date it was granted.

29 ~~(2) If a nurse aide does not renew his or her registration,~~

1 ~~the nurse aide shall not practice as a nurse aide until his or her~~
2 ~~registration is renewed by the department. If a nurse aide trainer~~
3 ~~does not renew his or her permit, the nurse trainer shall not~~
4 ~~provide training to a nurse aide candidate until his or her permit~~
5 ~~is renewed by the department. If a person does not renew its permit~~
6 ~~as a nurse aide training program, the nurse aide training program~~
7 ~~shall not provide instruction to a nurse aide candidate until the~~
8 ~~permit is renewed by the department.~~

9 (2) ~~(3)~~A registration or permit is renewable if the applicant
10 pays the fee prescribed in ~~section 21919,~~ **this part**, submits an
11 application for renewal to the department on a form and in a manner
12 prescribed by the department, and demonstrates to the department
13 that the applicant has met the requirements for renewal in rules
14 promulgated under section 21923, **including any requirement for the**
15 **successful completion of continuing education.**

16 **Sec. 21916. If a nurse aide does not renew the nurse aide's**
17 **registration, the nurse aide shall not engage in practice as a**
18 **nurse aide until the nurse aide's registration is renewed by the**
19 **department. If a nurse aide trainer does not renew the nurse aide**
20 **trainer's permit, the nurse aide trainer shall not provide training**
21 **to a nurse aide candidate until the nurse aide trainer's permit is**
22 **renewed by the department. If a person does not renew its permit as**
23 **a nurse aide training program, the nurse aide training program**
24 **shall not provide instruction to a nurse aide candidate until the**
25 **permit is renewed by the department.**

26 **Sec. 21918. The fees prescribed in this part are payable to**
27 **the department or the department's contractor at the time an**
28 **application for an initial or renewal registration or permit is**
29 **submitted to the department. If an application for registration or**

1 permit is denied, or if a registration or permit is revoked before
2 its expiration date, the department shall not refund the fees paid
3 to the department.

4 Sec. 21919. (1) An applicant for registration to practice as a
5 nurse aide or a permit to conduct training or instruction of a
6 nurse aide candidate, or renewal of a ~~that~~ registration or a
7 permit, shall pay the following biennial fees:

- 8 (a) Nurse aide \$20.00**\$30.00**
- 9 (b) Nurse aide trainer \$40.00**\$50.00**
- 10 (c) Except as otherwise provided in
- 11 subdivision (d), nurse aide training program \$300.00, per site
- 12 (d) Nurse aide training program offered by
- 13 a secondary education institution or a skilled
- 14 nursing facility \$100.00, per site

15 (2) In addition to the fees prescribed in subsection (1), an
16 applicant for registration to practice as a nurse aide shall pay a
17 nurse aide competency examination fee of \$125.00, per examination.

18 ~~(3) The fees prescribed in this section are payable to the~~
19 ~~department or the department's contractor at the time an~~
20 ~~application for an initial or renewal registration or permit is~~
21 ~~submitted to the department. If an application for registration or~~
22 ~~permit is denied, or if registration or permit is revoked before~~
23 ~~its expiration date, the department shall not refund the fees paid~~
24 ~~to the department.~~

25 Sec. 21920. (1) An individual shall not engage in practice as
26 a medication aide unless the individual holds a registration to
27 engage in practice as a medication aide.

28 (2) A person shall not offer a medication aide training
29 program or provide training or instruction to a medication aide

1 candidate unless the person holds a permit to offer that training
2 program or provide that training or instruction.

3 (3) The department may grant a registration to engage in
4 practice as a medication aide to an applicant who meets all of the
5 following requirements:

6 (a) Submits an application on a form and in a manner
7 prescribed by the department.

8 (b) Pays the fee prescribed in this section.

9 (c) Demonstrates to the department that the applicant holds a
10 current registration to engage in practice as a nurse aide and that
11 the applicant has worked as a nurse aide in a nursing home or
12 skilled nursing facility for at least 2,000 hours during the 2-year
13 period immediately preceding the date of the applicant's
14 application.

15 (d) Demonstrates to the department that the applicant has
16 successfully completed a medication aide training program and a
17 competency examination approved by the department.

18 (e) Meets the requirements for registration in rules
19 promulgated under section 21923.

20 (4) The department may grant a permit as a medication aide
21 trainer to an applicant who meets all of the following
22 requirements:

23 (a) Submits an application on a form and in a manner
24 prescribed by the department.

25 (b) Pays the fee prescribed in this section.

26 (c) Is a registered professional nurse licensed under article
27 15 who meets the requirements for a permit in rules promulgated
28 under section 21923.

29 (5) The department may grant a permit as a medication aide

1 training program to an applicant that meets all of the following
2 requirements:

3 (a) Submits an application on a form and in a manner
4 prescribed by the department.

5 (b) Pays the fee prescribed in this section.

6 (c) Meets the requirements for a permit in rules promulgated
7 under section 21923.

8 (d) Demonstrates to the department that the applicant's
9 curriculum is consistent with other medication aide training
10 programs, as provided by rules promulgated by the department under
11 this part. However, a medication aide training program must
12 incorporate the National Council of State Boards of Nursing
13 medication assistant-certified model curriculum.

14 (6) The department may grant registration to an applicant who
15 is from another state and seeking a registration to practice as a
16 medication aide if the applicant demonstrates to the department
17 that the applicant has successfully completed a medication aide
18 training program from Indiana, Ohio, or Wisconsin, and the
19 applicant passes a competency examination approved by the
20 department.

21 (7) If a medication aide does not renew the medication aide's
22 registration, the medication aide shall not engage in practice as a
23 medication aide until the medication aide's registration is renewed
24 by the department. If a medication aide trainer does not renew the
25 medication aide trainer's permit, the medication aide trainer shall
26 not provide training to a medication aide candidate until the
27 medication aide trainer's permit is renewed by the department. If a
28 person does not renew its permit as a medication aide training
29 program, the medication aide training program shall not provide

1 instruction to a medication aide candidate until the permit is
2 renewed by the department.

3 (8) An applicant for registration to practice as a medication
4 aide or a permit to conduct training or instruction of a medication
5 aide candidate, or renewal of that registration or permit, shall
6 pay the following annual fees:

7	(a) Medication aide	\$64.00
8	(b) Medication aide trainer	\$80.00
9	(c) Medication aide training program	\$500.00, per site

10 (9) In addition to the fees prescribed in subsection (8), an
11 applicant for registration to practice as a medication aide shall
12 pay a medication aide competency examination fee of \$125.00, per
13 examination.

14 Sec. 21921. (1) The nurse aide **and medication aide**
15 registration fund is created within the state treasury.

16 (2) The state treasurer shall credit the fees collected under
17 ~~section 21919~~ **this part** to the fund and may receive money or other
18 assets from any source for deposit into the fund. The state
19 treasurer shall direct the investment of the fund. The state
20 treasurer shall credit to the fund interest and earnings from fund
21 investments.

22 (3) Money in the fund at the close of the fiscal year must
23 remain in the fund and does not lapse to the general fund.

24 (4) The department is the administrator of the fund for
25 auditing purposes.

26 (5) The department shall expend money from the fund, upon
27 appropriation, only to implement the ~~program~~ **programs described in**
28 **section 21907.**

29 Sec. 21923. (1) The department may promulgate and enforce

1 rules to implement this part. The rules may include, but not be
 2 limited to, rules establishing ~~requirements~~ **the following:**

3 **(a) Requirements** for surveying a nurse aide training program.
 4 ~~, investigating~~

5 **(b) Requirements for investigating** allegations against a nurse
 6 aide in a ~~health facility or agency or another setting~~ **nursing home**
 7 **or skilled nursing facility** where a nurse aide engages in the
 8 practice as a nurse aide ~~, investigating and taking action against~~
 9 **that nurse aide.**

10 **(c) Requirements for investigating** allegations **and taking**
 11 **action** against a nurse aide trainer or nurse aide training program.
 12 ~~, and enforcing this part. The rules may also establish eligibility~~

13 **(d) Requirements for enforcing this part.**

14 **(e) Eligibility** requirements to **grant and** renew a registration
 15 or permit under this part. ~~, competency~~

16 **(f) Competency** requirements. ~~, and examination~~

17 **(g) Examination** requirements for registration.

18 **(h) Requirements for renewal.**

19 **(i) Requirements for surveying a medication aide training**
 20 **program, requirements for investigating allegations against a**
 21 **medication aide in a nursing home or skilled nursing facility where**
 22 **a medication aide engages in the practice of a medication aide and**
 23 **taking action against that medication aide, and requirements for**
 24 **investigating allegations and taking action against a medication**
 25 **aide trainer or medication aide training program.**

26 (2) Rules promulgated under this part that are applicable to
 27 ~~health facilities or agencies~~ **nursing homes or skilled nursing**
 28 **facilities** must be uniform insofar as is reasonable.

29 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.

2 Enacting section 2. This amendatory act does not take effect
3 unless Senate Bill No.____ or House Bill No.____ (request no.
4 02667'23) of the 102nd Legislature is enacted into law.