

SENATE BILL No. 325

March 14, 2001, Introduced by Senators HAMMERSTROM, NORTH, YOUNG, SMITH, SHUGARS, SCHWARZ, BYRUM, JOHNSON and DUNASKISS and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16186 and 16263 (MCL 333.16186 and
333.16263), section 16186 as amended by 1993 PA 80 and section
16263 as amended by 2000 PA 11, and by adding section 16338 and
part 186.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16186. (1) An individual who is licensed to practice a
2 health profession in another state or who is registered in
3 another state or who holds specialty certification from another
4 state and who applies for licensure, registration, or specialty
5 certification in this state may be granted an appropriate license
6 or registration upon satisfying the board or task force to which
7 the applicant applies as to all of the following:

1 (a) The applicant substantially meets the requirements of
 2 this article and rules promulgated by a board or task force for
 3 licensure, registration, or specialty certification.

4 (b) The applicant is licensed, registered, or certified in
 5 another state that maintains standards substantially equivalent
 6 to those of this state.

7 (2) Before licensing, registering, or certifying the appli-
 8 cant, the board or task force to which the applicant applies may
 9 require the applicant to appear personally before it for an
 10 interview to evaluate the applicant's relevant qualifications.

11 (3) IF THE DEPARTMENT RECEIVES AN APPLICATION FOR REGISTRA-
 12 TION UNDER PART 186 FROM AN INDIVIDUAL WHO IS REGISTERED AS A
 13 RESPIRATORY THERAPIST IN THE COUNTRY OF CANADA, THE DEPARTMENT
 14 SHALL CONSULT THE INTERNATIONAL RECIPROCITY AGREEMENT EXECUTED BY
 15 THE NATIONAL BOARD FOR RESPIRATORY CARE AND THE CANADIAN SOCIETY
 16 OF RESPIRATORY THERAPISTS IN EFFECT ON THE EFFECTIVE DATE OF THE
 17 AMENDATORY ACT THAT ADDED THIS SUBSECTION.

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

23 (a) "Chiropractic", "doctor of chiropractic",
 24 "chiropractor", "d.c.", and "chiropractic physician".

25 (b) "Dentist", "doctor of dental surgery", "oral and maxil-
 26 lofacial surgeon", "orthodontist", "prosthodontist",
 27 "periodontist", "endodontist", "oral pathologist", "pediatric

1 dentist", "dental hygienist", "registered dental hygienist",
2 "dental assistant", "registered dental assistant", "R.D.A.",
3 "d.d.s.", "d.m.d.", and "r.d.h.".

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

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

6 (e) "Registered professional nurse", "registered nurse",
7 "r.n.", "licensed practical nurse", "l.p.n.", "nurse midwife",
8 "nurse anesthetist", "nurse practitioner", "trained attendant",
9 and "t.a.".

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

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

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

15 (i) "Physical therapy", "physical therapist",
16 "physiotherapist", "registered physical therapist", "licensed
17 physical therapist", "physical therapy technician", "p.t.",
18 "r.p.t.", "l.p.t.", and "p.t.t.".

19 (j) "Chiropodist", "chiropody", "chiropodical", "podiatry",
20 "podiatrist", "podiatric", "doctor of podiatric medicine", "foot
21 specialist", "podiatric physician and surgeon", and "d.p.m.".

22 (k) "Consulting psychologist", "psychologist",
23 "psychological assistant", "psychological examiner", "licensed
24 psychologist", and "limited licensed psychologist".

25 (l) "Licensed professional counselor", "licensed counselor",
26 "professional counselor", and "l.p.c.".

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

2 (n) "Social worker", "certified social worker", "social work
3 technician", "s.w.", "c.s.w.", and "s.w.t.".

4 (o) "Veterinary", "veterinarian", "veterinary doctor",
5 "veterinary surgeon", "doctor of veterinary medicine", "v.m.d.",
6 "d.v.m.", "animal technician", or "animal technologist".

7 (p) "Occupational therapist", "occupational therapist
8 registered", "certified occupational therapist", "o.t.",
9 "o.t.r.", "c.o.t.", "certified occupational therapy assistant",
10 "occupational therapy assistant", or "c.o.t.a.".

11 (q) "Marriage advisor", ~~or~~ "marriage consultant", ~~+~~
12 "family counselor", "family advisor", "family therapist", ~~or~~
13 "family consultant", ~~+~~ "family guidance counselor", "family
14 guidance advisor", ~~or~~ "family guidance consultant", ~~+~~
15 "marriage guidance counselor", "marriage guidance advisor", ~~or~~
16 "marriage guidance consultant", ~~+~~ "family relations counselor",
17 ~~+~~ "marriage relations counselor", "marriage relations advisor",
18 ~~or~~ "marriage relations consultant", ~~+~~ "marital counselor",
19 ~~or~~ "marital therapist", ~~+~~ "limited licensed marriage and
20 family therapist", ~~or~~ "limited licensed marriage counselor",
21 ~~+~~ "licensed marriage and family therapist", ~~or~~ "licensed mar-
22 riage counselor", ~~+~~ and "l.m.f.t.".

23 (R) "RESPIRATORY THERAPIST", "RESPIRATORY THERAPIST
24 (PROFESSIONAL)", "RESPIRATORY THERAPIST (TECHNICAL)",
25 "RESPIRATORY CARE PRACTITIONER", "R.T.", "R.T.(P)", "R.T.(T)",
26 AND "R.C.P.".

1 (2) Notwithstanding section 16261, a person who was
 2 specially trained at an institution of higher education in this
 3 state to assist a physician in the field of orthopedics and upon
 4 completion of training, received a 2-year associate of science
 5 degree as an orthopedic physician's assistant before January 1,
 6 1977, may use the title "orthopedic physician's assistant"
 7 whether or not the person is licensed under this article.

8 SEC. 16338. FEES FOR AN INDIVIDUAL REGISTERED OR SEEKING
 9 REGISTRATION AS A RESPIRATORY THERAPIST UNDER PART 186 ARE AS
 10 FOLLOWS:

11 (A) APPLICATION PROCESSING FEE.....\$ 20.00
 12 (B) REGISTRATION FEE, PER YEAR..... 75.00

13 PART 186. RESPIRATORY CARE

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

15 (A) "PHYSICIAN" MEANS THAT TERM AS DEFINED IN SECTIONS 17001
 16 AND 17501.

17 (B) "RESPIRATORY CARE SERVICES" MEANS THE PROVISION OF PRE-
 18 VENTATIVE SERVICES, DIAGNOSTIC SERVICES, THERAPEUTIC SERVICES,
 19 AND REHABILITATIVE SERVICES UNDER THE PRESCRIPTION OF A PHYSICIAN
 20 TO AN INDIVIDUAL WITH A DISORDER, DISEASE, OR ABNORMALITY OF THE
 21 CARDIOPULMONARY SYSTEM, AS DIAGNOSED BY A PHYSICIAN.

22 (C) "RESPIRATORY THERAPIST" MEANS AN INDIVIDUAL WHO IS
 23 RESPONSIBLE FOR PROVIDING RESPIRATORY CARE SERVICES AND WHO IS
 24 REGISTERED UNDER THIS ARTICLE AS A RESPIRATORY THERAPIST.

25 (2) IN ADDITION TO THE DEFINITIONS IN THIS PART, ARTICLE 1
 26 CONTAINS GENERAL DEFINITIONS AND PRINCIPLES OF CONSTRUCTION

1 APPLICABLE TO ALL ARTICLES IN THIS CODE AND PART 161 CONTAINS
2 DEFINITIONS APPLICABLE TO THIS PART.

3 SEC. 18603. AFTER THE EFFECTIVE DATE OF THE RULES PROMUL-
4 GATED BY THE DEPARTMENT, WHICH SHALL SERVE THE FUNCTION OF A
5 BOARD FOR PURPOSES OF THIS PART, UNDER SECTION 16145, AN INDIVID-
6 UAL SHALL NOT USE THE TITLES "RESPIRATORY THERAPIST",
7 "RESPIRATORY THERAPIST (PROFESSIONAL)", "RESPIRATORY THERAPIST
8 (TECHNICAL)", "RESPIRATORY CARE PRACTITIONER", "R.T.", "R.T.(P)",
9 "R.T.(T)", AND "R.C.P" OR SIMILAR WORDS THAT INDICATE THE INDI-
10 VIDUAL IS A RESPIRATORY THERAPIST UNLESS THE INDIVIDUAL IS REGIS-
11 TERED UNDER THIS ARTICLE AS A RESPIRATORY THERAPIST.

12 SEC. 18605. THE DOCUMENT ENTITLED "AMERICAN ASSOCIATION FOR
13 RESPIRATORY CARE CLINICAL PRACTICE GUIDELINES" ISSUED BY THE
14 AMERICAN ASSOCIATION FOR RESPIRATORY CARE, 11030 ABLES LANE,
15 DALLAS, TEXAS, 75229-4593 IN DECEMBER 1994, AND ISSUED BY THE
16 MICHIGAN SOCIETY FOR RESPIRATORY CARE WITHIN THE MICHIGAN STATE
17 MEDICAL SOCIETY, 120 WEST SAGINAW STREET, EAST LANSING, MICHIGAN,
18 48823 ON OR BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
19 ADDED THIS PART, IS INCORPORATED BY REFERENCE. FOR PURPOSES OF
20 THIS PART, THE DEPARTMENT SHALL SERVE THE FUNCTION OF A BOARD.
21 THE DEPARTMENT SHALL USE THE STANDARDS AND GUIDELINES INCORPO-
22 RATED BY REFERENCE UNDER THIS SECTION FOR GUIDANCE IN PROMULGAT-
23 ING RULES AND IN TAKING ANY OTHER ACTION UNDER THIS PART WHILE
24 SERVING THE FUNCTION OF A BOARD. THE DEPARTMENT MAY AMEND,
25 UPDATE, OR SUPPLEMENT THE GUIDELINES ADOPTED UNDER THIS SECTION
26 BY THE PROMULGATION OF A RULE.

1 SEC. 18607. (1) SUBJECT TO SUBSECTIONS (2) AND (3), IN
2 PROMULGATING RULES TO ESTABLISH REQUIREMENTS FOR REGISTRATION
3 UNDER SECTION 16145, THE DEPARTMENT IN SERVING THE FUNCTION OF A
4 BOARD SHALL ADOPT ALL OF THE FOLLOWING REQUIREMENTS:

5 (A) FOR REGISTRATION AS A RESPIRATORY THERAPIST
6 (PROFESSIONAL):

7 (i) SUCCESSFUL COMPLETION OF AN ACCREDITED RESPIRATORY THER-
8 APIST TRAINING PROGRAM OR A FULL-TIME RESPIRATORY THERAPIST CLIN-
9 ICAL EXPERIENCE PROGRAM APPROVED BY THE DEPARTMENT.

10 (ii) HAVING AT LEAST A 2-YEAR ASSOCIATE'S DEGREE OR A MINI-
11 MUM OF 62 HOURS OF CREDIT FROM AN ACCREDITED COLLEGE OR UNIVER-
12 SITY APPROVED BY THE DEPARTMENT.

13 (iii) HAVING THE CREDENTIAL CONFERRED BY THE NATIONAL BOARD
14 FOR RESPIRATORY CARE OR ITS SUCCESSOR ORGANIZATION AS A REGIS-
15 TERED RESPIRATORY THERAPIST OR ITS SUCCESSOR CREDENTIAL, AS
16 APPROVED BY THE DEPARTMENT.

17 (B) FOR REGISTRATION AS A RESPIRATORY THERAPIST
18 (TECHNICAL):

19 (i) SUCCESSFUL COMPLETION OF AN ACCREDITED RESPIRATORY THER-
20 APY TRAINING PROGRAM APPROVED BY THE DEPARTMENT.

21 (ii) HAVING THE CREDENTIAL CONFERRED BY THE NATIONAL BOARD
22 FOR RESPIRATORY CARE OR ITS SUCCESSOR ORGANIZATION AS A CERTIFIED
23 RESPIRATORY THERAPIST OR ITS SUCCESSOR CREDENTIAL, AS APPROVED BY
24 THE DEPARTMENT.

25 (2) THE DEPARTMENT SHALL ISSUE A REGISTRATION AS A RESPIRA-
26 TORY THERAPIST (PROFESSIONAL) TO AN INDIVIDUAL WHO HAD THE
27 CREDENTIAL AS A REGISTERED RESPIRATORY THERAPIST CONFERRED BY THE

1 NATIONAL BOARD FOR RESPIRATORY CARE OR ITS PREDECESSOR
2 ORGANIZATION ON OR BEFORE SEPTEMBER 1, 1970 AND WHO APPLIES FOR
3 REGISTRATION UNDER THIS ARTICLE AS A RESPIRATORY THERAPIST
4 (PROFESSIONAL) WITHIN 1 YEAR AFTER THE EFFECTIVE DATE OF THIS
5 PART.

6 (3) THE DEPARTMENT SHALL ISSUE A REGISTRATION AS A RESPIRA-
7 TORY THERAPIST (TECHNICAL) TO AN INDIVIDUAL WHO HAD THE CREDEN-
8 TIAL AS A CERTIFIED RESPIRATORY THERAPY TECHNICIAN CONFERRED BY
9 THE NATIONAL BOARD FOR RESPIRATORY CARE OR ITS PREDECESSOR ORGAN-
10 IZATION ON OR BEFORE JULY 1, 1977 AND WHO APPLIES FOR REGISTRA-
11 TION UNDER THIS ARTICLE AS A RESPIRATORY THERAPIST (TECHNICAL)
12 WITHIN 1 YEAR AFTER THE EFFECTIVE DATE OF THIS PART.

13 (4) SUBJECT TO SECTION 16204, THE DEPARTMENT SHALL BY RULE
14 PRESCRIBE CONTINUING EDUCATION REQUIREMENTS AS A CONDITION FOR
15 REGISTRATION RENEWAL.

16 SEC. 18609. THIS PART DOES NOT REQUIRE NEW OR ADDITIONAL
17 THIRD PARTY REIMBURSEMENT OR MANDATED WORKER'S COMPENSATION BENE-
18 FITS FOR SERVICES RENDERED BY AN INDIVIDUAL REGISTERED AS A RES-
19 PIRATORY THERAPIST UNDER THIS ARTICLE.