

SUBSTITUTE FOR  
HOUSE BILL NO. 5233

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 2004 PA 97, and by adding section 16346  
and part 165.

**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  
3 vacancies, expire 4 years after appointment as follows:

4    Audiologists	June 30
5    Nursing	June 30
6    Nursing home administrator	June 30
7    Optometry	June 30
8    Pharmacy	June 30
9    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	<b>Massage therapy</b>	<b>December 31</b>
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	Respiratory care	December 31
12	Social work	December 31
13	Veterinary medicine	December 31

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

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

21       (b) "Dentist", "doctor of dental surgery", "oral and  
22 maxillofacial surgeon", "orthodontist", "prosthodontist",  
23 "periodontist", "endodontist", "oral pathologist", "pediatric  
24 dentist", "dental hygienist", "registered dental hygienist",  
25 "dental assistant", "registered dental assistant", "r.d.a.",  
26 "d.d.s.", "d.m.d.", and "r.d.h.".

27       (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", "chiropodical", "podiatry", "podiatrist", "podiatric", "doctor of podiatric medicine", "foot specialist", "podiatric physician and surgeon", and "d.p.m.".

(k) "Consulting psychologist", "psychologist", "psychological assistant", "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) Until July 1, 2005, "social worker", "certified social worker", "social work technician", "s.w.", "c.s.w.", and "s.w.t.". Beginning July 1, 2005, "social worker", "licensed master's social worker", "licensed bachelor's social worker",

1 "registered social service technician", "social service  
2 technician", "l.m.s.w.", "l.b.s.w.", and "r.s.s.t.".

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

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

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

21 (r) "Nursing home administrator".

22 (s) "Respiratory therapist", "respiratory care practitioner",  
23 "licensed respiratory therapist", "licensed respiratory care  
24 practitioner", "r.t.", "r.c.p.", "l.r.t.", and "l.r.c.p.".

25 (t) "Audiometrist", "audiologist", "hearing therapist",  
26 "hearing aid audiologist", "educational audiologist", "industrial  
27 audiologist", and "clinical audiologist".

1 (u) "Licensed massage therapist", "massage therapist",  
 2 "masseur", "massagist", "certified massage therapist", "clinical  
 3 massage therapist", "medical massage therapist", "manual massage  
 4 therapist", "board certified massage therapist", "massage  
 5 technician", "myomassologist", "masseuse", "l.m.t.", "m.m.t.",  
 6 and "c.m.t.".

7 (2) Notwithstanding section 16261, a person who was specially  
 8 trained at an institution of higher education in this state to  
 9 assist a physician in the field of orthopedics and upon  
 10 completion of training, received a 2-year associate of science  
 11 degree as an orthopedic physician's assistant before January 1,  
 12 1977, may use the title "orthopedic physician's assistant"  
 13 whether or not the person is licensed under this article.

14 Sec. 16346. Fees for an individual licensed or seeking  
 15 licensure as a massage therapist under part 165 are as follows:

16 (a) Application processing fee.....\$ 20.00  
 17 (b) License fee, per year..... 75.00  
 18 (c) Temporary license fee, per year..... 75.00.

19 PART 165. MASSAGE THERAPY

20 Sec. 16501. (1) As used in this part:

21 (a) "Feldenkrais method" means a system of somatic education  
 22 in which touch and words are used to eliminate faulty habits,  
 23 learn new patterns of self-organization and action, and improve a  
 24 person's own functional movement patterns. Feldenkrais method is  
 25 based on principles of physics, biomechanics, and an  
 26 understanding of, or learning about, human development.

27 (b) "Massage therapist" means an individual engaged in the

1 practice of massage therapy.

2 (c) "Polarity therapy" means diverse applications affecting  
3 the human energy system and includes energetic approaches to  
4 somatic contact, verbal facilitation, nutrition, exercise, and  
5 health education. Polarity therapy does not make medical claims,  
6 diagnose physical ailments, or allow prescription of  
7 medications.

8 (d) "Practice of massage therapy" means the application of a  
9 system of structured touch, pressure, movement, and holding to  
10 the soft tissue of the human body in which the primary intent is  
11 to enhance or restore the health and well-being of the client.  
12 Practice of massage therapy includes complementary methods,  
13 including the external application of water, heat, cold,  
14 lubrication, salt scrubs, or other topical preparations; and  
15 electromechanical devices that mimic or enhance the actions  
16 possible by the hands.

17 (e) "School" means an accredited or licensed facility meeting  
18 the minimum standards and curriculum and approved by the board,  
19 in compliance with section 16148.

20 (f) "Trager approach" means a form of movement education that  
21 uses subtle directed movements and the skilled touch of a  
22 practitioner. The Trager approach combines physical movement  
23 with sensory awareness and internal imagery designed to increase  
24 the client's self-awareness and generate physiological changes in  
25 the body tissues so as to allow the client to experience a new  
26 way of moving his or her body.

27 (2) The practice of massage therapy does not include medical

1 diagnosis or identification of diseases, injuries, or conditions  
2 or causes of diseases. The practice of massage therapy does not  
3 include high velocity, low amplitude to a joint, electrical  
4 stimulation, application of ultrasound, or prescription of  
5 medicines.

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

10 Sec. 16503. Beginning the effective date of the amendatory  
11 act that added this part, an individual shall not use the titles  
12 "licensed massage therapist", "massage therapist", "masseur",  
13 "massagist", "certified massage therapist", "clinical massage  
14 therapist", "medical massage therapist", "manual massage  
15 therapist", "board certified massage therapist", "massage  
16 technician", "myomassologist", "masseuse", "l.m.t.", "m.m.t.",  
17 and "c.m.t.", or similar words or initials that indicate that the  
18 individual is a massage therapist, unless the individual is  
19 licensed under this article as a massage therapist. This section  
20 does not prevent the use of a name, title, or initials that are  
21 registered or otherwise protected under law and used by a person  
22 certified or otherwise approved by a private organization.

23 Sec. 16505. The Michigan board of massage therapy is  
24 created in the department and consists of the following 9 members  
25 who meet the requirements of part 161:

26 (a) Five individuals who meet the requirements of section  
27 16135(2).

1 (b) Four public members.

2 Sec. 16507. (1) An individual shall not engage in the  
3 practice of massage therapy unless licensed under this part. A  
4 person engaged in or practicing the Feldenkrais method, polarity  
5 therapy, or the Trager approach is not required to be licensed  
6 under this part to engage in activities defined by those terms.

7 (2) The department shall provide for a 3-year license  
8 cycle.

9 (3) Subsection (1) does not prevent any of the following:

10 (a) An individual licensed under any other part or act from  
11 performing activities that are considered massage therapy  
12 services if those activities are within the individual's scope of  
13 practice and if the individual does not use the titles protected  
14 under section 16503.

15 (b) An individual not licensed under this part from  
16 performing activities that are considered the practice of massage  
17 therapy services while under the supervision of an individual who  
18 is licensed under this part, if the individual does not use the  
19 titles protected under section 16503.

20 (c) The practice of massage therapy that is an integral part  
21 of a program of study by students enrolled in a school licensed  
22 by the state board of education under 1943 PA 148, MCL 395.101 to  
23 395.103, provided that they are identified as students and  
24 provide massage therapy services only while under the supervision  
25 of a licensed massage therapist.

26 (d) Self-care by a patient or uncompensated care by a friend  
27 or family member who does not represent or hold himself or



## House Bill No. 5233 (H-2) as amended November 30, 2004

1 herself out to be a licensed massage therapist.

2       Sec. 16509. (1) The department shall, upon submission of a  
3 completed application and payment of the appropriate application  
4 processing and license fee, issue a license under this part to an  
5 individual who fulfills the following conditions:

6       (a) Has a high school diploma or the equivalent as determined  
7 by the board.

8       (b) Is of good moral character.

9       (c) Is at least 18 years of age.

10       (d) Has successfully completed a supervised curriculum in a  
11 school licensed under 1943 PA 148, MCL 395.101 to 395.103, that  
12 has not less than 500 [clock] hours of training[.

13

14

15

16

17

]

18       (e) Has successfully passed an examination meeting the  
19 requirements of section 16511.

20       (2) Until 2 years after the effective date of this part, the  
21 board may issue a license to an individual who meets the  
22 requirements of subsection (1)(a), (b), and (c) and presents  
23 proof acceptable to the board that he or she has fulfilled 1 of  
24 the following requirements:

25       (a) Has been an active member of a national professional  
26 massage therapy association recognized by and acceptable to the  
27 board that was established before the year 2000, if that

1 association offers professional liability insurance and has an  
2 established code of professional ethics.

3 (b) Has practiced massage therapy for an average of at least  
4 10 hours per week for 10 or more years, as established by  
5 affidavit of the applicant.

6 (c) Has practiced massage therapy an average of 20 hours per  
7 week for at least 1 year before the effective date of this part,  
8 as established by affidavit of the applicant, and has completed  
9 at least 150 hours of formal training in massage therapy  
10 acceptable to the board.

11 Sec. 16511. (1) The board shall provide that applicants pass  
12 an examination before issuance of a license under this part. The  
13 board may develop its own examination and may promulgate rules to  
14 establish standards for that examination or for the adoption by  
15 reference of an examination, or parts of an examination,  
16 developed by an outside entity that it determines offers an  
17 appropriate examination. If the board adopts all or part of an  
18 examination developed by an outside entity, the board may  
19 promulgate rules to adopt by reference any supplement or update  
20 to the examination.

21 (2) Until 1 or more examinations are developed or adopted  
22 under subsection (1), the national certification examination for  
23 therapeutic massage and bodywork and the national certification  
24 examination of the American medical massage association, that are  
25 in existence on the effective date of this part, are adopted by  
26 reference and considered acceptable for qualification of  
27 applicants under this part.

1       Sec. 16513. (1) The board shall promulgate rules to adopt a  
2 code of professional ethics.

3       (2) A licensee shall make a written referral of a client to  
4 an appropriate health professional if the client's physical or  
5 medical condition appears to constitute a contraindication for  
6 massage therapy.

7       (3) The board and department shall not, by rule or otherwise,  
8 restrict the right of a licensee to participate in and become a  
9 member of any nationally recognized trade or professional  
10 association.

11       Sec. 16515. Subject to section 16204, the board shall, by  
12 rule, require as a condition of renewal of a license the  
13 furnishing of evidence of at least 6 hours, or the equivalent  
14 acceptable to the board, of continuing education for each year of  
15 the license cycle. The courses shall be approved by the board  
16 and shall include subjects related to the practice of massage  
17 therapy.

18       Sec. 16517. Beginning the effective date of this part, a  
19 local unit of government shall not establish or maintain  
20 licensing requirements for a massage therapist licensed under  
21 this part.

22       Sec. 16519. This part does not require new or additional  
23 third party reimbursement or mandated worker's compensation  
24 benefits for services rendered by an individual licensed under  
25 this part.