

# HOUSE BILL No. 6333

September 18, 2002, Introduced by Rep. Birkholz and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16105, 16106, 16108, 16128, 16163, 16174, 16186, 16261, 16323, and 16608 (MCL 333.16105, 333.16106, 333.16108, 333.16128, 333.16163, 333.16174, 333.16186, 333.16261, 333.16323, and 333.16608), section 16106 as amended by 1997 PA 153, section 16108 as amended and section 16323 as added by 1993 PA 80, section 16174 as amended by 1998 PA 227, section 16186 as amended by 2002 PA 441, and section 16608 as amended by 1990 PA 216.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 16105. (1) "Health occupation" means a health related  
2 vocation, calling, occupation, or employment performed by  
3 ~~individuals~~ AN INDIVIDUAL whether or not THE INDIVIDUAL IS  
4 licensed or registered under this article.

1           (2) "Health profession" means a vocation, calling,  
2 occupation, or employment performed by ~~individuals~~ AN  
3 INDIVIDUAL acting pursuant to a license or registration issued  
4 under this article.

5           (3) "Health profession specialty field" means an area of  
6 practice established under this article ~~which~~ THAT is within  
7 the scope of activities, functions, and duties of a licensed  
8 health profession and ~~which~~ THAT requires advanced education  
9 and training beyond that required for initial licensure.

10           (4) "HEALTH PROFESSION SPECIALTY FIELD LICENSE" MEANS AN  
11 AUTHORIZATION TO USE A TITLE ISSUED TO A LICENSEE WHO HAS MET  
12 QUALIFICATIONS ESTABLISHED BY THE MICHIGAN BOARD OF DENTISTRY FOR  
13 REGISTRATION IN A HEALTH PROFESSION SPECIALTY FIELD. AN INDIVID-  
14 UAL WHO HOLDS A DENTAL SPECIALTY CERTIFICATION ON THE EFFECTIVE  
15 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION IS CONSID-  
16 ERED TO HOLD A HEALTH PROFESSION SPECIALTY FIELD LICENSE IN THAT  
17 SPECIALITY AND MAY OBTAIN RENEWAL OF THE HEALTH PROFESSION SPE-  
18 CIALTY FIELD LICENSE IN THAT SPECIALITY ON THE EXPIRATION DATE OF  
19 THE SPECIALTY CERTIFICATION. THE HEALTH PROFESSION SPECIALTY  
20 FIELD LICENSE IS NOT A LICENSE AS THAT TERM IS DEFINED IN  
21 SECTION 16106(2).

22           (5) ~~(4)~~ "Health profession subfield" means an area of  
23 practice established under this article which is within the scope  
24 of the activities, functions, and duties of a licensed health  
25 profession, and requires less comprehensive knowledge and skill  
26 than is required to practice the full scope of the health  
27 profession.

1           Sec. 16106. (1) "Incompetence" means a departure from, or  
2 failure to conform to, minimal standards of acceptable and pre-  
3 vailing practice for ~~the~~ A health profession, whether or not  
4 actual injury to an individual occurs.

5           (2) "License", except as otherwise provided in this subsec-  
6 tion, means an authorization issued under this article to prac-  
7 tice where practice would otherwise be unlawful. License  
8 includes an authorization to use a designated title which use  
9 would otherwise be prohibited under this article and may be used  
10 to refer to a health profession subfield license, limited  
11 license, or a temporary license. For purposes of the definition  
12 of "prescriber" contained in section 17708(2) only, license  
13 includes an authorization issued under the laws of another state,  
14 or the country of Canada ~~—~~ to practice in that state ~~—~~ or IN  
15 the country of Canada, where practice would otherwise be unlaw-  
16 ful, and is limited to a licensed doctor of medicine, a licensed  
17 doctor of osteopathic medicine and surgery, or another licensed  
18 health professional acting under the delegation and using,  
19 recording, or otherwise indicating the name of the delegating  
20 licensed doctor of medicine or licensed doctor of osteopathic  
21 medicine and surgery. LICENSE DOES NOT INCLUDE A HEALTH PROFES-  
22 SION SPECIALTY FIELD LICENSE.

23           (3) "Licensee", as used in a part that regulates a specific  
24 health profession, means ~~a person~~ AN INDIVIDUAL to whom a  
25 license is issued under that part, and as used in this part means  
26 each licensee regulated by this article.

1 (4) "Limitation" means an action by which a board imposes  
2 restrictions or conditions, or both, on a license.

3 (5) "Limited license" means a license to which restrictions  
4 or conditions, or both, as to scope of practice, place of prac-  
5 tice, supervision of practice, duration of licensed status, or  
6 type or condition of patient or client served are imposed by a  
7 board.

8 Sec. 16108. (1) "Reclassification" means an action by a  
9 disciplinary subcommittee by which restrictions or conditions, or  
10 both, applicable to a license are added or removed.

11 (2) "Registration" means an authorization only for the use  
12 of a designated title which use would otherwise be prohibited  
13 under this article. ~~It~~ REGISTRATION includes specialty certi-  
14 fication of a licensee AND A HEALTH PROFESSION SPECIALTY FIELD  
15 LICENSE.

16 (3) "Registrant" as used in ~~any~~ A part that regulates the  
17 use of a title means an individual to whom a registration, A SPE-  
18 CIALTY CERTIFICATION, or A HEALTH PROFESSION specialty  
19 ~~certification~~ FIELD LICENSE is issued under that part, and as  
20 used in this part means each registrant regulated by this  
21 article.

22 (4) "Reinstatement" means the granting of a license or cer-  
23 tificate of registration, with or without limitations or condi-  
24 tions, to ~~a person~~ AN INDIVIDUAL whose license or certificate  
25 of registration has been suspended or revoked.

1           (5) "Relicensure" means the granting of a license to ~~a~~  
2 ~~person~~ AN INDIVIDUAL whose license has lapsed for failure to  
3 renew the license within 60 days after the expiration date.

4           (6) "Reregistration" means the granting of a certificate of  
5 registration to ~~a person~~ AN INDIVIDUAL whose certificate of  
6 registration has lapsed for failure to renew the certificate  
7 within 60 days after the expiration date.

8           Sec. 16128. (1) A health profession subfield task force  
9 shall be composed of a majority of members licensed in the sub-  
10 fields of the health profession ~~which~~ THAT are created by this  
11 article and shall include at least 1 licensed member from each of  
12 the subfields of the health profession ~~which~~ THAT is created by  
13 this article. A health profession subfield task force shall  
14 include at least 1 public member and 1 member of that profession  
15 who holds a license other than a subfield license in that health  
16 profession.

17           (2) A health profession specialty field task force shall be  
18 composed of a majority of members ~~certified~~ REGISTERED in the  
19 specialty fields of the health profession ~~which~~ THAT are cre-  
20 ated by this article. A health profession specialty field task  
21 force shall include at least 1 public member and 1 member of that  
22 health profession who is a member of the board.

23           Sec. 16163. A task force shall recommend to the board as  
24 to:

25           (a) Determination of standards of education, training, and  
26 experience required for practice in a health profession subfield  
27 or for ~~certification~~ REGISTRATION in a health profession

1 specialty field, and where appropriate, guidelines for approval  
2 of educational programs for the HEALTH PROFESSION subfield or  
3 HEALTH PROFESSION specialty field.

4 (b) Qualifications required of applicants for licensure in  
5 health profession subfields or for ~~certification~~ REGISTRATION  
6 in health profession specialty fields.

7 (c) Evaluation of qualifications for initial and continuing  
8 licensure of practitioners in health profession subfields or  
9 HEALTH PROFESSION specialty fields. The evaluation may cover  
10 assessment of educational credentials, work experience and  
11 related training, and administration of tests and examinations.

12 (d) Guidelines for utilization of, and standards of practice  
13 for, licensees in health profession subfields or REGISTRANTS IN  
14 HEALTH PROFESSION specialty fields.

15 Sec. 16174. (1) An individual who is licensed or registered  
16 under this article shall meet all of the following requirements:

17 (a) Be 18 or more years of age.

18 (b) Be of good moral character.

19 (c) Have a specific education or experience in the health  
20 profession or in a HEALTH PROFESSION subfield or HEALTH  
21 PROFESSION specialty field of ~~a~~ THE health profession, or  
22 training equivalent, or both, as prescribed by this article or  
23 rules of a board necessary to promote safe and competent practice  
24 and informed consumer choice.

25 (d) Have a working knowledge of the English language as  
26 determined in accordance with minimum standards established for  
27 that purpose by the department.

1 (e) Pay the appropriate fees as prescribed in this article.

2 (2) In addition to the requirements of subsection (1), an  
3 applicant for licensure, registration, ~~or~~ specialty  
4 certification, OR A HEALTH PROFESSION SPECIALTY SUBFIELD LICENSE  
5 under this article shall meet all of the following requirements:

6 (a) Establish that disciplinary proceedings before a similar  
7 licensure, registration, or specialty LICENSURE OR SPECIALTY cer-  
8 tification board of this or any other state, of the United States  
9 military, of the federal government, or of another country are  
10 not pending against the applicant.

11 (b) Establish that if sanctions have been imposed against  
12 the applicant by a similar licensure, registration, or specialty  
13 LICENSURE OR SPECIALTY certification board of this or any other  
14 state, of the United States military, of the federal government,  
15 or of another country based upon grounds that are substantially  
16 similar to those set forth in this article or article 7 or the  
17 rules promulgated under this article or article 7, as determined  
18 by the board or task force to which the applicant applies, the  
19 sanctions are not in force at the time of application.

20 (c) File with the board or task force a written, signed con-  
21 sent to the release of information regarding a disciplinary  
22 investigation involving the applicant conducted by a similar  
23 licensure, registration, or specialty LICENSURE OR SPECIALTY cer-  
24 tification board of this or any other state, of the United States  
25 military, of the federal government, or of another country.

26 (3) Before ~~licensing, registering, or certifying~~ GRANTING  
27 A LICENSE, REGISTRATION, SPECIALTY CERTIFICATION, OR A HEALTH

1 PROFESSION SPECIALTY FIELD LICENSE TO an applicant, the board or  
2 task force to which the applicant applies may do 1 of the  
3 following:

4 (a) Make an independent inquiry into the applicant's compli-  
5 ance with the requirements described in subsection (2). If a  
6 licensure or registration board or task force determines under  
7 subsection (2)(b) that sanctions have been imposed and are in  
8 force at the time of application, the board or task force shall  
9 not grant a license or registration or specialty certification OR  
10 HEALTH PROFESSION SPECIALTY FIELD LICENSE to the applicant.

11 (b) Require the applicant to secure from a national associa-  
12 tion or federation of state professional licensing boards certi-  
13 fication of compliance with the requirements described in subsec-  
14 tion (2).

15 (4) If, after issuing a license, registration, ~~or~~  
16 SPECIALTY certification, OR HEALTH PROFESSION SPECIALTY FIELD  
17 LICENSE, a board or task force or the department determines that  
18 sanctions have been imposed against the licensee or registrant by  
19 a similar licensure or registration or SPECIALTY LICENSURE OR  
20 SPECIALTY certification board as described in subsection (2)(b),  
21 the disciplinary subcommittee may impose appropriate sanctions  
22 upon the licensee or registrant. The licensee or registrant may  
23 request a show cause hearing before a hearing examiner to demon-  
24 strate why the sanctions should not be imposed.

25 (5) An applicant for licensure, registration, ~~or~~ specialty  
26 certification, OR A HEALTH PROFESSION SPECIALTY FIELD LICENSE who  
27 is or has been licensed, registered, or certified in a health



1 profession or specialty by another state or country shall  
2 disclose that fact on the application form.

3       Sec. 16186. (1) An individual who is licensed to practice a  
4 health profession in another state or, until January 1, 2004, is  
5 licensed to practice a health profession in a province of Canada,  
6 who is registered in another state, or who holds A HEALTH PROFES-  
7 SION SPECIALTY FIELD LICENSE OR specialty certification from  
8 another state and who applies for licensure, registration, ~~or~~  
9 specialty certification, OR A HEALTH PROFESSION SPECIALTY FIELD  
10 LICENSE in this state may be granted an appropriate license or  
11 registration or specialty certification OR HEALTH PROFESSION SPE-  
12 CIALTY FIELD LICENSE upon satisfying the board or task force to  
13 which the applicant applies as to all of the following:

14       (a) The applicant substantially meets the requirements of  
15 this article and rules promulgated under this article for licen-  
16 sure, registration, ~~or~~ specialty certification, OR A HEALTH  
17 PROFESSION SPECIALTY FIELD LICENSE.

18       (b) Subject to subsection (3), the applicant is licensed,  
19 registered, ~~or~~ SPECIALTY certified, OR SPECIALITY LICENSED in  
20 another state or, until January 1, 2004, is licensed in a prov-  
21 ince in Canada that maintains standards substantially equivalent  
22 to those of this state.

23       (c) Subject to subsection (3), until January 1, 2004, if the  
24 applicant is licensed to practice a health profession in a prov-  
25 ince in Canada, the applicant completed the educational require-  
26 ments in Canada or in the United States for licensure in Canada  
27 or in the United States.

1 (d) Until January 1, 2004, if the applicant is licensed to  
2 practice a health profession in a province in Canada, that the  
3 applicant will perform the professional services for which he or  
4 she bills in this state, and that any resulting request for third  
5 party reimbursement will originate from the applicant's place of  
6 employment in this state.

7 (2) Before ~~licensing, registering, certifying~~ GRANTING A  
8 LICENSE, REGISTRATION, SPECIALTY CERTIFICATION, OR A HEALTH PRO-  
9 FESSION SPECIALTY FIELD LICENSE TO the applicant, the board or  
10 task force to which the applicant applies may require the appli-  
11 cant to appear personally before it for an interview to evaluate  
12 the applicant's relevant qualifications.

13 (3) For purposes of the 2002 amendatory act that added this  
14 subsection, an applicant who is licensed in a province in Canada  
15 who meets the requirements of subsection (1)(c) and takes and  
16 passes a national examination in this country that is approved by  
17 the appropriate Michigan licensing board, or who takes and passes  
18 a Canadian national examination approved by the appropriate  
19 Michigan licensing board, is considered to have met the require-  
20 ments of subsection (1)(b). This subsection does not apply if  
21 the department, in consultation with the appropriate licensing  
22 board, promulgates a rule disallowing the use of this subsection  
23 for an applicant licensed in a province in Canada.

24 Sec. 16261. (1) ~~A person~~ AN INDIVIDUAL who is not  
25 licensed or registered under this article shall not use an insig-  
26 nia, title, or letter, or a word, letter, or phrase singly or in  
27 combination, with or without qualifying words, letters, or

1 phrases, under a circumstance to induce the belief that the  
2 ~~person~~ INDIVIDUAL is licensed or registered in this state, is  
3 lawfully entitled in this state to engage in the practice of a  
4 profession regulated by this article, or is otherwise in compli-  
5 ance with this article.

6 (2) An individual shall not announce or hold himself or her-  
7 self out to the public as limiting his or her practice to, as  
8 being specially qualified in, or as giving particular attention  
9 to a health profession specialty field for which a board issues a  
10 specialty certification OR A HEALTH PROFESSION SPECIALTY FIELD  
11 LICENSE, without first having obtained ~~a~~ THE specialty certifi-  
12 cation OR HEALTH PROFESSION SPECIALTY field license.

13 Sec. 16323. Fees for ~~a person~~ AN INDIVIDUAL licensed or  
14 seeking licensure to practice as a dentist, dental assistant, or  
15 dental hygienist under part 166 are as follows:

- 16 (a) Application processing fees:
  - 17 (i) Dentist.....\$ 20.00
  - 18 (ii) Dental assistant..... 10.00
  - 19 (iii) Dental hygienist..... 15.00
  - 20 (iv) ~~Dental~~ HEALTH PROFESSION specialty FIELD LICENSE  
21 FOR A DENTIST..... 20.00
- 22 (b) Examination fees:
  - 23 (i) Dental assistant's examination, complete..... 70.00
  - 24 (ii) Dental assistant's examination, per part..... 35.00
  - 25 (iii) ~~Dental~~ DENTIST'S HEALTH PROFESSION specialty  
26 FIELD LICENSE examination, complete..... 300.00

1	(iv) <del>Dental</del> DENTIST'S HEALTH PROFESSION specialty	
2	FIELD LICENSE examination, per part.....	100.00
3	(c) License fees, per year:	
4	(i) Dentist.....	90.00
5	(ii) Dental assistant.....	10.00
6	(iii) Dental hygienist.....	20.00
7	(iv) <del>Dental</del> DENTIST'S HEALTH PROFESSION specialty	
8	FIELD LICENSE.....	15.00
9	(d) Temporary license fees:	
10	(i) Dentist.....	20.00
11	(ii) Dental assistant.....	5.00
12	(iii) Dental hygienist.....	10.00
13	(e) Limited license fee, per year:	
14	(i) Dentist.....	25.00
15	(ii) Dental assistant.....	5.00
16	(iii) Dental Hygienist.....	10.00
17	(f) Examination review fees:	
18	(i) Dental preclinical or DENTIST'S HEALTH PROFESSION	
19	specialty FIELD LICENSE.....	50.00
20	(ii) Dental assistant.....	20.00

21       Sec. 16608. (1) The board may issue a health profession  
22 specialty ~~certification~~ FIELD LICENSE to a licensed dentist who  
23 has advanced training beyond that required for initial licensure  
24 and who has demonstrated competency through examination or other  
25 evaluative processes in 1 or more of the following HEALTH  
26 PROFESSION specialty fields: prosthodontics, endodontics, oral  
27 and maxillofacial surgery, orthodontics, pediatric dentistry,

1 periodontics, or oral pathology. A LICENSED DENTIST WHO HOLDS A  
2 HEALTH PROFESSION SPECIALTY CERTIFICATION IN 1 OR MORE OF THE  
3 HEALTH PROFESSION SPECIALTY FIELDS LISTED IN THIS SUBSECTION ON  
4 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED  
5 SUBSECTIONS (3) AND (4) IS CONSIDERED TO HOLD A HEALTH PROFESSION  
6 SPECIALTY FIELD LICENSE IN EACH OF THOSE HEALTH PROFESSION SPE-  
7 CIALTY FIELDS AND MAY OBTAIN RENEWAL OF EACH HEALTH PROFESSION  
8 SPECIALTY FIELD LICENSE ON THE EXPIRATION DATE OF THE SPECIALTY  
9 CERTIFICATION.

10 (2) A health profession specialty ~~certification~~ FIELD  
11 LICENSE issued pursuant to subsection (1) shall be renewed con-  
12 currently with the license to practice dentistry.

13 (3) THIS SECTION DOES NOT PROHIBIT A LICENSED DENTIST WHO  
14 HAS NOT BEEN ISSUED A HEALTH PROFESSION SPECIALTY FIELD LICENSE  
15 UNDER SUBSECTION (1) FROM PERFORMING SERVICES IN 1 OR MORE OF THE  
16 HEALTH PROFESSION SPECIALTY FIELDS LISTED IN SUBSECTION (1).

17 (4) FOR PURPOSES OF THE ADMINISTRATION OF THE GENERAL RULES  
18 OF THE BOARD OF DENTISTRY IN THE MICHIGAN ADMINISTRATIVE CODE, A  
19 REFERENCE TO SPECIALTY CERTIFICATION IS A REFERENCE TO A HEALTH  
20 PROFESSION SPECIALTY FIELD LICENSE.