

HOUSE BILL No. 4960

June 13, 1991, Introduced by Reps. Hertel, Bennane, Palamara, Profit, Yokich and O'Connor and referred to the Committee on Public Health.

A bill to amend sections 16131, 16205, and 16263 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code,"

section 16131 as amended by Act No. 473 of the Public Acts of 1988, section 16205 as amended by Act No. 290 of the Public Acts of 1986, and section 16263 as amended by Act No. 216 of the Public Acts of 1990, being sections 333.16131, 333.16205, and 333.16263 of the Michigan Compiled Laws; and to add part 179.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 16131, 16205, and 16263 of Act No. 368
2 of the Public Acts of 1978, section 16131 as amended by Act
3 No. 473 of the Public Acts of 1988, section 16205 as amended by
4 Act No. 290 of the Public Acts of 1986, and section 16263 as
5 amended by Act No. 216 of the Public Acts of 1990, being sections

1 333.16131, 333.16205; and 333.16263 of the Michigan Compiled
2 Laws, are amended and part 179 is added to read as follows:

3 Sec. 16131. The terms of office of individual members of
4 the council or the boards and task forces, except those appointed
5 to fill vacancies, shall expire 4 years after appointment as
6 follows:

7	Nursing	June 30
8	Optometry	June 30
9	Pharmacy	June 30
10	Podiatric medicine and surgery	June 30
11	Dentistry	June 30
12	Chiropractic	December 31
13	Counseling	June 30
14	Health occupations council	December 31
15	Medicine	December 31
16	Occupational therapists	December 31
17	Osteopathic medicine and surgery	December 31
18	Physical therapy	December 31
19	Psychology	December 31
20	RESPIRATORY CARE	DECEMBER 31
21	Sanitaricians	December 31
22	Veterinary medicine	December 31

23 Sec. 16205. (1) A board ~~which~~ THAT requires evidence of
24 attendance at educational programs as a condition ~~to~~ FOR
25 license OR REGISTRATION renewal may waive those requirements if,
26 upon written application, the board finds the failure of the
27 licensee OR REGISTRANT to attend was due to the licensee's OR

1 REGISTRANT'S disability, military service, absence from the
2 continental United States, or a circumstance beyond the control
3 of the licensee ~~which~~ OR REGISTRANT THAT the board considers
4 good and sufficient.

5 (2) A board may promulgate rules to establish a system of
6 assessing the continued competence of licensees OR REGISTRANTS as
7 a condition of periodic license OR REGISTRATION renewal.

8 Sec. 16263. (1) Except as provided in subsection (2), the
9 following words, titles, or letters or a combination thereof,
10 with or without qualifying words or phrases, are restricted in
11 use only to those persons authorized under this article to use
12 the terms and in a way prescribed in this article:

13 (a) "Chiropractic", "doctor of chiropractic",
14 "chiropractor", "d.c.", and "chiropractic physician".

15 (b) "Dentist", "doctor of dental surgery", "oral and maxil-
16 lofacial surgeon", "orthodontist", "prosthodontist",
17 "periodontist", "endodontist", "oral pathologist", "pediatric
18 dentist", "dental hygienist", "registered dental hygienist",
19 "dental assistant", "registered dental assistant", "R.D.A.",
20 "d.d.s.", "d.m.d.", and "r.d.h.".

21 (c) "Doctor of medicine" and "m.d.".

22 (d) "Physician's assistant" and "p.a.".

23 (e) "Registered professional nurse", "registered nurse",
24 "r.n.", "licensed practical nurse", "l.p.n.", "nurse midwife",
25 "nurse anesthetist", "nurse practitioner", "trained attendant",
26 and "t.a.".

- 1 (f) "Doctor of optometry", "optometrist", and "o.d.".
- 2 (g) "Osteopath", "osteopathy", "osteopathic practitioner",
3 "doctor of osteopathy", "diplomate in osteopathy", and "d.o.".
- 4 (h) "Pharmacy", "pharmacist", "apothecary", "drugstore",
5 "druggist", "medicine store", "prescriptions", and "r.ph.".
- 6 (i) "Physical therapy", "physical therapist",
7 "physiotherapist", "registered physical therapist", "licensed
8 physical therapist", "physical therapy technician", "p.t.",
9 "r.p.t.", "l.p.t.", and "p.t.t.".
- 10 (j) "Chiropodist", "chiropody", "chiropodical", "podiatry",
11 "podiatrist", "podiatric", "doctor of podiatric medicine", "foot
12 specialist", "podiatric physician and surgeon", and "d.p.m.".
- 13 (k) "Consulting psychologist", "psychologist",
14 "psychological assistant", and "psychological examiner",
15 "licensed psychologist", and "limited licensed psychologist".
- 16 (l) "Licensed professional counselor", "licensed counselor",
17 "professional counselor", and "l.p.c.".
- 18 (m) "Sanitarian", "registered sanitarian", and "r.s.".
- 19 (n) "Veterinary", "veterinarian", "veterinary doctor",
20 "veterinary surgeon", "doctor of veterinary medicine", "v.m.d.",
21 "d.v.m.", "animal technician", or "animal technologist".
- 22 (o) "Occupational therapist", "occupational therapist
23 registered", "certified occupational therapist", "o.t.",
24 "o.t.r.", "c.o.t.", "certified occupational therapy assistant",
25 "occupational therapy assistant", or "c.o.t.a.".
- 26 (P) "RESPIRATORY CARE PRACTITIONER", "R.C.P.", "RESPIRATORY
27 THERAPY", "REGISTERED RESPIRATORY CARE PRACTITIONER", "R.R.C.P.",

1 "INHALATION THERAPY"; "RESPIRATORY THERAPIST", "INHALATION
 2 THERAPIST", "REGISTERED RESPIRATORY THERAPIST", "REGISTERED INHA-
 3 LATION THERAPIST", "RESPIRATORY THERAPY TECHNICIAN", "REGISTERED
 4 RESPIRATORY THERAPY TECHNICIAN", "CERTIFIED RESPIRATORY THERAPY
 5 TECHNICIAN", "INHALATION THERAPY TECHNICIAN", "REGISTERED INHALA-
 6 TION THERAPY TECHNICIAN", "R.T.", "I.T.", "R.I.T.", "R.R.T.T.",
 7 "R.T.T.", "I.T.T.", AND "R.I.T.T.".

8 (2) Notwithstanding section 16261, a person who was spe-
 9 cially trained at an institution of higher education in this
 10 state to assist a physician in the field of orthopedics and upon
 11 completion of training, received a 2-year associate of science
 12 degree as an orthopedic physician's assistant before January 1,
 13 1977, may use the title "orthopedic physician's assistant"
 14 whether or not the person is licensed under this article.

15 PART 179. RESPIRATORY CARE PRACTITIONERS

16 SEC. 17901. (1) AS USED IN THIS PART:

17 (A) "PHYSICIAN" MEANS THAT TERM AS DEFINED IN SECTION 17001
 18 AND 17501.

19 (B) "REGISTERED RESPIRATORY CARE PRACTITIONER" MEANS A RES-
 20 PIRATORY CARE PRACTITIONER REGISTERED IN ACCORDANCE WITH THIS
 21 ARTICLE.

22 (C) "RESPIRATORY CARE PRACTITIONER" MEANS A HEALTH CARE PRO-
 23 FESSIONAL WHO PRACTICES UNDER THE PRESCRIPTION OF A PHYSICIAN AND
 24 WHO PROVIDES TREATMENT, THERAPY, MANAGEMENT, REHABILITATION,
 25 DIAGNOSTIC EVALUATION, AND CARE FOR PATIENTS WITH DEFICIENCIES
 26 AND ABNORMALITIES THAT AFFECT THE RESPIRATORY SYSTEM AND
 27 ASSOCIATED ASPECTS OF CARDIOPULMONARY AND OTHER SYSTEMS

1 FUNCTIONS. RESPIRATORY CARE PRACTITIONER INCLUDES, BUT IS NOT
2 LIMITED TO, A HEALTH CARE PROFESSIONAL WHO TRANSCRIBES AND IMPL-
3 MENTS THE WRITTEN AND VERBAL ORDERS OF A PHYSICIAN PERTAINING TO
4 RESPIRATORY CARE AND WHO ADMINISTERS MEDICATIONS, BUT DOES NOT
5 INCLUDE A HEALTH CARE PROFESSIONAL WHO PRESCRIBES PRESCRIPTION
6 DRUGS.

7 (2) IN ADDITION TO THE DEFINITIONS IN THIS PART, ARTICLE 1
8 CONTAINS GENERAL DEFINITIONS AND PRINCIPLES OF CONSTRUCTION
9 APPLICABLE TO ALL ARTICLES IN THIS CODE AND PART 161 CONTAINS
10 DEFINITIONS APPLICABLE TO THIS PART.

11 SEC. 17903. (1) AFTER RULES ARE PROMULGATED BY THE BOARD
12 UNDER SECTION 16145, AN INDIVIDUAL SHALL NOT USE 1 OR MORE OF THE
13 TITLES LISTED IN SECTION 16263(1)(P) UNLESS THE INDIVIDUAL IS
14 REGISTERED UNDER THIS ARTICLE.

15 (2) THIS PART DOES NOT PROHIBIT A LICENSEE UNDER THIS ARTI-
16 CLE FROM ENGAGING IN ACTIVITIES THAT FALL UNDER THE DEFINITION OF
17 RESPIRATORY CARE PRACTITIONER IF THE ACTIVITIES ARE AUTHORIZED
18 UNDER THE LICENSE HELD BY THE LICENSEE.

19 SEC. 17905. THE MICHIGAN BOARD OF RESPIRATORY CARE PRACTI-
20 TIONERS IS CREATED IN THE DEPARTMENT AND SHALL CONSIST OF THE
21 FOLLOWING 7 MEMBERS WHO MEET THE REQUIREMENTS OF PART 161: 4
22 INDIVIDUALS WHO MEET THE REQUIREMENTS OF SECTION 16135(2), 1 PHY-
23 SICIAN MEDICAL DIRECTOR OF RESPIRATORY THERAPY SERVICES, AND 2
24 PUBLIC MEMBERS.

25 SEC. 17907. (1) IN ADDITION TO THE REQUIREMENTS OF PART
26 161, THE BOARD SHALL REQUIRE THE APPLICANT TO TAKE AN EXAMINATION
27 THAT INCLUDES SUBJECTS THE GENERAL KNOWLEDGE OF WHICH IS COMMONLY

1 AND GENERALLY REQUIRED OF A GRADUATE OF AN ACCREDITED RESPIRATORY
2 CARE PRACTITIONER'S PROGRAM IN THE UNITED STATES AND DETERMINED
3 BY THE BOARD TO BE ESSENTIAL TO SAFE AND COMPETENT PRACTICE AS A
4 RESPIRATORY CARE PRACTITIONER. THE BOARD MAY WAIVE THE EXAMINA-
5 TION REQUIREMENT IF 1 OF THE FOLLOWING APPLIES:

6 (A) THE APPLICANT HAS TAKEN AND PASSED AN EXAMINATION GIVEN
7 BY THE NATIONAL BOARD OF RESPIRATORY CARE AND ACCEPTED BY THE
8 BOARD.

9 (B) SUBJECT TO SUBSECTION (2), THE APPLICANT HAS BEEN PRAC-
10 TICING AS A RESPIRATORY CARE PRACTITIONER FOR NOT LESS THAN 2 OF
11 THE 5 YEARS IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF THIS PART
12 AND APPLIES FOR REGISTRATION WITHIN 1 YEAR AFTER THE EFFECTIVE
13 DATE OF THIS PART.

14 (2) THE DEPARTMENT SHALL NOT RENEW THE REGISTRATION OF A
15 REGISTRANT WHO RECEIVED A WAIVER UNDER SUBSECTION (1)(B) UNLESS
16 THE INDIVIDUAL HAS TAKEN AND PASSED THE EXAMINATION REQUIRED
17 UNDER SUBSECTION (1).

18 Section 2. This amendatory act shall take effect upon the
19 expiration of 18 months after it is enacted into law.

20 Section 3. This amendatory act shall not take effect unless
21 Senate Bill No. _____ or House Bill No. 4961 (request
22 no. 01666'91) of the 86th Legislature is enacted into law.