

# HOUSE BILL No. 4296

February 12, 1997, Introduced by Reps. Hammerstrom, DeHart, Gire, Leland, Law and Rhead and referred to the Committee on Health Policy.

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 16350 and part 189.

**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	DIETETICS AND NUTRITION	JUNE 30
5	Nursing	June 30
6	Optometry	June 30
7	Pharmacy	June 30
8	Podiatric medicine and surgery	June 30

1	Dentistry	June 30
2	Chiropractic	December 31
3	Counseling	June 30
4	Marriage and family therapy	June 30
5	Medicine	December 31
6	Occupational therapists	December 31
7	Osteopathic medicine and surgery	December 31
8	Physical therapy	December 31
9	Psychology	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,  
14 with or without qualifying words or phrases, are restricted in  
15 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.",

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) "LICENSED DIETITIAN AND NUTRITIONIST", "L.D.N.",  
15 "DIETICIAN", "DIETITIAN", "NUTRITIONIST", "NUTRITION COUNSELOR",  
16 OR "DIETETICS COUNSELOR".

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

24 SEC. 16350. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE  
25 TO ENGAGE IN THE PRACTICE OF DIETETICS AND NUTRITION UNDER PART  
26 189 ARE AS FOLLOWS:

1	(A) APPLICATION PROCESSING FEE.....	\$20.00
2	(B) LICENSE FEE, PER YEAR.....	25.00
3	(C) LIMITED LICENSE FEE, PER YEAR.....	25.00
4	(D) TEMPORARY LICENSE FEE, PER YEAR.....	20.00

5 PART 189. DIETETICS AND NUTRITION

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

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

10 (B) "NUTRITION CARE SERVICES" MEANS SERVICES THAT MAY  
11 INCLUDE, BUT ARE NOT LIMITED TO, ALL OF THE FOLLOWING:

12 (i) NUTRITION COUNSELING.

13 (ii) RECOMMENDATION OF FOOD OR SUPPLEMENTAL NUTRIENTS.

14 (iii) A PROGRAM OF NUTRITION ADMINISTRATION.

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

21 (2) AS USED IN THIS PART, PRACTICE OF DIETETICS AND NUTRI-  
22 TION DOES NOT INCLUDE 1 OR MORE OF THE FOLLOWING:

23 (A) FURNISHING GENERAL INFORMATION ON FOODS, FOOD PRODUCTS,  
24 OR DIETARY SUPPLEMENTS IN CONNECTION WITH THEIR MARKETING OR DIS-  
25 TRIBUTION AS LONG AS THE INDIVIDUAL DOES NOT HOLD HIMSELF OR

1 HERSELF OUT AS A LICENSED DIETITIAN AND NUTRITIONIST AND DOES NOT  
2 CHARGE A FEE FOR PROVIDING THE INFORMATION.

3 (B) PROVIDING WEIGHT CONTROL SERVICES IF ANOTHER INDIVIDUAL  
4 LICENSED UNDER THIS PART OR A REGISTERED DIETITIAN AS RECOGNIZED  
5 BY THE COMMISSION ON DIETETIC REGISTRATION DOES ALL OF THE  
6 FOLLOWING:

7 (i) REVIEWS THOSE WEIGHT CONTROL SERVICES BEFORE THEY ARE  
8 INITIATED.

9 (ii) APPROVES ANY CHANGES IN THOSE WEIGHT CONTROL SERVICES.

10 (iii) MAKES HIMSELF OR HERSELF AVAILABLE FOR CONSULTATION  
11 REGARDING THE ADMINISTRATION OF THOSE WEIGHT CONTROL SERVICES.

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

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

20 (2) THIS PART DOES NOT RESTRICT THE ACTIVITIES OF AN INDI-  
21 VIDUAL LICENSED UNDER THIS ARTICLE WHOSE SCOPE OF PRACTICE MAY  
22 INCLUDE ACTIVITIES WITHIN THE SCOPE OF THE PRACTICE OF DIETETICS  
23 AND NUTRITION, AS LONG AS THAT INDIVIDUAL DOES NOT HOLD HIMSELF  
24 OR HERSELF OUT AS A LICENSED DIETITIAN AND NUTRITIONIST.

25 (3) THIS PART DOES NOT PROHIBIT A DIETITIAN REGISTERED BY  
26 THE COMMISSION ON DIETETIC REGISTRATION FROM USING THE TITLE  
27 "REGISTERED DIETITIAN" OR THE DESIGNATION "R.D.", AS LONG AS THE

1 INDIVIDUAL DOES NOT ENGAGE IN THE PRACTICE OF DIETETICS AND  
2 NUTRITION OR HOLD HIMSELF OR HERSELF OUT AS A LICENSED DIETITIAN  
3 AND NUTRITIONIST.

4 SEC. 18905. (1) THE MICHIGAN BOARD OF DIETETICS AND NUTRI-  
5 TION IS CREATED IN THE DEPARTMENT. THE BOARD CONSISTS OF THE  
6 FOLLOWING 7 VOTING MEMBERS MEETING THE REQUIREMENTS OF PART 161:

7 (A) TWO OF THE MEMBERS SHALL BE FROM THE GENERAL PUBLIC.

8 (B) FIVE MEMBERS WHO MEET THE REQUIREMENTS OF SECTION  
9 16135(2), AND BOTH OF THE FOLLOWING REQUIREMENTS:

10 (i) POSSESS A BACCALAUREATE OR HIGHER DEGREE FROM A UNITED  
11 STATES REGIONALLY ACCREDITED INSTITUTION OF HIGHER EDUCATION WITH  
12 A MAJOR COURSE OF STUDY IN HUMAN NUTRITION, NUTRITION EDUCATION,  
13 FOODS AND NUTRITION, DIETETICS, OR FOOD SYSTEMS MANAGEMENT.

14 APPLICANTS FOR THE INITIAL BOARD WHO HAVE OBTAINED THEIR EDUCA-  
15 TION OUTSIDE OF THE UNITED STATES OR ITS TERRITORIES SHALL HAVE  
16 THEIR ACADEMIC DEGREE VALIDATED AS EQUIVALENT TO A BACCALAUREATE  
17 OR HIGHER DEGREE CONFERRED BY A UNITED STATES REGIONALLY ACCREDI-  
18 TED INSTITUTION OF HIGHER EDUCATION.

19 (ii) HAVE NOT LESS THAN 900 HOURS OF SUPERVISED POSTCOLLEGE  
20 OR PLANNED CONTINUOUS AND VERIFIABLE PREPROFESSIONAL EXPERIENCE.

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

24 (A) POSSESSES A BACCALAUREATE DEGREE FROM A UNITED STATES  
25 REGIONALLY ACCREDITED INSTITUTION OF HIGHER EDUCATION APPROVED BY  
26 THE BOARD WITH A MAJOR COURSE OF STUDY IN HUMAN NUTRITION,  
27 NUTRITION EDUCATION, FOODS AND NUTRITION, DIETETICS, OR FOOD

1 SYSTEMS MANAGEMENT, OR AN EQUIVALENT COURSE OF STUDY AS APPROVED  
2 BY THE BOARD.

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

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

7 (2) AN INDIVIDUAL WHO, ON THE EFFECTIVE DATE OF THIS PART,  
8 PROVIDES EVIDENCE OF REGISTRATION AS A DIETITIAN WITH THE COMMIS-  
9 SION ON DIETETIC REGISTRATION SHALL BE CONSIDERED TO HAVE MET THE  
10 EDUCATION, EXAMINATION, AND EXPERIENCE REQUIREMENTS OF SUBSECTION  
11 (1).

12 (3) PURSUANT TO THIS SUBSECTION AND SECTION 16171(A), A STU-  
13 DENT ENROLLED IN AN ACADEMIC PROGRAM AT AN INSTITUTION OF HIGHER  
14 EDUCATION WITH A MAJOR COURSE OF STUDY IN HUMAN NUTRITION, FOODS  
15 AND NUTRITION, DIETETICS, OR FOOD SYSTEMS MANAGEMENT MAY ENGAGE  
16 IN THE PRACTICE OF DIETETICS AND NUTRITION WITHOUT A LICENSE IF  
17 THAT PRACTICE IS PART OF A PROFESSIONAL COURSE OF STUDY THAT IS  
18 SUPERVISED BY AN INDIVIDUAL LICENSED UNDER THIS PART AND IF THE  
19 STUDENT IS DESIGNATED BY A TITLE THAT CLEARLY INDICATES HIS OR  
20 HER STATUS AS A STUDENT.

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

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

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

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

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

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