

## **BPL Clarification: Exemption of Michigan Licensure Time of Disaster/State of Emergency**

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The Department of Licensing and Regulatory Affairs (LARA) and its Bureau of Professional Licensing (BPL) acknowledge the current State of Emergency in responding to COVID-19 cases throughout the state of Michigan whereby the state's health care providers are playing a significant role in treating and triaging each case. Given the demand on the health care workforce, LARA and BPL are issuing this clarification to allow providers to hire individuals to help in the efforts to appropriately respond and care for those who are affected by the virus. The following provision should help health care providers develop the personnel resources needed to cover all shifts to appropriately handle patient needs during this pandemic and Time of Disaster/State of Emergency.

Michigan law provides:

MCL 333.16171

*Under the circumstances and subject to the limitations stated in each case, the following individuals are not required to have a license issued under this article for practice of a health profession in this state:*

*(c) An individual who by education, training, or experience substantially meets the requirements of this article for licensure while rendering medical care in a time of disaster or to an ill or injured individual at the scene of an emergency.*

Situations that fall under MCL 333.16171 are exempt and therefore those individuals that meet the criteria for this exception are not required to have a license issued under Article 15 for practice of a health profession in this state. **This provision does not require an individual apply for or be granted an exemption by the Department.**

If the Bureau of Professional Licensing were to receive a complaint regarding unlicensed activity, it would evaluate each case to determine whether the individual meets the criteria for an exemption.

In reviewing claims of exemption for licensure under this provision the Department would consider all the relevant circumstances, including the following information:

- "An individual who by education, training, or experience substantially meets the requirements of this article" this includes, but is not limited to, individuals who are properly licensed in another state, country (i.e. Canada) or are recently retired from the profession in Michigan.

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- Individuals who were licensed as a health professional but have been retired for five or less years may be eligible to provide services and practice in his/her previously licensed profession under this provision to assist health care providers during the COVID-19 response and while the State of Emergency is in effect.
- In a “time of disaster” may include an individual event (such as a car accident) but it may also include larger scale “natural” or “manmade” disasters. These include, but are not limited to, events that are declared an “Emergency” or a “State of Emergency” by the proper authority (even after the event happened).
- In “rendering medical care” the individual should only render that care if they have the proper “education, training or experience” to perform that care.
- The exemption does NOT allow unlicensed individuals to prescribe Controlled Substances during a disaster. The exemption is for licensure “under this article”, which is Article 15 of the Michigan Public Health Code. The requirements for Controlled Substance Licensure are in Article 7 of the Michigan Public Health Code.
- This exemption does not apply to licenses that have been suspended or revoked and does not remove requirements to comply with disciplinary limitations, probationary terms or other requirements imposed by the health professional boards.

For up to date information regarding the state’s COVID-19 response please go to:

[www.michigan.gov/coronavirus](http://www.michigan.gov/coronavirus)

Also, the CDC website is a very good resource for additional information:

[www.cdc.gov](http://www.cdc.gov)