

SENATE BILL No. 286

March 29, 2017, Introduced by Senators HOPGOOD and GREGORY and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding part 219.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 219

NURSE AIDE TRAINING AND REGISTRATION PROGRAM

SEC. 21901. (1) FOR PURPOSES OF THIS PART, THE WORDS AND PHRASES DEFINED IN SECTIONS 21903 TO 21905 HAVE THE MEANINGS ASCRIBED TO THEM IN THOSE SECTIONS.

(2) IN ADDITION, ARTICLE 1 CONTAINS GENERAL DEFINITIONS AND PRINCIPLES OF CONSTRUCTION APPLICABLE TO ALL ARTICLES IN THIS CODE, AND PART 201 CONTAINS DEFINITIONS APPLICABLE TO THIS PART.

SEC. 21903. (1) "CERTIFICATE OF PERMIT" MEANS A DOCUMENT ISSUED BY THE DEPARTMENT AS EVIDENCE OF A PERMIT.

(2) "CERTIFICATE OF REGISTRATION" MEANS A DOCUMENT ISSUED BY

1 THE DEPARTMENT AS EVIDENCE OF REGISTRATION.

2 (3) "FUND" MEANS THE NURSE AIDE REGISTRY FUND CREATED IN
3 SECTION 21921.

4 (4) "NURSE AIDE" MEANS AN INDIVIDUAL WHO HOLDS A REGISTRATION.
5 A NURSE AIDE IS NOT A HEALTH PROFESSIONAL LICENSED UNDER ARTICLE
6 15, A REGISTERED DIETITIAN, OR SOMEONE WHO VOLUNTEERS TO PROVIDE
7 NURSING OR NURSING-RELATED SERVICES WITHOUT PAY.

8 (5) "NURSE AIDE TRAINER" MEANS AN INDIVIDUAL WHO HOLDS A
9 PERMIT TO PROVIDE TRAINING TO A NURSE AIDE CANDIDATE WHO IS
10 ENROLLED IN A NURSE AIDE TRAINING PROGRAM.

11 (6) "NURSE AIDE TRAINING PROGRAM" MEANS AN INSTRUCTIONAL
12 PROGRAM THAT PREPARES A NURSE AIDE CANDIDATE WITH THE KNOWLEDGE AND
13 ABILITY TO PRACTICE AS A NURSE AIDE AND THAT IS OFFERED BY A PERSON
14 THAT HOLDS A PERMIT.

15 SEC. 21905. (1) "PERMIT" MEANS AN AUTHORIZATION GRANTED BY THE
16 DEPARTMENT UNDER THIS PART TO CONDUCT TRAINING OR INSTRUCTION OF
17 NURSE AIDE CANDIDATES UNDER THE PROGRAM.

18 (2) "PRACTICE AS A NURSE AIDE" MEANS PROVIDING NURSING OR
19 NURSING-RELATED SERVICES TO A PATIENT OR RESIDENT. PRACTICE AS A
20 NURSE AIDE IS NOT THE PRACTICE OF NURSING AS THAT TERM IS DEFINED
21 IN SECTION 17201.

22 (3) "PROGRAM" MEANS THE NURSE AIDE TRAINING AND REGISTRATION
23 PROGRAM DESCRIBED IN SECTION 21907.

24 (4) "REGISTRATION" MEANS AN AUTHORIZATION GRANTED BY THE
25 DEPARTMENT UNDER THIS PART GRANTING PERMISSION TO AN INDIVIDUAL TO
26 PRACTICE AS A NURSE AIDE UNDER THE PROGRAM.

27 SEC. 21907. THE DEPARTMENT SHALL ADMINISTER A NURSE AIDE

1 TRAINING AND REGISTRATION PROGRAM IN THIS STATE IN CONFORMANCE WITH
2 THIS PART, 42 USC 1396R, AND 42 CFR PARTS 483 AND 488.

3 SEC. 21909. AN INDIVIDUAL SHALL NOT ENGAGE IN PRACTICE AS A
4 NURSE AIDE UNLESS THE INDIVIDUAL HOLDS A REGISTRATION OR IS IN
5 COMPLIANCE WITH 42 CFR 483.35. A PERSON SHALL NOT OFFER A NURSE
6 AIDE TRAINING PROGRAM OR PROVIDE TRAINING OR INSTRUCTION TO A NURSE
7 AIDE CANDIDATE UNLESS THE INDIVIDUAL HOLDS A PERMIT.

8 SEC. 21911. (1) THE DEPARTMENT MAY GRANT REGISTRATION AS A
9 NURSE AIDE TO AN APPLICANT WHO MEETS ALL OF THE FOLLOWING
10 REQUIREMENTS:

11 (A) SUBMITS AN APPLICATION ON A FORM AND IN A MANNER
12 PRESCRIBED BY THE DEPARTMENT.

13 (B) PAYS THE FEE PRESCRIBED IN SECTION 21919.

14 (C) DEMONSTRATES TO THE DEPARTMENT THAT HE OR SHE HAS
15 SUCCESSFULLY COMPLETED A NURSE AIDE TRAINING PROGRAM AND A
16 COMPETENCY EXAMINATION APPROVED BY THE DEPARTMENT.

17 (D) MEETS THE REQUIREMENTS FOR REGISTRATION IN RULES
18 PROMULGATED UNDER SECTION 21923.

19 (2) THE DEPARTMENT MAY GRANT A PERMIT AS A NURSE AIDE TRAINER
20 TO AN APPLICANT WHO MEETS ALL OF THE FOLLOWING REQUIREMENTS:

21 (A) SUBMITS AN APPLICATION ON A FORM AND IN A MANNER
22 PRESCRIBED BY THE DEPARTMENT.

23 (B) PAYS THE FEE PRESCRIBED IN SECTION 21919.

24 (C) IS A REGISTERED PROFESSIONAL NURSE LICENSED UNDER ARTICLE
25 15 WHO MEETS THE REQUIREMENTS OF 42 CFR 483.152(A)(5), (I), AND
26 (II), OR WHO MEETS THE REQUIREMENTS FOR A PERMIT IN RULES
27 PROMULGATED UNDER SECTION 21923.

1 (3) THE DEPARTMENT MAY GRANT A PERMIT AS A NURSE AIDE TRAINING
2 PROGRAM TO AN APPLICANT THAT 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) MEETS THE REQUIREMENTS FOR A PERMIT IN RULES PROMULGATED
8 UNDER SECTION 21923.

9 (D) DEMONSTRATES TO THE DEPARTMENT THAT THE APPLICANT'S
10 CURRICULUM IS CONSISTENT WITH OTHER NURSE AIDE TRAINING PROGRAMS AS
11 PROVIDED BY RULES PROMULGATED BY THE DEPARTMENT UNDER THIS PART.

12 (4) A REGISTRATION OR PERMIT IS NOT TRANSFERABLE. A
13 CERTIFICATE OF REGISTRATION OR CERTIFICATE OF PERMIT MUST STATE THE
14 PERSONS TO WHICH IT APPLIES.

15 SEC. 21913. THE DEPARTMENT MAY GRANT REGISTRATION TO AN
16 APPLICANT WHO IS FROM ANOTHER STATE IF THE APPLICANT MEETS EITHER
17 OF THE 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

1 LONGER THAN 2 YEARS AFTER THE DATE IT WAS GRANTED.

2 (2) IF A NURSE AIDE DOES NOT RENEW HIS OR HER REGISTRATION,
3 THE NURSE AIDE SHALL NOT PRACTICE AS A NURSE AIDE UNTIL HIS OR HER
4 REGISTRATION IS RENEWED BY THE DEPARTMENT. IF A NURSE AIDE TRAINER
5 DOES NOT RENEW HIS OR HER PERMIT, THE NURSE TRAINER SHALL NOT
6 PROVIDE TRAINING TO A NURSE AIDE CANDIDATE UNTIL HIS OR HER PERMIT
7 IS RENEWED BY THE DEPARTMENT. IF A PERSON DOES NOT RENEW ITS PERMIT
8 AS A NURSE AIDE TRAINING PROGRAM, THE NURSE AIDE TRAINING PROGRAM
9 SHALL NOT PROVIDE INSTRUCTION TO A NURSE AIDE CANDIDATE UNTIL THE
10 PERMIT IS RENEWED BY THE DEPARTMENT.

11 (3) A REGISTRATION OR PERMIT IS RENEWABLE IF THE APPLICANT
12 PAYS THE FEE PRESCRIBED IN SECTION 21919, SUBMITS AN APPLICATION
13 FOR RENEWAL TO THE DEPARTMENT ON A FORM AND IN A MANNER PRESCRIBED
14 BY THE DEPARTMENT, AND DEMONSTRATES TO THE DEPARTMENT THAT THE
15 APPLICANT HAS MET THE REQUIREMENTS FOR RENEWAL IN RULES PROMULGATED
16 UNDER SECTION 21923.

17 SEC. 21917. THE REGISTRATION OF AN INDIVIDUAL WHILE IN ACTIVE
18 SERVICE IN THE MILITARY SERVICE OF THE UNITED STATES, AN AUXILIARY
19 BRANCH OF THE MILITARY SERVICE OF THE UNITED STATES, OR THE UNITED
20 STATES PUBLIC HEALTH SERVICE, WHO WAS REGISTERED AT THE TIME OF
21 INDUCTION OR ENTERING INTO SERVICE, CONTINUES IN EFFECT WITHOUT
22 FURTHER ACTION BY THE INDIVIDUAL UNTIL DISCHARGE OR LEAVING THE
23 SERVICE AS LONG AS THE INDIVIDUAL REMAINS IN COMPLIANCE WITH 42 USC
24 1396R(B) (5) (D) .

25 SEC. 21919. (1) AN APPLICANT FOR REGISTRATION OR A PERMIT, OR
26 RENEWAL OF A REGISTRATION OR A PERMIT, SHALL PAY THE FOLLOWING
27 BIENNIAL FEES:

| | | |
|---|---|--------------------|
| 1 | (A) NURSE AIDE | \$20.00 |
| 2 | (B) NURSE AIDE TRAINER | \$40.00 |
| 3 | (C) EXCEPT AS OTHERWISE | |
| 4 | PROVIDED IN SUBDIVISION (D), | |
| 5 | NURSE AIDE TRAINING PROGRAM | \$300.00, PER SITE |
| 6 | (D) NURSE AIDE TRAINING PROGRAM | |
| 7 | OFFERED BY A SECONDARY EDUCATION | |
| 8 | INSTITUTION OR A SKILLED NURSING FACILITY | \$100.00, PER SITE |

9 (2) IN ADDITION TO THE FEES PRESCRIBED IN SUBSECTION (1), AN
 10 APPLICANT FOR REGISTRATION SHALL PAY A NURSE AIDE COMPETENCY
 11 EXAMINATION FEE OF \$125.00, PER EXAMINATION.

12 (3) THE FEES PRESCRIBED IN THIS SECTION ARE PAYABLE TO THE
 13 DEPARTMENT OR THE DEPARTMENT'S CONTRACTOR AT THE TIME AN
 14 APPLICATION FOR AN INITIAL OR RENEWAL REGISTRATION OR PERMIT IS
 15 SUBMITTED TO THE DEPARTMENT. IF AN APPLICATION FOR REGISTRATION OR
 16 PERMIT IS DENIED, OR IF REGISTRATION OR PERMIT IS REVOKED BEFORE
 17 ITS EXPIRATION DATE, THE DEPARTMENT SHALL NOT REFUND THE FEES PAID
 18 TO THE DEPARTMENT.

19 SEC. 21921. (1) THE NURSE AIDE REGISTRATION FUND IS CREATED
 20 WITHIN THE STATE TREASURY.

21 (2) THE STATE TREASURER SHALL CREDIT THE FEES COLLECTED UNDER
 22 SECTION 21919 TO THE FUND AND MAY RECEIVE MONEY OR OTHER ASSETS
 23 FROM ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER
 24 SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER SHALL
 25 CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

26 (3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR MUST
 27 REMAIN IN THE FUND AND DOES NOT LAPSE TO THE GENERAL FUND.

1 (4) THE DEPARTMENT IS THE ADMINISTRATOR OF THE FUND FOR
2 AUDITING PURPOSES.

3 (5) THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND, UPON
4 APPROPRIATION, ONLY TO IMPLEMENT THE PROGRAM.

5 SEC. 21923. (1) THE DEPARTMENT MAY PROMULGATE AND ENFORCE
6 RULES TO IMPLEMENT THIS PART. THE RULES MAY INCLUDE, BUT NOT BE
7 LIMITED TO, RULES ESTABLISHING REQUIREMENTS FOR SURVEYING A NURSE
8 AIDE TRAINING PROGRAM, INVESTIGATING ALLEGATIONS AGAINST A NURSE
9 AIDE, NURSE AIDE TRAINER, OR NURSE AIDE TRAINING PROGRAM, AND
10 ENFORCING THIS PART. THE RULES MAY ALSO ESTABLISH ELIGIBILITY
11 REQUIREMENTS TO RENEW A REGISTRATION OR PERMIT UNDER THIS PART,
12 COMPETENCY REQUIREMENTS, AND EXAMINATION REQUIREMENTS FOR
13 REGISTRATION.

14 (2) RULES PROMULGATED UNDER THIS PART THAT ARE APPLICABLE TO
15 HEALTH FACILITIES OR AGENCIES MUST BE UNIFORM INsofar AS IS
16 REASONABLE.

17 SEC. 21925. THE DEPARTMENT MAY ENTER INTO 1 OR MORE
18 CONTRACTUAL AGREEMENTS FOR THE ADMINISTRATION OF THIS PART.

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