

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 5205

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 16322  
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 <b>Acupuncture</b>	<b>June 30</b>
5       Audiologists	June 30
6       Nursing	June 30
7       Nursing home administrator	June 30
8       Optometry	June 30
9       Pharmacy	June 30

1	Podiatric medicine and surgery	June 30
2	Dentistry	June 30
3	Chiropractic	December 31
4	Counseling	June 30
5	Marriage and family therapy	June 30
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.".

- 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", "psychological  
19 assistant", "psychological examiner", "licensed psychologist",  
20 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) Until July 1, 2005, "social worker", "certified social  
25 worker", "social work technician", "s.w.", "c.s.w.", and  
26 "s.w.t.". Beginning July 1, 2005, "social worker", "licensed  
27 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) "Acupuncturist", "certified acupuncturist", and  
2 "registered acupuncturist".

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

10 Sec. 16322. Fees for a person registered or seeking  
11 registration as an acupuncturist under part 165 are as follows:

- 12 (a) Application processing fee..... \$75.00
- 13 (b) Registration fee, per year..... \$150.00

14 PART 165.

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

16 (a) "Acupuncture" means the insertion and manipulation of  
17 needles through the surface of the human body and the use of  
18 related therapies at specific locations on the human body for the  
19 prevention or correction of disease, injury, pain, or other  
20 condition.

21 (b) "Acupuncturist" means an individual who practices  
22 acupuncture and related therapies and is registered, or otherwise  
23 authorized, under this part.

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

1           Sec. 16511. (1) Except as otherwise provided under  
2 subsection (2) or (3), after rules are promulgated under section  
3 16145, an individual shall not use the title "acupuncturist",  
4 "certified acupuncturist", or "registered acupuncturist" unless  
5 he or she is registered under this part.

6           (2) A physician who is licensed under part 170 or 175 is not  
7 subject to any provisions of this part.

8           (3) An individual who is certified by the national  
9 acupuncture detoxification association is not subject to any  
10 provisions of this part.

11          Sec. 16521. The Michigan board of acupuncture is created in  
12 the department and shall consist of the following 8 voting  
13 members who meet the requirements of part 161:

14           (a) Four acupuncturists. The members initially appointed  
15 under this subdivision shall meet the requirements of section  
16 16135.

17           (b) Three physicians licensed under part 170 or 175.

18           (c) One public member.

19          Sec. 16525. (1) The department, in consultation with the  
20 board, shall promulgate rules setting forth the minimum standards  
21 for registration as an acupuncturist. The department, in  
22 consultation with the board, may adopt by reference the  
23 professional standards issued by a certified program that is  
24 recognized by the national commission for certifying agencies or  
25 by a nationally recognized trade association.

26           (2) The department, in consultation with the board, shall not  
27 promulgate rules under this section that diminish competition or

1 exceed the minimum level of regulation necessary to protect the  
2 public.

3       Sec. 16529. This part does not require new or additional  
4 third party reimbursement or mandated worker's compensation  
5 benefits for services by an individual registered as an  
6 acupuncturist under this part.

7       Enacting section 1. This amendatory act takes effect July  
8 1, 2005.