

HOUSE BILL No. 4203

February 13, 2001, Introduced by Reps. Schermesser, O'Neil, Plakas, Anderson, Dennis, Rivet and Hale and referred to the Committee on Regulatory Reform.

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 2000 PA 11, and by adding section 16350
and part 186.

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, 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

1	Dentistry	June 30
2	Chiropractic	December 31
3	Counseling	June 30
4	Marriage and family therapy	June 30
5	MASSAGE THERAPY	DECEMBER 31
6	Medicine	December 31
7	Occupational therapists	December 31
8	Osteopathic medicine and surgery	December 31
9	Physical therapy	December 31
10	Psychology	December 31
11	Social work	December 31
12	Veterinary medicine	December 31

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

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

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

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

- 1 (d) "Physician's assistant" and "p.a.".
- 2 (e) "Registered professional nurse", "registered nurse",
3 "r.n.", "licensed practical nurse", "l.p.n.", "nurse midwife",
4 "nurse anesthetist", "nurse practitioner", "trained attendant",
5 and "t.a.".
- 6 (f) "Doctor of optometry", "optometrist", and "o.d.".
- 7 (g) "Osteopath", "osteopathy", "osteopathic practitioner",
8 "doctor of osteopathy", "diplomate in osteopathy", and "d.o.".
- 9 (h) "Pharmacy", "pharmacist", "apothecary", "drugstore",
10 "druggist", "medicine store", "prescriptions", and "r.ph.".
- 11 (i) "Physical therapy", "physical therapist",
12 "physiotherapist", "registered physical therapist", "licensed
13 physical therapist", "physical therapy technician", "p.t.",
14 "r.p.t.", "l.p.t.", and "p.t.t.".
- 15 (j) "Chiropodist", "chiropody", "chiropodical", "podiatry",
16 "podiatrist", "podiatric", "doctor of podiatric medicine", "foot
17 specialist", "podiatric physician and surgeon", and "d.p.m.".
- 18 (k) "Consulting psychologist", "psychologist",
19 "psychological assistant", "psychological examiner", "licensed
20 psychologist", and "limited licensed psychologist".
- 21 (l) "Licensed professional counselor", "licensed counselor",
22 "professional counselor", and "l.p.c.".
- 23 (m) "Sanitarian", "registered sanitarian", and "r.s.".
- 24 (n) "Social worker", "certified social worker", "social work
25 technician", "s.w.", "c.s.w.", and "s.w.t.".

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

4 (p) "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 (Q) "MASSAGE THERAPIST", "LICENSED MASSAGE THERAPIST",
 9 "M.T.", AND "L.M.T.".

10 (R) ~~(q)~~ "Marriage advisor" or "marriage consultant";
 11 "family counselor", "family advisor", "family therapist", or
 12 "family consultant"; "family guidance counselor", "family guid-
 13 ance advisor", or "family guidance consultant"; "marriage guid-
 14 ance counselor", "marriage guidance advisor", or "marriage guid-
 15 ance consultant"; "family relations counselor"; "marriage rela-
 16 tions counselor", "marriage relations advisor", or "marriage
 17 relations consultant"; "marital counselor" or "marital
 18 therapist"; "limited licensed marriage and family therapist" or
 19 "limited licensed marriage counselor"; "licensed marriage and
 20 family therapist" or "licensed marriage counselor"; and
 21 "l.m.f.t.".

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 AN INDIVIDUAL LICENSED OR SEEKING
 4 LICENSURE AS A LICENSED MASSAGE THERAPIST UNDER PART 186 ARE AS
 5 FOLLOWS:

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

7 (B) LICENSE FEE, PER YEAR..... 50.00

8 PART 186. MASSAGE THERAPY

9 SEC. 18601. (1) AS USED IN THIS PART:

10 (A) "MASSAGE THERAPIST" MEANS A PERSON WHO IS LICENSED UNDER
 11 THIS ARTICLE TO ENGAGE IN THE PRACTICE OF MASSAGE THERAPY.

12 (B) "PRACTICE OF MASSAGE THERAPY" MEANS THE SCIENTIFIC ART
 13 OF TISSUE MANIPULATION BY HAND OR WITH A MECHANICAL OR ELECTRICAL
 14 INSTRUMENT FOR A THERAPEUTIC PURPOSE, AND MAY INCLUDE THE USE OF
 15 OIL RUBS OR THE APPLICATION OF HOT AND COLD TREATMENTS. THE
 16 PRACTICE OF MASSAGE THERAPY DOES NOT INCLUDE DIAGNOSIS OF ILL-
 17 NESS, GIVING MEDICAL ADVICE, OR DISPENSING OF MEDICATION.

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

22 SEC. 18603. AFTER THE EFFECTIVE DATE OF THE RULES PROMUL-
 23 GATED BY THE BOARD UNDER SECTION 18607, AN INDIVIDUAL SHALL NOT
 24 USE THE TITLES "MASSAGE THERAPIST", "LICENSED MASSAGE THERAPIST",
 25 "M.T.", OR "L.M.T.", OR SIMILAR WORDS THAT INDICATE THE INDIVID-
 26 UAL IS A LICENSED MASSAGE THERAPIST UNLESS THE INDIVIDUAL IS
 27 LICENSED UNDER THIS ARTICLE AS A MASSAGE THERAPIST.

1 SEC. 18605. THE MICHIGAN BOARD OF MASSAGE THERAPY IS
2 CREATED IN THE DEPARTMENT AND CONSISTS OF THE FOLLOWING 9 MEMBERS
3 WHO MEET THE REQUIREMENTS OF PART 161:

4 (A) FIVE INDIVIDUALS WHO MEET THE REQUIREMENTS OF
5 SECTION 16135.

6 (B) FOUR PUBLIC MEMBERS.

7 SEC. 18607. (1) THE BOARD, IN CONSULTATION WITH THE DEPART-
8 MENT, SHALL PROMULGATE RULES THAT SPECIFY THE MINIMUM STANDARDS
9 FOR LICENSURE AS A LICENSED MASSAGE THERAPIST. FOR PURPOSES OF
10 THIS SECTION, THE PROFESSIONAL STANDARDS ISSUED BY THE AMERICAN
11 MASSAGE THERAPY ASSOCIATION OR ANY OTHER RECOGNIZED PROFESSIONAL
12 ASSOCIATION MAY BE ADOPTED BY THE BOARD. THE BOARD SHALL NOT
13 PROMULGATE RULES UNDER THIS SUBSECTION THAT DIMINISH COMPETITION
14 OR EXCEED THE MINIMUM LEVEL OF REGULATION NECESSARY TO PROTECT
15 THE PUBLIC.

16 (2) SUBJECT TO SECTION 16204, THE BOARD SHALL BY RULE PRE-
17 SCRIBE CONTINUING EDUCATION REQUIREMENTS AS A CONDITION FOR
18 LICENSE RENEWAL.