

SENATE BILL No. 212

March 17, 2015, Introduced by Senators EMMONS, BIEDA, BRANDENBURG, PROOS, MARLEAU and SHIRKEY and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 17001 and 17021 (MCL 333.17001 and
333.17021), section 17001 as amended by 2006 PA 161 and section
17021 as amended by 1993 PA 79, and by adding sections 16326,
17091, 17092, 17093, 17094, 17095, and 17096.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 16326. FEES FOR AN INDIVIDUAL LICENSED OR SEEKING
2 LICENSURE TO ENGAGE IN THE PRACTICE OF GENETIC COUNSELING UNDER
3 PART 170 ARE AS FOLLOWS:

4 (A) APPLICATION PROCESSING FEE.....	\$ 55.00
5 (B) LICENSE FEE, PER YEAR.....	95.00
6 (C) TEMPORARY LICENSE FEE, PER YEAR.....	50.00

7 Sec. 17001. (1) As used in this part:

(a) "Academic institution" means either of the following:

(i) A medical school approved by the board.

(ii) A hospital licensed under article 17 that meets all of the following requirements:

(A) Was the sole sponsor or a co-sponsor, if each other co-sponsor is either a medical school approved by the board or a hospital owned by the federal government and directly operated by the United States ~~department of veterans' affairs,~~ **DEPARTMENT OF VETERANS AFFAIRS**, of not less than 4 postgraduate education residency programs approved by the board under section 17031(1) for not less than the 3 years immediately preceding the date of an application for a limited license under section 16182(2)(c) or an application for a full license under section 17031(2),

~~provided that~~ **IF** at least 1 of the residency programs is in the specialty area of medical practice, or in a specialty area that includes the subspecialty of medical practice, in which the applicant for a limited license proposes to practice or in which the applicant for a full license has practiced for the hospital.

(B) Has spent not less than \$2,000,000.00 for medical education during each of the 3 years immediately preceding the date of an application for a limited license under section 16182(2)(c) or an application for a full license under section 17031(2). As used in this ~~subparagraph,~~ **SUB-SUBPARAGRAPH**, "medical education" means the education of physicians and candidates for degrees or licenses to become physicians, including, but not limited to, physician staff, residents, interns, and medical students.

(b) "Electrodiagnostic studies" means the testing of neuromuscular functions utilizing nerve conduction tests and needle electromyography. It does not include the use of surface electromyography.

(C) "GENETIC COUNSELOR" MEANS AN INDIVIDUAL WHO IS LICENSED UNDER THIS PART TO ENGAGE IN THE PRACTICE OF GENETIC COUNSELING.

(D) ~~(e)~~ "Medical care services" means those services within the scope of practice of physicians licensed by the board, except those services that the board determines shall not be delegated by a physician ~~without endangering~~ **BECAUSE A DELEGATION WOULD ENDANGER** the health and safety of patients, as provided for in section 17048(3).

(E) ~~(d)~~ "Physician" means an individual **WHO IS** licensed under this article to engage in the practice of medicine.

(F) ~~(e)~~ "Podiatrist" means an individual **WHO IS** licensed under this article to engage in the practice of podiatric medicine and surgery.

(G) "PRACTICE OF GENETIC COUNSELING" MEANS PROVISION OF ANY OF THE FOLLOWING SERVICES:

(i) OBTAINING AND EVALUATING INDIVIDUAL, FAMILY, AND MEDICAL HISTORIES TO DETERMINE THE GENETIC RISK FOR GENETIC OR MEDICAL CONDITIONS OR DISEASES IN A CLIENT, THE CLIENT'S DESCENDANTS, OR OTHER FAMILY MEMBERS OF THE CLIENT.

(ii) DISCUSSING WITH A CLIENT THE FEATURES, NATURAL HISTORY, MEANS OF DIAGNOSIS, GENETIC AND ENVIRONMENTAL FACTORS, AND MANAGEMENT OF THE GENETIC RISKS OF GENETIC OR MEDICAL CONDITIONS OR DISEASES.

(iii) IDENTIFYING AND COORDINATING APPROPRIATE GENETIC LABORATORY TESTS AND OTHER DIAGNOSTIC STUDIES FOR GENETIC ASSESSMENT OF A CLIENT.

(iv) INTEGRATING GENETIC LABORATORY TEST RESULTS AND OTHER DIAGNOSTIC STUDIES WITH PERSONAL AND FAMILY MEDICAL HISTORY TO ASSESS AND COMMUNICATE A CLIENT'S RISK FACTORS FOR GENETIC OR MEDICAL CONDITIONS OR DISEASES.

(v) EXPLAINING TO A CLIENT THE CLINICAL IMPLICATIONS OF GENETIC LABORATORY TESTS AND OTHER DIAGNOSTIC STUDIES AND THEIR RESULTS.

(vi) EVALUATING THE RESPONSES OF A CLIENT AND THE CLIENT'S FAMILY TO A GENETIC OR MEDICAL CONDITION OR DISEASE OR TO THE RISK OF RECURRENCE OF THAT CONDITION OR DISEASE AND PROVIDING CLIENT-CENTERED COUNSELING AND ANTICIPATORY GUIDANCE.

(vii) IDENTIFYING AND UTILIZING COMMUNITY RESOURCES THAT PROVIDE MEDICAL, EDUCATIONAL, FINANCIAL, AND PSYCHOSOCIAL SUPPORT AND ADVOCACY TO A CLIENT.

(viii) PROVIDING WRITTEN DOCUMENTATION OF MEDICAL, GENETIC, AND COUNSELING INFORMATION FOR FAMILIES OF AND HEALTH CARE PROFESSIONALS OF A CLIENT.

(H) ~~(f)~~—"Practice of medicine" means the diagnosis, treatment, prevention, cure, or relieving of a human disease, ailment, defect, complaint, or other physical or mental condition, by attendance, advice, device, diagnostic test, or other means, or offering, undertaking, attempting to do, or holding oneself out as able to do, any of these acts.

(I) ~~(g)~~—"Practice as a physician's assistant" means the

practice of medicine, **PRACTICE OF** osteopathic medicine and surgery, or **PRACTICE OF** podiatric medicine and surgery performed under the supervision of a physician, ~~or a podiatrist, or an~~ **OSTEOPATHIC PHYSICIAN** licensed under this article.

(J) **"QUALIFIED SUPERVISOR" MEANS AN INDIVIDUAL WHO IS A GENETIC COUNSELOR AND WHO HOLDS A LICENSE UNDER THIS PART OTHER THAN A TEMPORARY OR LIMITED LICENSE.**

(K) ~~(h)~~—"Supervision" means that term as defined in section 16109, except that it also includes the existence of a predetermined plan for emergency situations, including, but not limited to, the designation of a physician to supervise a physician's assistant in the absence of the primary supervising physician.

(I) ~~(i)~~—"Task force" means the joint task force created in section 17025.

(M) **"TEMPORARY LICENSED GENETIC COUNSELOR" MEANS A GENETIC COUNSELOR WHO HAS BEEN ISSUED A TEMPORARY LICENSE UNDER THIS ARTICLE.**

(2) In addition to the definitions in this part, article 1 contains definitions and principles of construction applicable to all articles in this code and part 161 contains definitions applicable to this part.

Sec. 17021. (1) The Michigan board of medicine is created in the department and ~~shall consist~~ **CONSISTS** of the following 19 voting members who ~~shall meet~~ the requirements of part 161: ~~10~~

(A) **TEN** physicians. ~~7-1~~

(B) **ONE** physician's assistant. ~~7-and 8~~

(C) ONE GENETIC COUNSELOR. HOWEVER, THE GOVERNOR SHALL NOT APPOINT A GENETIC COUNSELOR MEMBER TO THE BOARD UNTIL THERE ARE ONLY 7 PUBLIC MEMBERS OF THE BOARD UNDER SUBDIVISION (D).

(D) SEVEN public members. HOWEVER, IF THERE ARE 8 PUBLIC MEMBERS OF THE BOARD ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SENTENCE, EACH PUBLIC MEMBER OF THE BOARD MAY CONTINUE IN OFFICE UNTIL HE OR SHE RESIGNS OR OTHERWISE VACATES THE OFFICE OR UNTIL THE EXPIRATION OF HIS OR HER TERM.

~~(2) The requirement of section 16135(d) that a board member shall have practiced that profession for 2 years immediately before appointment is waived until September 30, 1980 for members of the board licensed in a health profession subfield created by this part.~~

(2) ~~(3)~~ The board of medicine shall ~~shall~~ DOES not have the powers and duties vested in the task force by sections 17060 to 17084.

SEC. 17091. (1) THE DEPARTMENT, IN CONSULTATION WITH THE BOARD, SHALL PROMULGATE RULES THAT SPECIFY THE MINIMUM STANDARDS FOR LICENSURE, TEMPORARY LICENSURE, AND LICENSE RENEWAL OF GENETIC COUNSELORS.

(2) IN ADDITION TO ANY OTHER REQUIREMENTS OF THIS ARTICLE, THE BOARD SHALL PERFORM OTHER FUNCTIONS AND DUTIES AS NECESSARY TO CARRY OUT THE REGULATION OF GENETIC COUNSELORS UNDER THIS PART.

SEC. 17092. TO BE LICENSED AS A GENETIC COUNSELOR UNDER THIS PART, AN INDIVIDUAL SHALL DO ALL OF THE FOLLOWING:

(A) SUBMIT AN APPLICATION PRESCRIBED BY THE BOARD.

(B) PAY THE FEE PRESCRIBED IN SECTION 16326.

1 (C) PROVIDE SATISFACTORY EVIDENCE OF HAVING CURRENT
2 CERTIFICATION THROUGH A NATIONALLY RECOGNIZED CERTIFYING AGENCY
3 FOR GENETIC COUNSELORS OR MEDICAL GENETICISTS APPROVED BY THE
4 BOARD.

5 SEC. 17093. BEGINNING 1 YEAR AFTER THE EFFECTIVE DATE OF THE
6 RULES PROMULGATED UNDER SECTION 17091, AN INDIVIDUAL SHALL NOT
7 ENGAGE IN THE PRACTICE OF GENETIC COUNSELING UNLESS HE OR SHE IS
8 LICENSED AS A GENETIC COUNSELOR UNDER THIS PART.

9 SEC. 17094. A TEMPORARY LICENSED GENETIC COUNSELOR SHALL
10 WORK UNDER THE SUPERVISION OF A QUALIFIED SUPERVISOR AT ALL TIMES
11 DURING WHICH THE TEMPORARY LICENSED GENETIC COUNSELOR ENGAGES IN
12 THE PRACTICE OF GENETIC COUNSELING.

13 SEC. 17095. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
14 (2), AN INDIVIDUAL WHO IS NOT LICENSED AS A GENETIC COUNSELOR
15 UNDER THIS PART SHALL NOT USE IN CONNECTION WITH HIS OR HER NAME
16 OR PLACE OF BUSINESS, THE TITLE "GENETIC COUNSELOR", "LICENSED
17 GENETIC COUNSELOR", "GENE COUNSELOR", "GENETIC CONSULTANT",
18 "GENETIC ASSOCIATE" OR ANY WORDS, LETTERS, ABBREVIATIONS, OR
19 INSIGNIA INDICATING OR IMPLYING THAT AN INDIVIDUAL HOLDS A
20 LICENSE TO ENGAGE IN THE PRACTICE OF GENETIC COUNSELING UNDER
21 THIS PART.

22 (2) SECTIONS 17091 TO 17096 DO NOT APPLY TO AN INDIVIDUAL
23 LICENSED BY THIS STATE TO ENGAGE IN THE PRACTICE OF A HEALTH
24 PROFESSION OTHER THAN THE PRACTICE OF GENETIC COUNSELING WHEN
25 ACTING WITHIN THE SCOPE OF THE INDIVIDUAL'S HEALTH PROFESSION AND
26 DOING WORK OF A NATURE CONSISTENT WITH THE PERSON'S EDUCATION AND
27 TRAINING.

1 SEC. 17096. TO OBTAIN A LICENSE RENEWAL AS A GENETIC
2 COUNSELOR UNDER THIS PART, A LICENSEE SHALL PRESENT SATISFACTORY
3 EVIDENCE TO THE BOARD THAT IN THE PERIOD SINCE THE LICENSE WAS
4 ISSUED OR LAST RENEWED THE LICENSEE HAS MAINTAINED CERTIFICATION
5 THROUGH A NATIONALLY RECOGNIZED CERTIFYING AGENCY FOR GENETIC
6 COUNSELORS OR MEDICAL GENETICISTS APPROVED BY THE BOARD.