

Act No. 273
Public Acts of 2023
Approved by the Governor
December 7, 2023
Filed with the Secretary of State
December 8, 2023
EFFECTIVE DATE: March 7, 2024

**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2023**

Introduced by Reps. McKinney, Wilson, Edwards, Byrnes and Aiyash

ENROLLED HOUSE BILL No. 4885

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,” by amending sections 21907, 21909, 21911, 21913, 21915, 21919, 21921, and 21923 (MCL 333.21907, 333.21909, 333.21911, 333.21913, 333.21915, 333.21919, 333.21921, and 333.21923), sections 21907, 21909, 21913, 21915, 21919, 21921, and 21923 as added by 2017 PA 172 and section 21911 as amended by 2022 PA 79, and by adding sections 21912, 21916, 21918, and 21920.

The People of the State of Michigan enact:

Sec. 21907. The department shall do both of the following:

- (a) Administer a nurse aide training, registration, and permit program in this state in conformance with this part, 42 USC 1396r, and 42 CFR parts 483 and 488.
- (b) Administer a medication aide training and permit program as established in rules promulgated by the department under this part.

Sec. 21909. (1) An individual shall not engage in practice as a nurse aide unless the individual holds a registration to engage in practice as a nurse aide or is in compliance with 42 CFR 483.35.

(2) A person shall not offer a nurse aide training program or provide training or instruction to a nurse aide candidate unless the person holds a permit to offer that training program or provide that training or instruction.

Sec. 21911. (1) The department shall grant a registration to engage in practice 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) Subject to subsection (4), demonstrates to the department that the applicant has met both of the following:

(i) Successfully completed a nurse aide training program approved by the department.

(ii) Is competent as demonstrated by successful completion of a nurse aide competency examination approved by the department.

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

(2) The department shall 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 shall 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 42 CFR 483.152 and 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) Except as provided under subsection (6), the department shall allow an applicant to complete a nurse aide competency examination online or through remote means, or at a nursing care facility that proctors the examination under 42 CFR 483.154. The department shall allow the testing vendor to contract with the staff of the nursing care facility to proctor a nurse aide competency examination as provided under 42 CFR 483.154.

(5) Subject to subsection (6), the department shall not deny a person a permit under subsection (3) solely because the nurse aide training program allows individuals to complete curricula online or through remote means, or counts the time an individual has worked performing skills necessary of a nurse aide as time in training.

(6) The online option described under subsections (4) and (5) does not apply to training required under 42 CFR 483.152(a)(3) or to testing required under 42 CFR 483.154(b)(2).

Sec. 21912. 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 a registration to an applicant who is from another state and seeking a registration to practice as a nurse aide if the applicant meets any 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) A registration or permit is renewable if the applicant pays the fee prescribed in this part, 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, including any requirement for the successful completion of continuing education.

Sec. 21916. If a nurse aide does not renew the nurse aide's registration, the nurse aide shall not engage in practice as a nurse aide until the nurse aide's registration is renewed by the department. If a nurse aide trainer does not renew the nurse aide trainer's permit, the nurse aide trainer shall not provide training to a nurse aide candidate until the nurse aide trainer's 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.

Sec. 21918. The fees prescribed in this part 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 a registration or permit is revoked before its expiration date, the department shall not refund the fees paid to the department.

Sec. 21919. (1) An applicant for registration to practice as a nurse aide or a permit to conduct training or instruction of a nurse aide candidate, or renewal of that registration or permit, shall pay the following biennial fees:

(a) Nurse aide	\$40.00
(b) Nurse aide trainer	\$60.00
(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 to practice as a nurse aide shall pay a nurse aide competency examination fee of \$175.00, per examination.

Sec. 21920. (1) An individual shall not engage in practice as a medication aide unless the individual holds a registration to engage in practice as a medication aide.

(2) A person shall not offer a medication aide training program or provide training or instruction to a medication aide candidate unless the person holds a permit to offer that training program or provide that training or instruction.

(3) The department may grant a registration to engage in practice as a medication 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 this section.

(c) Demonstrates to the department that the applicant holds a current registration to engage in practice as a nurse aide and that the applicant has worked as a nurse aide in a nursing home or skilled nursing facility for at least 2,000 hours during the 2-year period immediately preceding the date of the applicant's application.

(d) Demonstrates to the department that the applicant has successfully completed a medication aide training program and a competency examination approved by the department.

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

(4) The department may grant a permit as a medication 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 this section.

(c) Is a registered professional nurse licensed under article 15 who meets the requirements for a permit in rules promulgated under section 21923.

(5) The department may grant a permit as a medication 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 this section.
- (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 medication aide training programs, as provided by rules promulgated by the department under this part. However, a medication aide training program must incorporate the National Council of State Boards of Nursing medication assistant-certified model curriculum.

(6) The department may grant registration to an applicant who is from another state and seeking a registration to practice as a medication aide if the applicant demonstrates to the department that the applicant has successfully completed a medication aide training program from Indiana, Ohio, or Wisconsin, and the applicant passes a competency examination approved by the department.

(7) If a medication aide does not renew the medication aide's registration, the medication aide shall not engage in practice as a medication aide until the medication aide's registration is renewed by the department. If a medication aide trainer does not renew the medication aide trainer's permit, the medication aide trainer shall not provide training to a medication aide candidate until the medication aide trainer's permit is renewed by the department. If a person does not renew its permit as a medication aide training program, the medication aide training program shall not provide instruction to a medication aide candidate until the permit is renewed by the department.

(8) An applicant for registration to practice as a medication aide or a permit to conduct training or instruction of a medication aide candidate, or renewal of that registration or permit, shall pay the following biennial fees:

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| (a) Medication aide | \$160.00 |
| (b) Medication aide trainer | \$200.00 |
| (c) Medication aide training program | \$500.00, per site |

(9) In addition to the fees prescribed in subsection (8), an applicant for registration to practice as a medication aide shall pay a medication aide competency examination fee of \$175.00, per examination.

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

(2) The state treasurer shall credit the fees collected under this part 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 programs described in section 21907.

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 the following:

- (a) Requirements for surveying a nurse aide training program.
- (b) Requirements for investigating allegations against a nurse aide and taking action against that nurse aide.
- (c) Requirements for investigating allegations and taking action against a nurse aide trainer or nurse aide training program.
- (d) Requirements for enforcing this part.
- (e) Eligibility requirements to grant and renew a registration or permit under this part.
- (f) Competency requirements.
- (g) Examination requirements for registration.
- (h) Requirements for renewal.

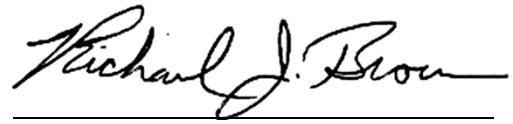
(i) Requirements for surveying a medication aide training program, requirements for investigating allegations against a medication aide in a nursing home or skilled nursing facility where a medication aide engages in the practice of a medication aide and taking action against that medication aide, and requirements for investigating allegations and taking action against a medication aide trainer or medication aide training program.

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

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

Enacting section 2. This amendatory act does not take effect unless House Bill No. 4923 of the 102nd Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor