



HOUSE BILL No. 5560

February 7, 1996, Introduced by Reps. Hammerstrom, McBryde, Whyman, Hill, Stallworth, Jellema and Rhead and referred to the Committee on Regulatory Affairs.

A bill to amend sections 16131 and 16263 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," as amended by Act No. 126 of the Public Acts of 1995, being sections 333.16131 and 333.16263 of the Michigan Compiled Laws; and to add section 16350 and part 189.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 16131 and 16263 of Act No. 368 of the
2 Public Acts of 1978, as amended by Act No. 126 of the Public Acts
3 of 1995, being sections 333.16131 and 333.16263 of the Michigan
4 Compiled Laws, are amended and section 16350 and part 189 are
5 added to read as follows:

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

1	DIETETICS AND NUTRITION	JUNE 30
2	Nursing	June 30
3	Optometry	June 30
4	Pharmacy	June 30
5	Podiatric medicine and surgery	June 30
6	Dentistry	June 30
7	Chiropractic	December 31
8	Counseling	June 30
9	Marriage and family therapy	June 30
10	Medicine	December 31
11	Occupational therapists	December 31
12	Osteopathic medicine and surgery	December 31
13	Physical therapy	December 31
14	Psychology	December 31
15	Sanitarians	December 31
16	Veterinary medicine	December 31
17	Sec. 16263. (1) Except as provided in subsection (2), the	
18	following words, titles, or letters or a combination thereof,	
19	with or without qualifying words or phrases, are restricted in	
20	use only to those persons authorized under this article to use	
21	the terms and in a way prescribed in this article:	
22	(a) "Chiropractic", "doctor of chiropractic",	
23	"chiropractor", "d.c.", and "chiropractic physician".	
24	(b) "Dentist", "doctor of dental surgery", "oral and maxil-	
25	lofacial surgeon", "orthodontist", "prosthodontist",	
26	"periodontist", "endodontist", "oral pathologist", "pediatric	
27	dentist", "dental hygienist", "registered dental hygienist",	

1 "dental assistant", "registered dental assistant", "R.D.A.",
2 "d.d.s.", "d.m.d.", and "r.d.h.".

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

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

5 (e) "Registered professional nurse", "registered nurse",
6 "r.n.", "licensed practical nurse", "l.p.n.", "nurse midwife",
7 "nurse anesthetist", "nurse practitioner", "trained attendant",
8 and "t.a.".

9 (f) "Doctor of optometry", "optometrist", and "o.d.".

10 (g) "Osteopath", "osteopathy", "osteopathic practitioner",
11 "doctor of osteopathy", "diplomate in osteopathy", and "d.o.".

12 (h) "Pharmacy", "pharmacist", "apothecary", "drugstore",
13 "druggist", "medicine store", "prescriptions", and "r.ph.".

14 (i) "Physical therapy", "physical therapist",
15 "physiotherapist", "registered physical therapist", "licensed
16 physical therapist", "physical therapy technician", "p.t.",
17 "r.p.t.", "l.p.t.", and "p.t.t.".

18 (j) "Chiropodist", "chiropody", "chiropodical", "podiatry",
19 "podiatrist", "podiatric", "doctor of podiatric medicine", "foot
20 specialist", "podiatric physician and surgeon", and "d.p.m.".

21 (k) "Consulting psychologist", "psychologist",
22 "psychological assistant", and "psychological examiner",
23 "licensed psychologist", and "limited licensed psychologist".

24 (l) "Licensed professional counselor", "licensed counselor",
25 "professional counselor", and "l.p.c.".

26 (m) "Sanitarian", "registered sanitarian", and "r.s.".

1 (n) "Veterinary", "veterinarian", "veterinary doctor",
 2 "veterinary surgeon", "doctor of veterinary medicine", "v.m.d.",
 3 "d.v.m.", "animal technician", or "animal technologist".

4 (o) "Occupational therapist", "occupational therapist
 5 registered", "certified occupational therapist", "o.t.",
 6 "o.t.r.", "c.o.t.", "certified occupational therapy assistant",
 7 "occupational therapy assistant", or "c.o.t.a.".

8 (p) "Marriage advisor" or "marriage consultant"; "family
 9 counselor", "family advisor", "family therapist", or "family
 10 consultant"; "family guidance counselor", "family guidance
 11 advisor", or "family guidance consultant"; "marriage guidance
 12 counselor", "marriage guidance advisor", or "marriage guidance
 13 consultant"; "family relations counselor"; "marriage relations
 14 counselor", "marriage relations advisor", or "marriage relations
 15 consultant"; "marital counselor" or "marital therapist"; "limited
 16 licensed marriage and family therapist" or "limited licensed mar-
 17 riage counselor"; "licensed marriage and family therapist" or
 18 "licensed marriage counselor"; and "l.m.f.t.".

19 (Q) "LICENSED DIETITIAN AND NUTRITIONIST", "L.D.N.",
 20 "DIETICIAN", "DIETITIAN", "NUTRITIONIST", "NUTRITION COUNSELOR",
 21 OR "DIETETICS COUNSELOR".

22 (2) Notwithstanding section 16261, a person who was spe-
 23 cially trained at an institution of higher education in this
 24 state to assist a physician in the field of orthopedics and upon
 25 completion of training, received a 2-year associate of science
 26 degree as an orthopedic physician's assistant before January 1,

1 1977, may use the title "orthopedic physician's assistant"
 2 whether or not the person is licensed under this article.

3 SEC. 16350. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE
 4 TO ENGAGE IN THE PRACTICE OF DIETETICS AND NUTRITION UNDER PART
 5 189 ARE AS FOLLOWS:

6	(A) APPLICATION PROCESSING FEE.....	\$20.00
7	(B) LICENSE FEE, PER YEAR.....	25.00
8	(C) LIMITED LICENSE FEE, PER YEAR.....	25.00
9	(D) TEMPORARY LICENSE FEE, PER YEAR.....	20.00

10 PART 189. DIETETICS AND NUTRITION

11 SEC. 18901. (1) AS USED IN THIS PART:

12 (A) "LICENSED DIETITIAN AND NUTRITIONIST" MEANS AN INDIVID-
 13 UAL LICENSED UNDER THIS PART TO ENGAGE IN THE PRACTICE OF DIETET-
 14 ICS AND NUTRITION.

15 (B) "NUTRITION CARE SERVICES" MEANS SERVICES THAT MAY
 16 INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:

17 (i) NUTRITION COUNSELING.

18 (ii) RECOMMENDATION OF FOOD OR SUPPLEMENTAL NUTRIENTS.

19 (iii) A PROGRAM OF NUTRITION ADMINISTRATION.

20 (C) "PRACTICE OF DIETETICS AND NUTRITION", EXCEPT AS OTHER-
 21 WISE PROVIDED IN SUBSECTION (2), MEANS THE INTEGRATION AND APPLI-
 22 CATION OF SCIENTIFIC PRINCIPLES OF FOOD, NUTRITION, BIOCHEMISTRY,
 23 PHYSIOLOGY, MANAGEMENT, AND BEHAVIORAL AND SOCIAL SCIENCES TO
 24 ACHIEVE AND MAINTAIN HEALTH OF PEOPLE PRIMARILY THROUGH THE PRO-
 25 VISION OF NUTRITION CARE SERVICES.

1 (2) AS USED IN THIS PART, PRACTICE OF DIETETICS AND
2 NUTRITION DOES NOT INCLUDE 1 OR MORE OF THE FOLLOWING:

3 (A) FURNISHING GENERAL INFORMATION ON FOODS, FOOD PRODUCTS,
4 OR DIETARY SUPPLEMENTS IN CONNECTION WITH THEIR MARKETING OR DIS-
5 TRIBUTION AS LONG AS THE INDIVIDUAL DOES NOT HOLD HIMSELF OR HER-
6 SELF OUT AS A LICENSED DIETITIAN AND NUTRITIONIST AND DOES NOT
7 CHARGE A FEE FOR PROVIDING THE INFORMATION.

8 (B) PROVIDING WEIGHT CONTROL SERVICES IF AN INDIVIDUAL
9 LICENSED UNDER THIS PART OR A REGISTERED DIETITIAN AS RECOGNIZED
10 BY THE COMMISSION ON DIETETIC REGISTRATION DOES ALL OF THE
11 FOLLOWING:

12 (i) REVIEWS THOSE SERVICES BEFORE THEY ARE INITIATED.

13 (ii) APPROVES ANY CHANGES IN THOSE SERVICES.

14 (iii) MAKES HIMSELF OR HERSELF AVAILABLE FOR CONSULTATION
15 REGARDING THE ADMINISTRATION OF THOSE SERVICES.

16 (C) UNTIL THE EXPIRATION OF 5 YEARS AFTER THE EFFECTIVE DATE
17 OF THIS PART, THE ACTIVITIES OF AN INDIVIDUAL EMPLOYED BY A
18 HEALTH FACILITY OR AGENCY LICENSED UNDER ARTICLE 17 AND OPERATING
19 IN COMPLIANCE WITH APPLICABLE RULES, IF ANY, GOVERNING ACTIVITIES
20 RELATED TO THE INDIVIDUAL'S EMPLOYMENT.

21 SEC. 18903. (1) A PERSON SHALL NOT ENGAGE IN THE PRACTICE
22 OF DIETETICS AND NUTRITION UNLESS LICENSED OR OTHERWISE AUTHO-
23 RIZED UNDER THIS ARTICLE.

24 (2) THIS PART DOES NOT RESTRICT THE ACTIVITIES OF ANY INDI-
25 VIDUAL LICENSED UNDER THIS ACT WHOSE SCOPE OF PRACTICE MAY
26 INCLUDE ACTIVITIES WITHIN THE SCOPE OF THE PRACTICE OF DIETETICS
27 AND NUTRITION.

1 (3) THIS PART DOES NOT PROHIBIT A DIETITIAN REGISTERED BY
2 THE COMMISSION ON DIETETIC REGISTRATION FROM USING THE TITLE
3 "REGISTERED DIETITIAN" OR THE DESIGNATION "R.D.", AS LONG AS THE
4 INDIVIDUAL DOES NOT ENGAGE IN THE PRACTICE OF DIETETICS AND
5 NUTRITION OR HOLD HIMSELF OR HERSELF OUT AS A LICENSED DIETITIAN
6 AND NUTRITIONIST.

7 SEC. 18905. (1) THE MICHIGAN BOARD OF DIETETICS AND NUTRI-
8 TION IS CREATED IN THE DEPARTMENT. THE BOARD SHALL CONSIST OF 7
9 VOTING MEMBERS MEETING THE REQUIREMENTS OF PART 161.

10 (2) TWO OF THE MEMBERS SHALL BE FROM THE GENERAL PUBLIC.

11 (3) IN ADDITION TO THE REQUIREMENTS OF SECTION 16135(2), THE
12 MEMBERS OF THE INITIAL BOARD SHALL BE INDIVIDUALS WHO MEET BOTH
13 OF THE FOLLOWING:

14 (A) POSSESS A BACCALAUREATE OR HIGHER DEGREE FROM A UNITED
15 STATES REGIONALLY ACCREDITED INSTITUTION OF HIGHER EDUCATION WITH
16 A MAJOR COURSE OF STUDY IN HUMAN NUTRITION, NUTRITION EDUCATION,
17 FOODS AND NUTRITION, DIETETICS, OR FOOD SYSTEMS MANAGEMENT.
18 APPLICANTS FOR THE INITIAL BOARD WHO HAVE OBTAINED THEIR EDUCA-
19 TION OUTSIDE OF THE UNITED STATES OR ITS TERRITORIES SHALL HAVE
20 THEIR ACADEMIC DEGREE VALIDATED AS EQUIVALENT TO A BACCALAUREATE
21 OR HIGHER DEGREE CONFERRED BY A UNITED STATES REGIONALLY ACCREDI-
22 TED INSTITUTION OF HIGHER EDUCATION.

23 (B) HAVE NOT LESS THAN 900 HOURS OF SUPERVISED POSTCOLLEGE
24 OR PLANNED CONTINUOUS AND VERIFIABLE PREPROFESSIONAL EXPERIENCE.

25 SEC. 18907. (1) EXCEPT AS OTHERWISE PROVIDED IN
26 SUBSECTION (3), THE BOARD SHALL ISSUE A LICENSE TO AN INDIVIDUAL
27 WHO MEETS ALL OF THE FOLLOWING REQUIREMENTS:

1 (A) POSSESSES A BACCALAUREATE DEGREE FROM A UNITED STATES
2 REGIONALLY ACCREDITED INSTITUTION OF HIGHER EDUCATION WITH A
3 MAJOR COURSE OF STUDY IN HUMAN NUTRITION, NUTRITION EDUCATION,
4 FOODS AND NUTRITION, DIETETICS, FOOD SYSTEMS MANAGEMENT, OR AN
5 EQUIVALENT COURSE OF STUDY AS APPROVED BY THE BOARD.

6 (B) HAS NOT LESS THAN 900 HOURS OF SUPERVISED POSTCOLLEGE OR
7 PLANNED CONTINUOUS PREPROFESSIONAL EXPERIENCE AS PRESCRIBED IN A
8 RULE PROMULGATED BY THE BOARD.

9 (C) PASSES AN EXAMINATION THAT IS APPROVED BY THE BOARD.

10 (2) AN INDIVIDUAL WHO, ON THE EFFECTIVE DATE OF THIS PART,
11 PROVIDES EVIDENCE OF REGISTRATION AS A DIETITIAN WITH THE COMMIS-
12 SION ON DIETETIC REGISTRATION SHALL BE CONSIDERED TO HAVE MET THE
13 EDUCATION, EXAMINATION, AND EXPERIENCE REQUIREMENTS OF THIS
14 SECTION.

15 (3) A STUDENT ENROLLED IN AN ACADEMIC PROGRAM AT AN INSTITU-
16 TION OF HIGHER EDUCATION WITH A MAJOR COURSE OF STUDY IN HUMAN
17 NUTRITION, FOODS AND NUTRITION, DIETETICS, OR FOOD SYSTEMS MAN-
18 AGEMENT MAY ENGAGE IN THE PRACTICE OF DIETETICS AND NUTRITION IF
19 THAT PRACTICE IS PART OF A PROFESSIONAL COURSE OF STUDY THAT IS
20 SUPERVISED BY AN INDIVIDUAL LICENSED UNDER THIS PART AND IF THE
21 STUDENT IS DESIGNATED BY A TITLE THAT CLEARLY INDICATES HIS OR
22 HER STATUS AS A STUDENT.

23 (4) IN ADDITION TO THE CIRCUMSTANCES DESCRIBED IN
24 SECTION 16182, THE BOARD MAY ISSUE A LIMITED LICENSE FOR A PERIOD
25 OF 1 YEAR TO AN INDIVIDUAL WHO MEETS THE EDUCATIONAL QUALIFICA-
26 TIONS OF SUBSECTION (1). THE LIMITED LICENSE MAY ONLY BE RENEWED
27 FOR AN ADDITIONAL 1-YEAR PERIOD UPON APPLICATION OF THE LICENSEE

1 TO THE BOARD AND UPON THE DEMONSTRATION OF EXCEPTIONAL
2 CIRCUMSTANCES AS PRESCRIBED IN A RULE PROMULGATED BY THE BOARD.

3 SEC. 18909. NOTWITHSTANDING THE REQUIREMENTS OF PART 161
4 AND BEGINNING WITH THE SECOND RENEWAL PERIOD AFTER THE EFFECTIVE
5 DATE OF THIS PART, THE BOARD MAY REQUIRE A LICENSEE SEEKING
6 RENEWAL OF A LICENSE TO FURNISH THE BOARD WITH EITHER OR BOTH OF
7 THE FOLLOWING:

8 (A) EVIDENCE THAT DURING THE 1 YEAR BEFORE AN APPLICATION
9 FOR RENEWAL THE LICENSEE HAS ATTENDED CONTINUING EDUCATION
10 COURSES OR PROGRAMS APPROVED BY THE BOARD AND TOTALING NOT LESS
11 THAN 12 CLOCK-HOURS IN SUBJECTS RELATED TO THE PRACTICE OF
12 DIETETICS AND NUTRITION THAT ARE DESIGNED TO FURTHER EDUCATE
13 LICENSEES.

14 (B) EVIDENCE OF CONTINUING COMPETENCE THAT THE BOARD DETER-
15 MINES BY RULE IS NECESSARY TO DEMONSTRATE THAT THE LICENSEE CON-
16 TINUES TO MEET THE EDUCATIONAL AND PRACTICE STANDARDS OF THE
17 PROFESSION.

18 SEC. 18911. THE DEPARTMENT SHALL ISSUE A LICENSE WITHOUT
19 EXAMINATION TO AN INDIVIDUAL WHO APPLIES WITHIN 1 YEAR AFTER THE
20 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS PART AND
21 DEMONSTRATES THAT HE OR SHE HAS BEEN ENGAGED IN, OR HAS WORKED
22 AT, THE PRACTICE OF DIETETICS AND NUTRITION FOR 2 YEARS IMMEDI-
23 ATELY PRECEDING THAT EFFECTIVE DATE AND DEMONSTRATES THAT HE OR
24 SHE POSSESSES A BACCALAUREATE, MASTER'S, OR DOCTORAL DEGREE FROM
25 A UNITED STATES REGIONALLY ACCREDITED INSTITUTION OF HIGHER EDU-
26 CATION WITH A MAJOR COURSE OF STUDY IN HUMAN NUTRITION, PUBLIC
27 HEALTH NUTRITION, CLINICAL NUTRITION, NUTRITION EDUCATION,

1 COMMUNITY NUTRITION, FOOD SYSTEMS MANAGEMENT, OR FOODS AND
2 NUTRITION.

3 SEC. 18913. THIS PART DOES NOT REQUIRE NEW OR ADDITIONAL
4 THIRD PARTY REIMBURSEMENT FOR SERVICES RENDERED BY INDIVIDUALS
5 LICENSED UNDER THIS PART.