

Act No. 172
Public Acts of 2017
Approved by the Governor
November 20, 2017
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November 21, 2017
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STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2017

Introduced by Senators Hopgood and Gregory

ENROLLED SENATE BILL No. 286

AN ACT to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” (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 the department as evidence of registration.

(3) “Fund” means the nurse aide registry fund created in section 21921.

(4) “Nurse aide” means an individual who holds a registration. A nurse aide is not a health professional licensed under article 15, a registered dietitian, or someone who volunteers to provide nursing or nursing-related services without pay.

(5) “Nurse aide trainer” means an individual who holds a permit to provide training to a nurse aide candidate who is enrolled in a nurse aide training program.

(6) “Nurse aide training program” means an instructional program that prepares a nurse aide candidate with the knowledge and ability to practice as a nurse aide and that is offered by a person that holds a permit.

Sec. 21905. (1) “Permit” means an authorization granted by the department under this part to conduct training or instruction of nurse aide candidates under the program.

(2) “Practice as a nurse aide” means providing nursing or nursing-related services to a patient or resident. Practice as a nurse aide is not the practice of nursing as that term is defined in section 17201.

(3) “Program” means the nurse aide training and registration program described in section 21907.

(4) “Registration” means an authorization granted by the department under this part granting permission to an individual to practice as a nurse aide under the program.

Sec. 21907. The department shall administer a nurse aide training and registration program in this state in conformance with this part, 42 USC 1396r, and 42 CFR parts 483 and 488.

Sec. 21909. An individual shall not engage in practice as a nurse aide unless the individual holds a registration or is in compliance with 42 CFR 483.35. A person shall not offer a nurse aide training program or provide training or instruction to a nurse aide candidate unless the individual holds a permit.

Sec. 21911. (1) The department may grant registration as a nurse aide to an applicant who meets all of the following requirements:

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

(b) Pays the fee prescribed in section 21919.

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

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

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

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

(b) Pays the fee prescribed in section 21919.

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

(3) The department may grant a permit as a nurse aide training program to an applicant that meets all of the following requirements:

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

(b) Pays the fee prescribed in section 21919.

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

(d) Demonstrates to the department that the applicant’s curriculum is consistent with other nurse aide training programs as provided by rules promulgated by the department under this part.

(4) A registration or permit is not transferable. A certificate of registration or certificate of permit must state the persons to which it applies.

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

(a) The applicant passes a training program that the department determines is equivalent to or exceeds a nurse aide training program offered in this state and the applicant passes a competency examination approved by the department.

(b) The applicant’s status as a nurse aide in the other state is in good standing, as verified by that state’s nurse aide registry, and the department determines that the other state’s training program is equivalent to or exceeds a nurse aide training program offered in this state.

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

(2) If a nurse aide does not renew his or her registration, the nurse aide shall not practice as a nurse aide until his or her registration is renewed by the department. If a nurse aide trainer does not renew his or her permit, the nurse trainer shall not provide training to a nurse aide candidate until his or her permit is renewed by the department. If a person does not renew its permit as a nurse aide training program, the nurse aide training program shall not provide instruction to a nurse aide candidate until the permit is renewed by the department.

(3) A registration or permit is renewable if the applicant pays the fee prescribed in section 21919, submits an application for renewal to the department on a form and in a manner prescribed by the department, and demonstrates to the department that the applicant has met the requirements for renewal in rules promulgated under section 21923.

Sec. 21917. The registration of an individual while in active service in the military service of the United States, an auxiliary branch of the military service of the United States, or the United States Public Health Service, who was registered at the time of induction or entering into service, continues in effect without further action by the individual until discharge or leaving the service as long as the individual remains in compliance with 42 USC 1396r(b)(5)(D).

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

- (a) Nurse aide \$ 20.00
- (b) Nurse aide trainer \$ 40.00
- (c) Except as otherwise provided in subdivision (d), nurse aide training program \$ 300.00, per site
- (d) Nurse aide training program offered by a secondary education institution or a skilled nursing facility \$ 100.00, per site

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

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

Sec. 21921. (1) The nurse aide registration fund is created within the state treasury.

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

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

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

(5) The department shall expend money from the fund, upon appropriation, only to implement the program.

Sec. 21923. (1) The department may promulgate and enforce rules to implement this part. The rules may include, but not be limited to, rules establishing requirements for surveying a nurse aide training program, investigating allegations against a nurse aide in a health facility or agency or another setting where a nurse aide engages in the practice as a nurse aide, investigating allegations against a nurse aide trainer or nurse aide training program, and enforcing this part. The rules may also establish eligibility requirements to renew a registration or permit under this part, competency requirements, and examination requirements for registration.

(2) Rules promulgated under this part that are applicable to health facilities or agencies must be uniform insofar as is reasonable.

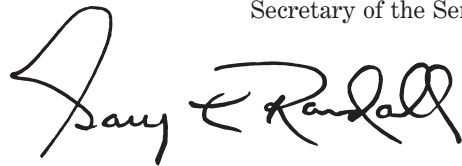
Sec. 21925. The department may enter into 1 or more contractual agreements for the administration of this part.

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

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor