

SUBSTITUTE FOR

HOUSE BILL NO. 5134

(As amended February 10, 2004)
(As amended, May 19, 2004)

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 16276.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16276. (1) A licensee, registrant, or other individual
2 shall not perform any procedure using a laser for dermatological
3 purposes unless the procedure is performed under the supervision
4 of a licensed physician.

 [(2) A licensee, registrant, or other individual shall not perform
any procedure using a laser for dermatological purposes unless the
patient has knowledge and consents to the procedure being performed by
that licensee, registrant, or individual.

5 [(3)] Subsection (1) does not apply to <<any of the following:

 (a) A licensed physician.

 (b) A licensed physician's assistant who performs such a procedure
in a health care facility.

 (c) A certified nurse practitioner who performs such a procedure in
a health care facility.>>

6 [(4)] The department may promulgate rules to further prohibit
7 or otherwise restrict the use of lasers for dermatological
8 purposes.

9 [(5)] As used in this section:

10 (a) "Dermatological" means of or relating to the practice of
11 dermatology.

House Bill No. 5134 (H-2) as amended February 10, 2004

1 (b) "Practice of dermatology" means the diagnosis and
2 treatment of medically necessary and cosmetic conditions of the
3 skin, hair, and nails by various surgical, reconstructive,
4 cosmetic, and nonsurgical methods.

[(c) "Supervision" means the overseeing of or participation in the work of another individual by a health professional licensed under this article in circumstances where at least all of the following conditions exist:

(i) The continuous availability of direct communication in person or by radio, telephone, or telecommunication between the supervised individual and a licensed health professional.

(ii) The availability of a licensed health professional on a regularly scheduled basis to review the practice of the supervised individual, to provide consultation to the supervised individual, to review records, and to further educate the supervised individual in the performance of the individual's functions.

(iii) The provision by the licensed supervising health professional of predetermined procedures and drug protocol.]