

HOUSE BILL No. 6037

May 17, 2018, Introduced by Rep. Frederick and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 21903, 21905, 21907, 21909, 21911, 21913,
21915, 21919, 21921, and 21923 (MCL 333.21903, 333.21905,
333.21907, 333.21909, 333.21911, 333.21913, 333.21915, 333.21919,
333.21921, and 333.21923), as added by 2017 PA 172.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 21903. (1) "Certificate of permit" means a document
2 issued by the department as evidence of a permit.

3 (2) "Certificate of registration" means a document issued by
4 the department as evidence of registration.

5 (3) "Fund" means the nurse aide ~~registry~~ **AND MEDICATION AIDE**
6 **REGISTRATION** fund created in section 21921.

7 (4) **"MEDICATION AIDE" MEANS A NURSE AIDE WHO HOLDS A**

1 REGISTRATION TO ENGAGE IN PRACTICE AS A MEDICATION AIDE. A
2 MEDICATION AIDE IS NOT A HEALTH PROFESSIONAL LICENSED UNDER ARTICLE
3 15, A REGISTERED DIETITIAN, OR SOMEONE WHO VOLUNTEERS TO PROVIDE
4 NURSING OR NURSING-RELATED SERVICES WITHOUT PAY.

5 (5) "MEDICATION AIDE TRAINER" MEANS AN INDIVIDUAL WHO HOLDS A
6 PERMIT TO PROVIDE TRAINING TO A MEDICATION AIDE CANDIDATE WHO IS
7 ENROLLED IN A MEDICATION AIDE TRAINING PROGRAM.

8 (6) "MEDICATION AIDE TRAINING PROGRAM" MEANS AN INSTRUCTIONAL
9 PROGRAM THAT PREPARES A NURSE AIDE WITH THE KNOWLEDGE AND ABILITY
10 TO ENGAGE IN PRACTICE AS A MEDICATION AIDE AND THAT IS OFFERED BY A
11 PERSON WHO HOLDS A PERMIT.

12 (7) ~~(4)~~—"Nurse aide" means an individual who holds a
13 registration **TO ENGAGE IN PRACTICE AS A NURSE AIDE**. A nurse aide is
14 not a health professional licensed under article 15, a registered
15 dietitian, or someone who volunteers to provide nursing or nursing-
16 related services without pay.

17 (8) ~~(5)~~—"Nurse aide trainer" means an individual who holds a
18 permit to provide training to a nurse aide candidate who is
19 enrolled in a nurse aide training program.

20 (9) ~~(6)~~—"Nurse aide training program" means an instructional
21 program that prepares a nurse aide candidate with the knowledge and
22 ability to **ENGAGE IN** practice as a nurse aide and that is offered
23 by a person that holds a permit.

24 Sec. 21905. (1) "Permit" means an authorization granted by the
25 department under this part to conduct training or instruction of
26 nurse aide **CANDIDATES OR MEDICATION AIDE** candidates under the
27 ~~program~~. **PROGRAMS DESCRIBED IN SECTION 21907.**

1 (2) "PRACTICE AS A MEDICATION AIDE" MEANS ADMINISTERING
 2 REGULARLY SCHEDULED MEDICATIONS TO RESIDENTS OF A NURSING HOME OR
 3 SKILLED NURSING FACILITY WHILE UNDER THE SUPERVISION OF A
 4 REGISTERED PROFESSIONAL NURSE OR LICENSED PRACTICAL NURSE LICENSED
 5 UNDER ARTICLE 15. PRACTICE AS A MEDICATION AIDE DOES NOT INCLUDE
 6 ADMINISTERING CONTROLLED SUBSTANCES OR MEDICATIONS IN INJECTABLE
 7 FORMS OR THE INITIAL ADMINISTRATION OF MEDICATIONS.

8 (3) ~~(2)~~—"Practice as a nurse aide" means providing nursing or
 9 nursing-related services to a patient or resident. Practice as a
 10 nurse aide is not the practice of nursing as that term is defined
 11 in section 17201.

12 ~~—— (3) "Program" means the nurse aide training and registration~~
 13 ~~program described in section 21907.~~

14 (4) "Registration" means an authorization granted by the
 15 department under this part granting permission to an individual to
 16 **ENGAGE IN** practice as a nurse aide under the program **DESCRIBED IN**
 17 **SECTION 21907(A) OR ENGAGE IN PRACTICE AS A MEDICATION AIDE UNDER**
 18 **THE PROGRAM DESCRIBED IN SECTION 21907(B) .**

19 Sec. 21907. The department shall ~~administer~~ **DO BOTH OF THE**
 20 **FOLLOWING:**

21 **(A) ADMINISTER** a nurse aide training and ~~registration~~ **PERMIT**
 22 program in this state in conformance with this part, 42 USC 1396r,
 23 and 42 CFR parts 483 and 488.

24 **(B) ADMINISTER A MEDICATION AIDE TRAINING AND PERMIT PROGRAM**
 25 **AS ESTABLISHED IN RULES PROMULGATED BY THE DEPARTMENT UNDER THIS**
 26 **PART.**

27 Sec. 21909. **(1)** An individual shall not ~~engage~~ **DO ANY OF THE**

1 FOLLOWING:

2 (A) ENGAGE in practice as a nurse aide unless the individual
3 holds a registration TO ENGAGE IN PRACTICE AS A NURSE AIDE or is in
4 compliance with 42 CFR 483.35.

5 (B) ENGAGE IN PRACTICE AS A MEDICATION AIDE UNLESS THE
6 INDIVIDUAL HOLDS A REGISTRATION TO ENGAGE IN PRACTICE AS A
7 MEDICATION AIDE.

8 (2) A person shall not ~~offer~~ DO ANY OF THE FOLLOWING:

9 (A) OFFER a nurse aide training program or provide training or
10 instruction to a nurse aide candidate unless the individual holds a
11 permit TO OFFER THAT TRAINING PROGRAM OR PROVIDE THAT TRAINING OR
12 INSTRUCTION.

13 (B) OFFER A MEDICATION AIDE TRAINING PROGRAM OR PROVIDE
14 TRAINING OR INSTRUCTION TO A MEDICATION AIDE CANDIDATE UNLESS THE
15 INDIVIDUAL HOLDS A PERMIT TO OFFER THAT TRAINING PROGRAM OR PROVIDE
16 THAT TRAINING OR INSTRUCTION.

17 Sec. 21911. (1) The department may grant A registration TO
18 ENGAGE IN PRACTICE as a nurse aide to an applicant who meets all of
19 the following requirements:

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

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

23 (c) Demonstrates to the department that he or she has
24 successfully completed a nurse aide training program and a
25 competency examination approved by the department.

26 (d) Meets the requirements for registration in rules
27 promulgated under section 21923.

1 (2) THE DEPARTMENT MAY GRANT A REGISTRATION TO ENGAGE IN
2 PRACTICE AS A MEDICATION AIDE TO AN APPLICANT WHO MEETS ALL OF THE
3 FOLLOWING 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) DEMONSTRATES TO THE DEPARTMENT THAT HE OR SHE HOLDS A
8 CURRENT REGISTRATION TO ENGAGE IN PRACTICE AS A NURSE AIDE IN A
9 NURSING HOME OR SKILLED NURSING FACILITY AND THAT HE OR SHE HAS
10 WORKED AS A NURSE AIDE FOR AT LEAST 6 MONTHS DURING THE 2-YEAR
11 PERIOD IMMEDIATELY PRECEDING THE DATE OF HIS OR HER APPLICATION.

12 (D) DEMONSTRATES TO THE DEPARTMENT THAT HE OR SHE HAS
13 SUCCESSFULLY COMPLETED A MEDICATION AIDE TRAINING PROGRAM AND A
14 COMPETENCY EXAMINATION APPROVED BY THE DEPARTMENT.

15 (E) MEETS THE REQUIREMENTS FOR REGISTRATION IN RULES
16 PROMULGATED UNDER SECTION 21923.

17 (3) ~~(2)~~—The department may grant a permit as a nurse aide
18 trainer to an applicant who meets all of the following
19 requirements:

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

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

23 (c) Is a registered professional nurse licensed under article
24 15 who meets the requirements of 42 CFR 483.152(a)(5)(i) and (ii),
25 or who meets the requirements for a permit in rules promulgated
26 under section 21923.

27 (4) THE DEPARTMENT MAY GRANT A PERMIT AS A MEDICATION AIDE

1 **TRAINER TO AN APPLICANT WHO 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 SECTION 21919.**

6 (C) **IS A REGISTERED PROFESSIONAL NURSE LICENSED UNDER ARTICLE**
7 **15 WHO MEETS THE REQUIREMENTS FOR A PERMIT IN RULES PROMULGATED**
8 **UNDER SECTION 21923.**

9 (5) ~~(3)~~—The department may grant a permit as a nurse aide
10 **TRAINING PROGRAM OR MEDICATION AIDE** training program to an
11 applicant that meets all of the following requirements:

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

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

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

17 (d) Demonstrates to the department that the applicant's
18 curriculum is consistent with other nurse aide **TRAINING PROGRAMS OR**
19 **MEDICATION AIDE** training programs, as provided by rules promulgated
20 by the department under this part.

21 (6) ~~(4)~~—A registration or permit is not transferable. A
22 certificate of registration or certificate of permit must state the
23 persons to which it applies.

24 Sec. 21913. The department may grant registration to an
25 applicant who is from another state if the applicant meets either
26 of the following requirements:

27 (a) The applicant passes a training program that the

1 department determines is equivalent to or exceeds a nurse aide
2 **TRAINING PROGRAM OR MEDICATION AIDE** training program offered in
3 this state and the applicant passes a competency examination
4 approved by the department.

5 (b) The applicant's status as a nurse aide **OR MEDICATION AIDE**
6 in the other state is in good standing, as verified by that state's
7 nurse aide **REGISTRY OR MEDICATION AIDE** registry, and the department
8 determines that the other state's training program is equivalent to
9 or exceeds a nurse aide **TRAINING PROGRAM OR MEDICATION AIDE**
10 training program offered in this state.

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

13 (2) If a nurse aide **OR MEDICATION AIDE** does not renew his or
14 her registration, ~~the nurse aide~~ **HE OR SHE** shall not **ENGAGE IN**
15 practice as a nurse aide **OR PRACTICE AS A MEDICATION AIDE** until his
16 or her registration is renewed by the department. If a nurse aide
17 **TRAINER OR MEDICATION AIDE** trainer does not renew his or her
18 permit, ~~the nurse trainer~~ **HE OR SHE** shall not provide training to a
19 nurse aide **CANDIDATE OR MEDICATION AIDE** candidate until his or her
20 permit is renewed by the department. If a person does not renew its
21 permit as a nurse aide training program, the nurse aide **TRAINING**
22 **PROGRAM OR MEDICATION AIDE** training program shall not provide
23 instruction to a nurse aide **CANDIDATE OR MEDICATION AIDE** candidate
24 until the permit is renewed by the department.

25 (3) A registration or permit is renewable if the applicant
26 pays the fee prescribed in section 21919, submits an application
27 for renewal to the department on a form and in a manner prescribed

1 by the department, and demonstrates to the department that the
 2 applicant has met the requirements for renewal in rules promulgated
 3 under section 21923.

4 Sec. 21919. (1) An applicant for registration or a permit, or
 5 renewal of a registration or a permit, shall pay the following
 6 biennial fees:

7	(a) Nurse aide	\$20.00
8	(B) MEDICATION AIDE	\$20.00
9	(C) (b)Nurse aide TRAINER OR	
10	MEDICATION AIDE trainer	\$40.00
11	(D) (c)Except as otherwise	
12	provided in subdivision (d) , (E) , nurse	
13	aide TRAINING PROGRAM OR MEDICATION AIDE	
14	training program	\$300.00, per site
15	(E) (d)Nurse aide TRAINING PROGRAM OR	
16	MEDICATION AIDE training program offered	
17	by a secondary education institution or	
18	a skilled nursing facility	\$100.00, per site

19 (2) In addition to the fees prescribed in subsection (1), an
 20 applicant for registration shall pay a nurse aide **OR MEDICATION**
 21 **AIDE** competency examination fee of \$125.00, per examination.

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

1 to the department.

2 Sec. 21921. (1) The nurse aide **AND MEDICATION AIDE**
3 registration fund is created within the state treasury.

4 (2) The state treasurer shall credit the fees collected under
5 section 21919 to the fund and may receive money or other assets
6 from any source for deposit into the fund. The state treasurer
7 shall direct the investment of the fund. The state treasurer shall
8 credit to the fund interest and earnings from fund investments.

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

11 (4) The department is the administrator of the fund for
12 auditing purposes.

13 (5) The department shall expend money from the fund, upon
14 appropriation, only to implement the ~~program~~. **PROGRAMS DESCRIBED IN**
15 **SECTION 21907.**

16 Sec. 21923. (1) The department may promulgate and enforce
17 rules to implement this part. The rules may include, but not be
18 limited to, rules establishing ~~requirements~~. **THE FOLLOWING:**

19 **(A) REQUIREMENTS** for surveying a nurse aide training program ~~7~~
20 ~~investigating~~ **OR MEDICATION AIDE TRAINING PROGRAM.**

21 **(B) REQUIREMENTS FOR INVESTIGATING** allegations against a nurse
22 aide **OR MEDICATION AIDE** in a ~~health facility or agency~~ **NURSING**
23 **HOME, A SKILLED NURSING FACILITY,** or another setting where a nurse
24 aide engages in the practice as a nurse aide ~~7, investigating~~ **OR**
25 **MEDICATION AID ENGAGES IN THE PRACTICE OF A MEDICATION AIDE.**

26 **(C) REQUIREMENTS FOR INVESTIGATING** allegations **AND TAKING**
27 **ACTION** against a nurse aide trainer, ~~or~~ nurse aide training

1 program, and enforcing this part. The rules may also establish
2 eligibility ~~MEDICATION AIDE TRAINER, OR MEDICATION AIDE TRAINING~~
3 **PROGRAM.**

4 (D) **REQUIREMENTS FOR ENFORCING THIS PART.**

5 (E) **ELIGIBILITY** requirements to renew a registration or permit
6 under this part. ~~competency~~

7 (F) **COMPETENCY** requirements. ~~and examination~~

8 (G) **EXAMINATION** requirements for registration.

9 (H) **REQUIREMENTS FOR RENEWAL.**

10 (2) Rules promulgated under this part that are applicable to
11 ~~health facilities or agencies~~ **NURSING HOMES OR SKILLED NURSING**
12 **FACILITIES** must be uniform insofar as is reasonable.

13 Enacting section 1. This amendatory act takes effect 90 days
14 after the date it is enacted into law.