The following has special meaning:
green underline denotes added text
~~red struck-out text denotes deleted text~~

Powered by State Net

| 2019 MI H 6293 | **Author:** Filler<br>**Version:** Enacted - Public Act<br>**Version Date:** 11/05/2020 |
|---|---|

Act No. 245

Public Acts of 2020

Approved by the Governor

November 5, 2020

Filed with the Secretary of State

November 5, 2020

EFFECTIVE DATE: November 5, 2020

**STATE OF MICHIGAN**

**100TH LEGISLATURE**

**REGULAR SESSION OF 2020**

**Introduced by Rep. Filler**

**ENROLLED HOUSE BILL NO. 6293**

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 section 16113; and to repeal acts and parts of acts.

*The People of the State of Michigan enact:*

Sec. 16113. (1) Notwithstanding any provision of this code to the contrary, all of the following apply to a qualified licensee or other individual:

(a) Subject to subsection (2), a qualified licensee may administer COVID-19 testing services in accordance with this section.

(b) A qualified licensee may order a laboratory test that is classified by the United States Food and Drug Administration as moderate or high complexity for the purposes of administering COVID-19 testing services under this section.

(c) The provisions of this article that relate to scope of practice, supervision, and delegation do not apply to a qualified licensee but only to the extent necessary to allow the qualified licensee to administer COVID-19 testing services in accordance with this section.

(d) An individual who is not licensed, registered, or otherwise authorized to engage in a health profession under this article may perform a task or function associated with COVID-19 testing services, including, but not limited to, any of the following, if the individual has been trained to perform the task or function and is supervised by a qualified licensee or a representative of a local health department who has been trained to supervise the performance of the task or function:

(*i*) Screening an individual receiving a test for COVID-19 under this section.

(*ii*) Observing self-collection of a saliva sample or self-swabbing by an individual receiving a test for COVID-19 under this section.

(*iii*) Temporarily storing a specimen pending its transmittal to a laboratory or entity described in subsection (2).

(*iv*) Reporting a COVID-19 test result to the department of health and human services.

(*v*) Referring an individual receiving a test for COVID-19 under this section to an appropriate licensee or registrant for follow-up care.

(2) A qualified licensee administering COVID-19 testing services under this section shall do all of the following:

(a) Ensure that an individual volunteering or working at the location at which COVID-19 testing services are administered, including the qualified licensee, receives the training necessary to administer COVID-19 testing services.

(b) Ensure that an individual volunteering or working at the location at which COVID-19 testing services are administered, including the qualified licensee, uses personal protective equipment when collecting specimens to be tested for COVID-19.

(c) Ensure that a specimen collected from an individual under this section is tested by a laboratory or entity in accordance with federal law, that any test classified by the United States Food and Drug Administration as high complexity is tested at a laboratory that is certified under 42 CFR part 493, and that any test classified by the United States Food and Drug Administration as waived is tested at a laboratory that holds a certificate of waiver under 42 CFR part 493.

(d) Comply with any reporting requirements of the department of health and human services.

(e) Ensure that a specimen collected under this section is securely stored pending retrieval by a laboratory or entity described in subdivision (c).

(f) Refer an individual receiving a test for COVID-19 under this section to an appropriate licensee or registrant for follow-up care.

(3) A qualified licensee or other individual who is performing a task or function associated with COVID-19 testing services in accordance with this section has the same rights and immunities and shall be treated in the same manner as personnel of a disaster relief force under section 11(1)(c) of the emergency management act, 1976 PA 390, MCL 30.411.

(4) As used in this section:

(a) “COVID-19” means coronavirus disease 2019 (COVID-19).

(b) “COVID-19 testing services” means the collection of specimens from individuals to be tested for COVID-19 by a laboratory or entity meeting the requirements described in subsection (2).

(c) “Qualified licensee” means any of the following:

(*i*) A pharmacist licensed under part 177.

(*ii*) An advanced practice registered nurse as that term is defined in section 17201.

(*iii*) A registered professional nurse licensed under part 172.

(*iv*) A licensed practical nurse licensed under part 172.

(*v*) A physician’s assistant licensed under part 170 or 175.

(5) This section is repealed effective June 30, 2021.

This act is ordered to take immediate effect.

Copyright © 2021 State Net