



# HOUSE BILL No. 4960

July 15, 1993, Introduced by Rep. Baade and referred to the Committee on Public Health.

A bill to amend Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," as amended, being sections 333.1101 to 333.25211 of the Michigan Compiled Laws, by adding sections 16433, 17089, 17243, 17434, 17557, 17771, 17823, 18034, 18118, 18238, 18312, 18423, 18836, and 20180.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 368 of the Public Acts of 1978, as  
2 amended, being sections 333.1101 to 333.25211 of the Michigan  
3 Compiled Laws, is amended by adding sections 16433, 17089, 17243,  
4 17434, 17557, 17771, 17823, 18034, 18118, 18238, 18312, 18423,  
5 18836, and 20180 to read as follows:

6 SEC. 16433. (1) A DOCTOR OF CHIROPRACTIC SHALL NOT  
7 REPRESENT HIMSELF OR HERSELF TO THE PUBLIC AS HOLDING A LICENSE

1 TO ENGAGE IN THE PRACTICE OF ANOTHER HEALTH PROFESSION LICENSED  
2 UNDER THIS ARTICLE UNLESS HE OR SHE HOLDS A VALID LICENSE UNDER  
3 THIS ARTICLE TO ENGAGE IN THE PRACTICE OF THAT HEALTH  
4 PROFESSION.

5 (2) WHILE ENGAGING IN THE PRACTICE OF CHIROPRACTIC, A DOCTOR  
6 OF CHIROPRACTIC SHALL NOT PERFORM AN ACT, TASK, FUNCTION, OR PRO-  
7 CEDURE THAT IS OUTSIDE THE SCOPE OF HIS OR HER LICENSE.

8 SEC. 17089. (1) A PHYSICIAN SHALL NOT REPRESENT HIMSELF OR  
9 HERSELF TO THE PUBLIC AS HOLDING A LICENSE TO ENGAGE IN THE PRAC-  
10 TICE OF ANOTHER HEALTH PROFESSION LICENSED UNDER THIS ARTICLE  
11 UNLESS HE OR SHE HOLDS A VALID LICENSE UNDER THIS ARTICLE TO  
12 ENGAGE IN THE PRACTICE OF THAT HEALTH PROFESSION.

13 (2) WHILE ENGAGING IN THE PRACTICE OF MEDICINE, A PHYSICIAN  
14 SHALL NOT PERFORM AN ACT, TASK, FUNCTION, OR PROCEDURE THAT IS  
15 OUTSIDE THE SCOPE OF HIS OR HER LICENSE.

16 SEC. 17243. (1) A REGISTERED PROFESSIONAL NURSE SHALL NOT  
17 REPRESENT HIMSELF OR HERSELF TO THE PUBLIC AS HOLDING A LICENSE  
18 TO ENGAGE IN THE PRACTICE OF ANOTHER HEALTH PROFESSION LICENSED  
19 UNDER THIS ARTICLE UNLESS HE OR SHE HOLDS A VALID LICENSE UNDER  
20 THIS ARTICLE TO ENGAGE IN THE PRACTICE OF THAT HEALTH  
21 PROFESSION.

22 (2) WHILE ENGAGING IN THE PRACTICE OF NURSING, A REGISTERED  
23 PROFESSIONAL NURSE SHALL NOT PERFORM AN ACT, TASK, FUNCTION, OR  
24 PROCEDURE THAT IS OUTSIDE THE SCOPE OF HIS OR HER LICENSE.

25 SEC. 17434. (1) AN OPTOMETRIST SHALL NOT REPRESENT HIMSELF  
26 OR HERSELF TO THE PUBLIC AS HOLDING A LICENSE TO ENGAGE IN THE  
27 PRACTICE OF ANOTHER HEALTH PROFESSION LICENSED UNDER THIS ARTICLE

1 UNLESS HE OR SHE HOLDS A VALID LICENSE UNDER THIS ARTICLE TO  
2 ENGAGE IN THE PRACTICE OF THAT HEALTH PROFESSION.

3 (2) WHILE ENGAGING IN THE PRACTICE OF OPTOMETRY, AN OPTOME-  
4 TRIST SHALL NOT PERFORM AN ACT, TASK, FUNCTION, OR PROCEDURE THAT  
5 IS OUTSIDE THE SCOPE OF HIS OR HER LICENSE.

6 SEC. 17557. (1) A PHYSICIAN SHALL NOT REPRESENT HIMSELF OR  
7 HERSELF TO THE PUBLIC AS HOLDING A LICENSE TO ENGAGE IN THE PRAC-  
8 TICE OF ANOTHER HEALTH PROFESSION LICENSED UNDER THIS ARTICLE  
9 UNLESS HE OR SHE HOLDS A VALID LICENSE UNDER THIS ARTICLE TO  
10 ENGAGE IN THE PRACTICE OF THAT HEALTH PROFESSION.

11 (2) WHILE ENGAGING IN THE PRACTICE OF OSTEOPATHIC MEDICINE  
12 AND SURGERY, A PHYSICIAN SHALL NOT PERFORM AN ACT, TASK, FUNC-  
13 TION, OR PROCEDURE THAT IS OUTSIDE THE SCOPE OF HIS OR HER  
14 LICENSE.

15 SEC. 17771. (1) A PHARMACIST SHALL NOT REPRESENT HIMSELF OR  
16 HERSELF TO THE PUBLIC AS HOLDING A LICENSE TO ENGAGE IN THE PRAC-  
17 TICE OF ANOTHER HEALTH PROFESSION LICENSED UNDER THIS ARTICLE  
18 UNLESS HE OR SHE HOLDS A VALID LICENSE UNDER THIS ARTICLE TO  
19 ENGAGE IN THE PRACTICE OF THAT HEALTH PROFESSION.

20 (2) WHILE ENGAGING IN THE PRACTICE OF PHARMACY, A PHARMACIST  
21 SHALL NOT PERFORM AN ACT, TASK, FUNCTION, OR PROCEDURE THAT IS  
22 OUTSIDE THE SCOPE OF HIS OR HER LICENSE.

23 SEC. 17823. (1) A PHYSICAL THERAPIST SHALL NOT REPRESENT  
24 HIMSELF OR HERSELF TO THE PUBLIC AS HOLDING A LICENSE TO ENGAGE  
25 IN THE PRACTICE OF ANOTHER HEALTH PROFESSION LICENSED UNDER THIS  
26 ARTICLE UNLESS HE OR SHE HOLDS A VALID LICENSE UNDER THIS ARTICLE  
27 TO ENGAGE IN THE PRACTICE OF THAT HEALTH PROFESSION.

1 (2) WHILE ENGAGING IN THE PRACTICE OF PHYSICAL THERAPY, A  
2 PHYSICAL THERAPIST SHALL NOT PERFORM AN ACT, TASK, FUNCTION, OR  
3 PROCEDURE THAT IS OUTSIDE THE SCOPE OF HIS OR HER LICENSE.

4 SEC. 18034. (1) A PODIATRIST SHALL NOT REPRESENT HIMSELF OR  
5 HERSELF TO THE PUBLIC AS HOLDING A LICENSE TO ENGAGE IN THE PRAC-  
6 TICE OF ANOTHER HEALTH PROFESSION LICENSED UNDER THIS ARTICLE  
7 UNLESS HE OR SHE HOLDS A VALID LICENSE UNDER THIS ARTICLE TO  
8 ENGAGE IN THE PRACTICE OF THAT HEALTH PROFESSION.

9 (2) WHILE ENGAGING IN THE PRACTICE OF PODIATRIC MEDICINE AND  
10 SURGERY, A PODIATRIST SHALL NOT PERFORM AN ACT, TASK, FUNCTION,  
11 OR PROCEDURE THAT IS OUTSIDE THE SCOPE OF HIS OR HER LICENSE.

12 SEC. 18118. (1) A LICENSED PROFESSIONAL COUNSELOR SHALL NOT  
13 REPRESENT HIMSELF OR HERSELF TO THE PUBLIC AS HOLDING A LICENSE  
14 TO ENGAGE IN THE PRACTICE OF ANOTHER HEALTH PROFESSION LICENSED  
15 UNDER THIS ARTICLE UNLESS HE OR SHE HOLDS A VALID LICENSE UNDER  
16 THIS ARTICLE TO ENGAGE IN THE PRACTICE OF THAT HEALTH  
17 PROFESSION.

18 (2) WHILE ENGAGING IN THE PRACTICE OF COUNSELING, A LICENSED  
19 PROFESSIONAL COUNSELOR SHALL NOT PERFORM AN ACT, TASK, FUNCTION,  
20 OR PROCEDURE THAT IS OUTSIDE THE SCOPE OF HIS OR HER LICENSE.

21 SEC. 18238. (1) A PSYCHOLOGIST SHALL NOT REPRESENT HIMSELF  
22 OR HERSELF TO THE PUBLIC AS HOLDING A LICENSE TO ENGAGE IN THE  
23 PRACTICE OF ANOTHER HEALTH PROFESSION LICENSED UNDER THIS ARTICLE  
24 UNLESS HE OR SHE HOLDS A VALID LICENSE UNDER THIS ARTICLE TO  
25 ENGAGE IN THE PRACTICE OF THAT HEALTH PROFESSION.

1 (2) WHILE ENGAGING IN THE PRACTICE OF PSYCHOLOGY, A  
2 PSYCHOLOGIST SHALL NOT PERFORM AN ACT, TASK, FUNCTION, OR  
3 PROCEDURE THAT IS OUTSIDE THE SCOPE OF HIS OR HER LICENSE.

4 SEC. 18312. (1) A CERTIFIED OCCUPATIONAL THERAPIST SHALL  
5 NOT REPRESENT HIMSELF OR HERSELF TO THE PUBLIC AS HOLDING A  
6 LICENSE TO ENGAGE IN THE PRACTICE OF A HEALTH PROFESSION LICENSED  
7 UNDER THIS ARTICLE UNLESS HE OR SHE HOLDS A VALID LICENSE UNDER  
8 THIS ARTICLE TO ENGAGE IN THE PRACTICE OF THAT HEALTH  
9 PROFESSION.

10 (2) WHILE ENGAGING IN THE PRACTICE OF HIS OR HER HEALTH PRO-  
11 FESSION, A CERTIFIED OCCUPATIONAL THERAPIST SHALL NOT PERFORM AN  
12 ACT, TASK, FUNCTION, OR PROCEDURE THAT IS OUTSIDE THE SCOPE OF  
13 THE DEFINITION OF CERTIFIED OCCUPATIONAL THERAPIST.

14 SEC. 18423. (1) A SANITARIAN SHALL NOT REPRESENT HIMSELF OR  
15 HERSELF TO THE PUBLIC AS HOLDING A LICENSE TO ENGAGE IN THE PRAC-  
16 TICE OF A HEALTH PROFESSION LICENSED UNDER THIS ARTICLE UNLESS HE  
17 OR SHE HOLDS A VALID LICENSE UNDER THIS ARTICLE TO ENGAGE IN THE  
18 PRACTICE OF THAT HEALTH PROFESSION.

19 (2) WHILE ENGAGING IN THE PRACTICE OF HIS OR HER HEALTH PRO-  
20 FESSION, A SANITARIAN SHALL NOT PERFORM AN ACT, TASK, FUNCTION,  
21 OR PROCEDURE THAT IS OUTSIDE THE SCOPE OF THE DEFINITION OF  
22 SANITARIAN.

23 SEC. 18836. (1) A VETERINARIAN SHALL NOT REPRESENT HIMSELF  
24 OR HERSELF TO THE PUBLIC AS HOLDING A LICENSE TO ENGAGE IN THE  
25 PRACTICE OF ANOTHER HEALTH PROFESSION LICENSED UNDER THIS ARTICLE  
26 UNLESS HE OR SHE HOLDS A VALID LICENSE UNDER THIS ARTICLE TO  
27 ENGAGE IN THE PRACTICE OF THAT HEALTH PROFESSION.

1 (2) WHILE ENGAGING IN THE PRACTICE OF VETERINARY MEDICINE, A  
2 VETERINARIAN SHALL NOT PERFORM AN ACT, TASK, FUNCTION, OR PROCE-  
3 DURE THAT IS OUTSIDE THE SCOPE OF HIS OR HER LICENSE.

4 SEC. 20180. A PERSON EMPLOYED BY OR UNDER CONTRACT TO A  
5 HEALTH FACILITY OR AGENCY OR ANY OTHER PERSON ACTING IN GOOD  
6 FAITH WHO MAKES A REPORT INCLUDING, BUT NOT LIMITED TO, A REPORT  
7 OF A VIOLATION OF THIS ARTICLE OR A RULE PROMULGATED UNDER THIS  
8 ARTICLE; WHO ASSISTS IN ORIGINATING, INVESTIGATING, OR PREPARING  
9 A REPORT; OR WHO ASSISTS THE DEPARTMENT IN CARRYING OUT ITS  
10 DUTIES UNDER THIS ARTICLE IS IMMUNE FROM CIVIL OR CRIMINAL  
11 LIABILITY THAT MIGHT OTHERWISE BE INCURRED THEREBY AND IS PRO-  
12 TECTED UNDER THE WHISTLEBLOWERS' PROTECTION ACT, ACT NO. 469 OF  
13 THE PUBLIC ACTS OF 1980, BEING SECTIONS 15.361 TO 15.369 OF THE  
14 MICHIGAN COMPILED LAWS. A PERSON DESCRIBED IN THIS SECTION WHO  
15 MAKES OR ASSISTS IN MAKING A REPORT, OR WHO ASSISTS THE DEPART-  
16 MENT AS DESCRIBED IN THIS SECTION, IS PRESUMED TO HAVE ACTED IN  
17 GOOD FAITH. THE IMMUNITY FROM CIVIL OR CRIMINAL LIABILITY  
18 GRANTED UNDER THIS SECTION EXTENDS ONLY TO ACTS DONE PURSUANT TO  
19 THIS ARTICLE. THE IDENTITY OF A PERSON MAKING A REPORT AS  
20 DESCRIBED IN THIS SECTION IS CONFIDENTIAL AND SHALL NOT BE DIS-  
21 CLOSED BY THE DEPARTMENT WITHOUT THE WRITTEN CONSENT OF THAT  
22 PERSON.