

STATE OF MICHIGAN  
89TH LEGISLATURE  
REGULAR SESSION OF 1998

Introduced by Reps. Hammerstrom, DeHart, Gire, Leland, Law and Rhead

# ENROLLED HOUSE BILL No. 4296

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 1995 PA 126, and by adding section 16350 and part 189.

*The People of the State of Michigan enact:*

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

|                                |             |
|--------------------------------|-------------|
| Nutrition and dietetics        | June 30     |
| Nursing                        | June 30     |
| Optometry                      | June 30     |
| Pharmacy                       | June 30     |
| Podiatric medicine and surgery | June 30     |
| Dentistry                      | June 30     |
| Chiropractic                   | December 31 |

|                                  |             |
|----------------------------------|-------------|
| Counseling                       | June 30     |
| Marriage and family therapy      | June 30     |
| Medicine                         | December 31 |
| Occupational therapists          | December 31 |
| Osteopathic medicine and surgery | December 31 |
| Physical therapy                 | December 31 |
| Psychology                       | December 31 |
| Sanitarians                      | December 31 |
| Social work                      | December 31 |
| Veterinary medicine              | December 31 |

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

- (a) “Chiropractic”, “doctor of chiropractic”, “chiropractor”, “d.c.”, and “chiropractic physician”.
- (b) “Dentist”, “doctor of dental surgery”, “oral and maxillofacial surgeon”, “orthodontist”, “prosthodontist”, “periodontist”, “endodontist”, “oral pathologist”, “pediatric dentist”, “dental hygienist”, “registered dental hygienist”, “dental assistant”, “registered dental assistant”, “R.D.A.”, “d.d.s.”, “d.m.d.”, and “r.d.h.”.
- (c) “Doctor of medicine” and “m.d.”.
- (d) “Physician’s assistant” and “p.a.”.
- (e) “Registered professional nurse”, “registered nurse”, “r.n.”, “licensed practical nurse”, “l.p.n.”, “nurse midwife”, “nurse anesthetist”, “nurse practitioner”, “trained attendant”, and “t.a.”.
- (f) “Doctor of optometry”, “optometrist”, and “o.d.”.
- (g) “Osteopath”, “osteopathy”, “osteopathic practitioner”, “doctor of osteopathy”, “diplomate in osteopathy”, and “d.o.”.
- (h) “Pharmacy”, “pharmacist”, “apothecary”, “drugstore”, “druggist”, “medicine store”, “prescriptions”, and “r.ph.”.
- (i) “Physical therapy”, “physical therapist”, “physiotherapist”, “registered physical therapist”, “licensed physical therapist”, “physical therapy technician”, “p.t.”, “r.p.t.”, “l.p.t.”, and “p.t.t.”.
- (j) “Chiropodist”, “chiropody”, “chiropodial”, “podiatry”, “podiatrist”, “podiatric”, “doctor of podiatric medicine”, “foot specialist”, “podiatric physician and surgeon”, and “d.p.m.”.
- (k) “Consulting psychologist”, “psychologist”, “psychological assistant”, and “psychological examiner”, “licensed psychologist”, and “limited licensed psychologist”.
- (l) “Licensed professional counselor”, “licensed counselor”, “professional counselor”, and “l.p.c.”.
- (m) “Sanitarian”, “registered sanitarian”, and “r.s.”.
- (n) “Veterinary”, “veterinarian”, “veterinary doctor”, “veterinary surgeon”, “doctor of veterinary medicine”, “v.m.d.”, “d.v.m.”, “animal technician”, or “animal technologist”.
- (o) “Occupational therapist”, “occupational therapist registered”, “certified occupational therapist”, “o.t.”, “o.t.r.”, “c.o.t.”, “certified occupational therapy assistant”, “occupational therapy assistant”, or “c.o.t.a.”.
- (p) “Marriage advisor” or “marriage consultant”; “family counselor”, “family advisor”, “family therapist”, or “family consultant”; “family guidance counselor”, “family guidance advisor”, or “family guidance consultant”; “marriage guidance counselor”, “marriage guidance advisor”, or “marriage guidance consultant”; “family relations counselor”; “marriage relations counselor”, “marriage relations advisor”, or “marriage relations consultant”; “marital counselor” or “marital therapist”; “limited licensed marriage and family therapist” or “limited licensed marriage counselor”; “licensed marriage and family therapist” or “licensed marriage counselor”; and “l.m.f.t.”.
- (q) “Respiratory therapist”, “registered respiratory therapist”, “r.t.”, and “r.r.t.”.
- (r) “Therapeutic recreator”, “t.r.”, “registered therapeutic recreation specialist”, “r.t.r.s.”, “recreation therapist”, “r.t.”, “recreational therapist”, “certified recreation therapist”, “c.r.t.”, “therapeutic recreation specialist”, and “t.r.s.”.
- (s) “Athletic trainer”, “registered athletic trainer”, “certified athletic trainer”, “athletic trainer certified”, “a.t.”, “a.t.r.”, “c.a.t.”, and “a.t.c.”.
- (t) “Registered nutritionist and dietitian” and “r.n.d.”.
- (u) “Social worker”, “certified social worker”, “social work technician”, “s.w.”, “c.s.w.”, and “s.w.t.”.

(2) Notwithstanding section 16261, a person who was specially trained at an institution of higher education in this state to assist a physician in the field of orthopedics and upon completion of training, received a 2-year associate of science degree as an orthopedic physician’s assistant before January 1, 1977, may use the title “orthopedic physician’s assistant” whether or not the person is licensed under this article.

Sec. 16350. Fees for an individual registered or seeking registration as a registered nutritionist and dietitian under part 189 are as follows:

- (a) Application processing fee ..... \$20.00
- (b) Registration fee, per year..... \$25.00

#### PART 189. NUTRITION AND DIETETICS

Sec. 18901. (1) As used in this part, “registered nutritionist and dietitian”, except as otherwise provided in subsection (2), means an individual who integrates and applies scientific principles of food, nutrition, biochemistry, physiology, management, and behavioral and social sciences to achieve and maintain the health of individuals through the provision of nutrition care services, administrative services, counseling services, educational services, food services, food safety services, informational services, nutrition therapy services, management services, and safety and sanitation services and who is registered as a nutritionist and dietitian under this article.

(2) Registered nutritionist and dietitian does not include an individual who does 1 or more of the following:

(a) Furnishes information on foods, food products, or dietary supplements in connection with the marketing or distribution of those foods, food products, or dietary supplements, as long as he or she does not hold himself or herself out as a registered nutritionist and dietitian.

(b) Provides weight control services.

(3) In addition to the definitions in this part, article 1 contains general definitions and principles of construction applicable to all articles in this code, and part 161 contains definitions applicable to this part.

Sec. 18903. Beginning on the effective date of the amendatory act that added this part, an individual shall not use the titles “registered nutritionist and dietitian” or “r.n.d.” or similar words that indicate that the individual is a registered nutritionist and dietitian under this article, unless the individual is registered under this article as a registered nutritionist and dietitian.

Sec. 18905. The Michigan board of nutrition and dietetics is created in the department and consists of the following 7 voting members who meet the requirements of part 161:

(a) Two public members.

(b) Five members who are registered dietitians and nutritionists and who meet the requirements of section 16135(2), and both of the following requirements:

(i) Possess a baccalaureate or higher degree from a United States regionally accredited institution of higher education approved by the department with a major course of study in human nutrition, nutrition education, foods and nutrition, dietetics, or food systems management approved by the department. An applicant for the initial board who has obtained his or her education outside of the United States or its territories shall have his or her academic degree validated by the department as equivalent to a baccalaureate or higher degree conferred by a United States regionally accredited institution of higher education approved by the department.

(ii) Have not less than 900 hours of supervised postcollege or planned continuous and verifiable preprofessional experience approved by the department.

Sec. 18907. The department shall issue a registration to an individual who applies on a form prescribed by the department, pays the applicable fees under section 16350, and meets all of the following requirements:

(a) Possesses a baccalaureate degree from a United States regionally accredited institution of higher education approved by the department with a major course of study in human nutrition, nutrition education, foods and nutrition, dietetics, or food systems management, or an equivalent course of study, as approved by the department.

(b) Has not less than 900 hours of supervised postcollege or planned continuous preprofessional experience as prescribed in rules promulgated by the department.

(c) Passes an examination that is approved by the department.

Sec. 18909. A registration issued by the department under section 18907 is renewable upon payment of the prescribed registration renewal fee. Notwithstanding the requirements of part 161 and beginning with the second renewal period after the effective date of this part, the board may require a registrant seeking renewal of a registration to furnish the board with evidence that during the 1 year before an application for renewal the registrant has attended continuing education courses or programs approved by the board and totaling not less than 12 clock-hours in subjects related to nutrition and dietetics that are designed to further educate registrants.

Sec. 18911. This part does not require new or additional third-party reimbursement for services rendered by an individual registered under this part.

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

- (a) House Bill No. 5736.
- (b) House Bill No. 5737.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives.



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Secretary of the Senate.

Approved -----

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Governor.