



# HOUSE BILL No. 5917

May 30, 1996, Introduced by Reps. Bennane and DeMars and referred to the Committee on Health Policy.

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 16205 as amended by Act No. 290 of the Public Acts of 1986 and sections 16131 and 16263 as amended by Act No. 126 of the Public Acts of 1995, being sections 333.16131, 333.16205, and 333.16263 of the Michigan Compiled Laws; and to add section 16322 and part 165.

## 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 16205 as amended by Act  
3 No. 290 of the Public Acts of 1986 and sections 16131 and 16263  
4 as amended by Act No. 126 of the Public Acts of 1995, being  
5 sections 333.16131, 333.16205, and 333.16263 of the Michigan

1 Compiled Laws, are amended and section 16322 and part 165 are  
2 added to read as follows:

3 Sec. 16131. The terms of office of individual members of  
4 the boards and task forces, except those appointed to fill vacan-  
5 cies, ~~shall~~ expire 4 years after appointment as follows:

6	ACUPUNCTURE	JUNE 30
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	Marriage and family therapy	June 30
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	Sanitaricians	December 31
21	Veterinary medicine	December 31

22 Sec. 16205. (1) A board ~~which~~ THAT requires evidence of  
23 attendance at educational programs as a condition to license OR  
24 REGISTRATION renewal may waive those requirements if, upon writ-  
25 ten application, the board finds the failure of the licensee OR  
26 REGISTRANT to attend was due to ~~the licensee's~~ disability,  
27 military service, absence from the continental United States, or

1 a circumstance beyond ~~the~~ HIS OR HER control ~~of the licensee~~  
2 ~~which~~ THAT the board considers good and sufficient.

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

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

11 (a) "Chiropractic", "doctor of chiropractic",  
12 "chiropractor", "d.c.", and "chiropractic physician".

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

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

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

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

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

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

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

3 (i) "Physical therapy", "physical therapist",  
4 "physiotherapist", "registered physical therapist", "licensed  
5 physical therapist", "physical therapy technician", "p.t.",  
6 "r.p.t.", "l.p.t.", and "p.t.t.".

7 (j) "Chiropodist", "chiropody", "chiropodical", "podiatry",  
8 "podiatrist", "podiatric", "doctor of podiatric medicine", "foot  
9 specialist", "podiatric physician and surgeon", and "d.p.m.".

10 (k) "Consulting psychologist", "psychologist",  
11 "psychological assistant", and "psychological examiner",  
12 "licensed psychologist", and "limited licensed psychologist".

13 (l) "Licensed professional counselor", "licensed counselor",  
14 "professional counselor", and "l.p.c.".

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

16 (n) "Veterinary", "veterinarian", "veterinary doctor",  
17 "veterinary surgeon", "doctor of veterinary medicine", "v.m.d.",  
18 "d.v.m.", "animal technician", or "animal technologist".

19 (o) "Occupational therapist", "occupational therapist  
20 registered", "certified occupational therapist", "o.t.",  
21 "o.t.r.", "c.o.t.", "certified occupational therapy assistant",  
22 "occupational therapy assistant", or "c.o.t.a.".

23 (p) "Marriage advisor" or "marriage consultant"; "family  
24 counselor", "family advisor", "family therapist", or "family  
25 consultant"; "family guidance counselor", "family guidance  
26 advisor", or "family guidance consultant"; "marriage guidance  
27 counselor", "marriage guidance advisor", or "marriage guidance

1 consultant"; "family relations counselor"; "marriage relations  
2 counselor", "marriage relations advisor", or "marriage relations  
3 consultant"; "marital counselor" or "marital therapist"; "limited  
4 licensed marriage and family therapist" or "limited licensed mar-  
5 riage counselor"; "licensed marriage and family therapist" or  
6 "licensed marriage counselor"; and "l.m.f.t.".

7 (Q) "ACUPUNCTURIST" OR "REGISTERED ACUPUNCTURIST".

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 SEC. 16322. FEES FOR A PERSON REGISTERED OR SEEKING REGIS-  
16 TRATION AS A REGISTERED ACUPUNCTURIST UNDER PART 165 ARE AS  
17 FOLLOWS:

18	(A) APPLICATION PROCESSING FEE.....	\$20.00
19	(B) EXAMINATION FEE.....	\$50.00
20	(C) REGISTRATION FEE, PER YEAR.....	\$50.00

21 PART 165.

22 SEC. 16501. (1) AS USED IN THIS PART:

23 (A) "ACUPUNCTURE" MEANS THE INSERTION AND MANIPULATION OF  
24 NEEDLES ON THE SURFACE OF THE HUMAN BODY AND THE USE OF ORIENTAL  
25 MEDICINE AT SPECIFIC LOCATIONS ON THE HUMAN BODY FOR THE

1 PREVENTION OR CORRECTION OF DISEASE, INJURY, PAIN, OR OTHER  
2 CONDITION.

3 (B) "ACUPUNCTURIST" MEANS AN INDIVIDUAL WHO PRACTICES ACU-  
4 PUNCTURE AND ORIENTAL MEDICINE AND, EXCEPT AS OTHERWISE PROVIDED  
5 IN SECTION 16524 (2), IS REGISTERED UNDER THIS PART.

6 (C) "ADMINISTRATION OF HERBAL SUBSTANCES" MEANS THE ADMINIS-  
7 TRATION OF HERBS OF ANIMAL, VEGETABLE, OR MINERAL ORIGIN FOR  
8 HEALTH MAINTENANCE AND THE TREATMENT OF EFFECTS OF DISEASE.

9 (D) "BREATHING AND EXERCISE TECHNIQUES" MEANS THE USE OF  
10 TECHNIQUES OF THERAPEUTIC BREATHING AND EXERCISE.

11 (E) "COLD PACKS" MEANS THE APPLICATION OF COLD PACKS AND ICE  
12 TO SPECIFIC LOCATIONS ON THE HUMAN BODY TO REDUCE HEAT CONDITIONS  
13 OR INFLAMMATION IN SURFACE TISSUES OF THE HUMAN BODY.

14 (F) "CUPPING" MEANS THE HEATING OF AIR OR THE MECHANICAL  
15 CREATION OF SUCTION IN A CUP, APPLICATION TO SPECIFIC LOCATIONS  
16 ON THE HUMAN BODY TO INDUCE LOCAL VASODILATION AND MECHANICAL  
17 EXPANSION OF UNDERLYING TISSUE.

18 (G) "DIETARY, NUTRITIONAL, AND LIFESTYLE COUNSELING" MEANS  
19 IN-DEPTH PATIENT INTERVIEWS AND COUNSELING TO DETERMINE WHETHER  
20 POOR DIETARY, NUTRITIONAL, OR LIFESTYLE PRACTICES ARE A FACTOR IN  
21 A PATIENT'S ILLNESS AND TO EDUCATE TOWARD A HEALTHIER LIFESTYLE.

22 (H) "ELECTROACUPUNCTURE INCLUDING ELECTRODERMAL ASSESSMENT"  
23 MEANS THE USE OF ELECTRONIC BIOFEEDBACK, AND ELECTROSTIMULATION  
24 INSTRUMENTS.

25 (I) "ION PUMPING CORDS" MEANS THE APPLICATION OF WIRES CON-  
26 TAINING DIODES TO ACUPUNCTURE NEEDLES THAT HAVE BEEN PLACED ON  
27 THE HUMAN BODY.

1 (J) "MAGNETS" MEANS THE APPLICATION OF MAGNETS TO SPECIFIC  
2 LOCATIONS ON THE HUMAN BODY.

3 (K) "MERIDIAN THERAPY" MEANS AN ASSESSMENT OR TREATMENT  
4 DEVICE FOR USE WITH ACUPUNCTURE MERIDIANS.

5 (L) "MOXIBUSTION" MEANS THE USE OF HEAT AT SPECIFIC LOCA-  
6 TIONS ON THE HUMAN BODY FOR THE PREVENTION OR CORRECTION OF DIS-  
7 EASE, INJURY, PAIN, OR OTHER CONDITION.

8 (M) "ORIENTAL MEDICINE" MEANS THE DISTINCT SYSTEM OF PRIMARY  
9 HEALTH CARE THAT USES ALL DIAGNOSTIC AND TREATMENT TECHNIQUES OF  
10 ORIENTAL MEDICINE, BOTH TRADITIONAL AND MODERN, FOR THE PREVEN-  
11 TION OR CORRECTION OF DISEASE, ILLNESS, INJURY, PAIN, OR OTHER  
12 CONDITION. ORIENTAL MEDICINE INCLUDES, BUT IS NOT LIMITED TO,  
13 ALL OF THE FOLLOWING:

14 (i) MOXIBUSTION.

15 (ii) CUPPING.

16 (iii) MAGNETS.

17 (iv) ION PUMPING CORDS.

18 (v) ELECTROACUPUNCTURE INCLUDING ELECTRODERMAL ASSESSMENT.

19 (vi) COLD PACKS.

20 (vii) DIETARY, NUTRITIONAL, AND LIFESTYLE COUNSELING.

21 (viii) BREATHING AND EXERCISE TECHNIQUES.

22 (ix) ADMINISTRATION OF HERB AND NUTRITIONAL SUPPLEMENTS.

23 (x) MERIDIAN THERAPY.

24 (2) IN ADDITION TO THE DEFINITIONS IN THIS PART, ARTICLE 1  
25 CONTAINS GENERAL DEFINITIONS AND PRINCIPLES OF CONSTRUCTION  
26 APPLICABLE TO ALL ARTICLES IN THE CODE, AND PART 161 CONTAINS  
27 DEFINITIONS APPLICABLE TO THIS PART.

1        SEC. 16503. THIS PART DOES NOT APPLY TO A CERTIFIED,  
2 LICENSED, OR STATUTORILY RECOGNIZED MEMBER OF ANOTHER PROFESSION  
3 WHO PRACTICES HIS OR HER PROFESSION AS AUTHORIZED BY LAW SO LONG  
4 AS THE INDIVIDUAL DOES NOT HOLD HIMSELF OR HERSELF OUT AS AN  
5 ACUPUNCTURIST REGISTERED UNDER THIS ARTICLE.

6        SEC. 16511. AFTER RULES ARE PROMULGATED UNDER  
7 SECTION 16145, AN INDIVIDUAL SHALL NOT USE THE TITLE  
8 "ACUPUNCTURIST" OR "REGISTERED ACUPUNCTURIST" UNLESS HE OR SHE IS  
9 REGISTERED UNDER THIS ARTICLE.

10       SEC. 16512. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION  
11 (2), AN ACUPUNCTURIST SHALL PRACTICE ONLY UPON THE REFERRAL OF A  
12 PHYSICIAN LICENSED UNDER PART 170 OR 175.

13       (2) AN ACUPUNCTURIST MAY TREAT AN INDIVIDUAL FOR WEIGHT CON-  
14 TROL OR SUBSTANCE ABUSE, AS THAT TERM IS DEFINED IN SECTION 6107,  
15 OR FOR OTHER ADDICTIONS WITHOUT A REFERRAL FROM A PHYSICIAN  
16 LICENSED UNDER PART 170 OR 175 AND MAY TREAT AN INDIVIDUAL FOR A  
17 PHYSICAL CONDITION WITHOUT A REFERRAL FROM A PHYSICIAN LICENSED  
18 UNDER PART 170 OR 175 IF THE INDIVIDUAL HAS BEEN PREVIOUSLY DIAG-  
19 NOSED OR TREATED, OR BOTH, FOR THAT PHYSICAL CONDITION BY A PHY-  
20 SICIAN LICENSED UNDER PART 170 OR 175.

21       (3) AN ACUPUNCTURIST SHALL NOT ATTEMPT TO IDENTIFY UNDERLY-  
22 ING MEDICAL PROBLEMS OR ETIOLOGIES OR ESTABLISH MEDICAL  
23 DIAGNOSES.

24       SEC. 16521. THE MICHIGAN BOARD OF ACUPUNCTURE IS CREATED IN  
25 THE DEPARTMENT AND SHALL CONSIST OF THE FOLLOWING 5 VOTING MEM-  
26 BERS WHO MEET THE REQUIREMENTS OF PART 161:

1 (A) THREE INDIVIDUALS WHO MEET THE REQUIREMENTS OF  
2 SECTION 16135(2) AND ARE NOT LICENSED UNDER PART 170 OR 175.

3 (B) ONE PHYSICIAN LICENSED UNDER PART 170 OR 175.

4 (C) ONE PUBLIC MEMBER.

5 SEC. 16523. THE BOARD SHALL ISSUE A REGISTRATION TO AN  
6 APPLICANT WHO MEETS THE REQUIREMENTS PRESCRIBED IN THE RULES  
7 PROMULGATED AS DESCRIBED IN SECTION 16524(1) AND PASSES AN EXAMI-  
8 NATION ADOPTED AND CERTIFIED BY THE NATIONAL COMMISSION FOR THE  
9 CERTIFICATION OF ACUPUNCTURISTS AND ACCEPTED BY THE BOARD,  
10 INCLUDING THE WRITTEN AND PRACTICAL COMPONENTS AND THE CLEAN  
11 NEEDLE TECHNIQUES.

12 SEC. 16524. (1) IN PROMULGATING RULES THAT ESTABLISH  
13 REQUIREMENTS FOR REGISTRATION UNDER SECTION 16145, THE BOARD MAY  
14 ADOPT BY REFERENCE REQUIREMENTS SET BY THE NATIONAL COMMISSION  
15 FOR THE CERTIFICATION OF ACUPUNCTURISTS OR ITS SUCCESSOR  
16 ORGANIZATION. THE BOARD SHALL NOT PROMULGATE RULES THAT DIMINISH  
17 COMPETITION OR EXCEED THE MINIMUM LEVEL OF REGULATION NECESSARY  
18 TO PROTECT THE PUBLIC.

19 (2) FOR A PERIOD NOT TO EXCEED 2 YEARS AFTER THE BOARD  
20 PROMULGATES RULES UNDER SECTION 16145 TO ESTABLISH REQUIREMENTS  
21 FOR REGISTRATION UNDER THIS PART, THE BOARD SHALL GRANT A CERTIF-  
22 ICATE OF REGISTRATION WITHOUT EXAMINATION TO AN INDIVIDUAL WHO  
23 HAS BEEN AN ACUPUNCTURIST IN THIS STATE FOR A MINIMUM OF 3 OUT OF  
24 THE 5 YEARS IMMEDIATELY PRECEDING THE DATE OF THE INDIVIDUAL'S  
25 APPLICATION FOR REGISTRATION. HOWEVER, THE BOARD SHALL NOT RENEW  
26 A REGISTRATION ISSUED UNDER THIS SUBSECTION UNLESS THE APPLICANT  
27 MEETS ALL OF THE REQUIREMENTS FOR REGISTRATION PRESCRIBED IN THE

1 RULES PROMULGATED UNDER SUBSECTION (1) AND PASSES THE EXAMINATION  
2 REQUIRED UNDER SECTION 16523.

3 SEC. 16527. (1) THE BOARD SHALL PROMULGATE RULES TO ESTAB-  
4 LISH A SYSTEM OF ASSESSING THE CONTINUED COMPETENCE OF REGIS-  
5 TRANTS AS A CONDITION OF REGISTRATION RENEWAL.

6 (2) THE BOARD SHALL REQUIRE, AT A MINIMUM, AS PART OF THE  
7 RULES PROMULGATED UNDER SUBSECTION (1), THAT EACH REGISTRANT COM-  
8 PLETE NOT LESS THAN 30 HOURS OF CONTINUING EDUCATION EACH RENEWAL  
9 PERIOD. THE BOARD SHALL ENFORCE THE CONTINUING EDUCATION  
10 REQUIREMENT OF THIS SUBSECTION BEGINNING THE SECOND RENEWAL  
11 PERIOD AFTER THE EFFECTIVE DATE OF THIS PART.