

SUBSTITUTE FOR
HOUSE BILL NO. 5986

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16131 and 16263 (MCL 333.16131 and
333.16263), as amended by 1995 PA 126, and by adding section
16338 and part 179.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

4 Nursing	June 30
5 Optometry	June 30
6 Pharmacy	June 30
7 Podiatric medicine and surgery	June 30
8 Dentistry	June 30

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1	Chiropractic	December 31
2	Counseling	June 30
3	Marriage and family therapy	June 30
4	Medicine	December 31
5	Occupational therapists	December 31
6	Osteopathic medicine and surgery	December 31
7	Physical therapy	December 31
8	Psychology	December 31
9	RESPIRATORY CARE	DECEMBER 31
10	Sanitarians	December 31
11	Veterinary medicine	December 31

12 Sec. 16263. (1) Except as provided in subsection (2), the
13 following words, titles, or letters or a combination ~~thereof~~ OF
14 THEM, with or without qualifying words or phrases, are restricted
15 in use only to those persons authorized under this article to use
16 the terms and in a way prescribed in this article:

17 (a) "Chiropractic", "doctor of chiropractic",
18 "chiropractor", "d.c.", and "chiropractic physician".

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

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

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

1 (e) "Registered professional nurse", "registered nurse",
2 "r.n.", "licensed practical nurse", "l.p.n.", "nurse midwife",
3 "nurse anesthetist", "nurse practitioner", "trained attendant",
4 and "t.a.".

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

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

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

10 (i) "Physical therapy", "physical therapist",
11 "physiotherapist", "registered physical therapist", "licensed
12 physical therapist", "physical therapy technician", "p.t.",
13 "r.p.t.", "l.p.t.", and "p.t.t.".

14 (j) "Chiropodist", "chiropody", "chiropodical", "podiatry",
15 "podiatrist", "podiatric", "doctor of podiatric medicine", "foot
16 specialist", "podiatric physician and surgeon", and "d.p.m.".

17 (k) "Consulting psychologist", "psychologist",
18 "psychological assistant", ~~and~~ "psychological examiner",
19 "licensed psychologist", and "limited licensed psychologist".

20 (l) "Licensed professional counselor", "licensed counselor",
21 "professional counselor", and "l.p.c.".

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

23 (n) "Veterinary", "veterinarian", "veterinary doctor",
24 "veterinary surgeon", "doctor of veterinary medicine", "v.m.d.",
25 "d.v.m.", "animal technician", or "animal technologist".

26 (o) "Occupational therapist", "occupational therapist
27 registered", "certified occupational therapist", "o.t.",

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1 "o.t.r.", "c.o.t.", "certified occupational therapy assistant",
2 "occupational therapy assistant", or "c.o.t.a.".

3 (p) "Marriage advisor" or "marriage consultant"; "family
4 counselor", "family advisor", "family therapist", or "family
5 consultant"; "family guidance counselor", "family guidance
6 advisor", or "family guidance consultant"; "marriage guidance
7 counselor", "marriage guidance advisor", or "marriage guidance
8 consultant"; "family relations counselor"; "marriage relations
9 counselor", "marriage relations advisor", or "marriage relations
10 consultant"; "marital counselor" or "marital therapist"; "limited
11 licensed marriage and family therapist" or "limited licensed mar-
12 riage counselor"; "licensed marriage and family therapist" or
13 "licensed marriage counselor"; and "l.m.f.t.".

14 (Q) "RESPIRATORY THERAPIST", "REGISTERED RESPIRATORY
15 THERAPIST", "R.T.", AND "R.R.T.".

16 (2) Notwithstanding section 16261, a person who was spe-
17 cially trained at an institution of higher education in this
18 state to assist a physician in the field of orthopedics and upon
19 completion of training, received a 2-year associate of science
20 degree as an orthopedic physician's assistant before January 1,
21 1977, may use the title "orthopedic physician's assistant"
22 whether or not the person is licensed under this article.

23 SEC. 16338. FEES FOR AN INDIVIDUAL REGISTERED OR SEEKING
24 REGISTRATION AS A REGISTERED RESPIRATORY THERAPIST UNDER PART 179
25 ARE AS FOLLOWS:

26 (A) APPLICATION PROCESSING FEE.....\$ 20.00

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1 (B) REGISTRATION FEE, PER YEAR..... 75.00

2 PART 179. RESPIRATORY CARE

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

4 (A) "HEALTH FACILITY" MEANS A HEALTH FACILITY OR AGENCY
5 LICENSED UNDER ARTICLE 17.

6 (B) "MEDICAL DIRECTOR" MEANS A PHYSICIAN WHO IS RESPONSIBLE
7 FOR THE QUALITY, SAFETY, APPROPRIATENESS, AND EFFECTIVENESS OF
8 THE RESPIRATORY CARE PROVIDED BY A RESPIRATORY THERAPIST, WHO
9 ASSISTS IN QUALITY MONITORING, PROTOCOL DEVELOPMENT, AND COMPE-
10 TENCY VALIDATION, AND WHO MEETS ALL OF THE FOLLOWING:

11 (i) IS THE MEDICAL DIRECTOR OF AN INPATIENT OR OUTPATIENT
12 RESPIRATORY CARE SERVICE OR DEPARTMENT WITHIN A HEALTH FACILITY,
13 OR OF A HOME CARE AGENCY, DURABLE MEDICAL EQUIPMENT COMPANY, OR
14 EDUCATIONAL PROGRAM.

15 (ii) HAS SPECIAL INTEREST AND KNOWLEDGE IN THE DIAGNOSIS AND
16 TREATMENT OF CARDIOPULMONARY DISORDERS AND DISEASES.

17 (iii) IS QUALIFIED BY TRAINING OR EXPERIENCE, OR BOTH, IN
18 THE MANAGEMENT OF ACUTE AND CHRONIC CARDIOPULMONARY DISORDERS AND
19 DISEASES.

20 (C) "PHYSICIAN" MEANS THAT TERM AS DEFINED IN SECTIONS 17001
21 AND 17501.

22 (D) "REGISTERED RESPIRATORY THERAPIST" MEANS AN INDIVIDUAL
23 WHO IS RESPONSIBLE FOR PROVIDING PATIENT CARE SERVICES TO INDI-
24 VIDUALS WITH DISORDERS AND DISEASES OF THE CARDIOPULMONARY
25 SYSTEM, INCLUDING, BUT NOT LIMITED TO, LIFE SUPPORT AND CARDIO-
26 PULMONARY RESUSCITATION AND WHO IS REGISTERED UNDER THIS ARTICLE
27 AS A REGISTERED RESPIRATORY THERAPIST.

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

5 SEC. 17903. AFTER THE EFFECTIVE DATE OF THE RULES PROMUL-
6 GATED BY THE BOARD UNDER SECTION 16145, AN INDIVIDUAL SHALL NOT
7 USE THE TITLES "RESPIRATORY THERAPIST", "REGISTERED RESPIRATORY
8 THERAPIST", "R.T.", AND "R.R.T." OR SIMILAR WORDS THAT INDICATE
9 THE INDIVIDUAL IS A REGISTERED RESPIRATORY THERAPIST UNLESS THE
10 INDIVIDUAL IS REGISTERED UNDER THIS ARTICLE AS A REGISTERED RES-
11 PIRATORY THERAPIST.

12 SEC. 17905. THE MICHIGAN BOARD OF RESPIRATORY CARE IS CRE-
13 ATED IN THE DEPARTMENT AND CONSISTS OF THE FOLLOWING 7 MEMBERS
14 WHO MEET THE REQUIREMENTS OF PART 161:

15 (A) FOUR INDIVIDUALS WHO MEET THE REQUIREMENTS OF
16 SECTION 16135.

17 (B) ONE MEDICAL DIRECTOR.

18 (C) TWO PUBLIC MEMBERS.

19 SEC. 17907. (1) IN PROMULGATING RULES TO ESTABLISH REQUIRE-
20 MENTS FOR REGISTRATION UNDER SECTION 16145, THE BOARD SHALL ADOPT
21 ALL OF THE FOLLOWING REQUIREMENTS:

22 (A) SUCCESSFUL COMPLETION OF AN ACCREDITED RESPIRATORY THER-
23 APIST TRAINING PROGRAM APPROVED BY THE BOARD.

24 (B) HAVING AT LEAST A 2-YEAR ASSOCIATE'S DEGREE FROM AN
25 ACCREDITED COLLEGE OR UNIVERSITY APPROVED BY THE BOARD.

26 (C) HAVING THE CREDENTIAL CONFERRED BY THE NATIONAL BOARD
27 FOR RESPIRATORY CARE OR ITS SUCCESSOR ORGANIZATION AS A

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1 REGISTERED RESPIRATORY THERAPIST OR ITS SUCCESSOR CREDENTIAL, AS
2 APPROVED BY THE BOARD.

3 (2) SUBJECT TO SECTION 16204, THE BOARD SHALL BY RULE PRE-
4 SCRIBE CONTINUING EDUCATION REQUIREMENTS AS A CONDITION FOR REG-
5 ISTRATION RENEWAL.

6 Enacting section 1. This amendatory act does not take
7 effect unless all of the following bills of the 89th Legislature
8 are enacted into law:

9 (a) House Bill No. 5936.

10 (b) House Bill No. 5937.