

STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004

**Introduced by Reps. Richardville, Bieda, Accavitti, Sak, Garfield, Jamnick, Huizenga, Murphy, Hopgood
and Waters**

ENROLLED HOUSE BILL No. 5205

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," 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:

Sec. 16131. The terms of office of individual members of the boards and task forces, except those appointed to fill vacancies, expire 4 years after appointment as follows:

Acupuncture	June 30
Audiologists	June 30
Nursing	June 30
Nursing home administrator	June 30
Optometry	June 30
Pharmacy	June 30
Podiatric medicine and surgery	June 30
Dentistry	June 30
Chiropractic	December 31
Counseling	June 30
Marriage and family therapy	June 30
Medicine	December 31

Occupational therapists	December 31
Osteopathic medicine and surgery	December 31
Physical therapy	December 31
Psychology	December 31
Respiratory care	December 31
Social work	December 31
Veterinary medicine	December 31

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

- (a) “Chiropractic”, “doctor of chiropractic”, “chiropractor”, “d.c.”, and “chiropractic physician”.
- (b) “Dentist”, “doctor of dental surgery”, “oral and maxillofacial surgeon”, “orthodontist”, “prosthodontist”, “periodontist”, “endodontist”, “oral pathologist”, “pediatric dentist”, “dental hygienist”, “registered dental hygienist”, “dental assistant”, “registered dental assistant”, “r.d.a.”, “d.d.s.”, “d.m.d.”, and “r.d.h.”.
- (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) “Chiroprapist”, “chiroprapist”, “chiroprapist”, “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”, “registered social service technician”, “social service technician”, “l.m.s.w.”, “l.b.s.w.”, and “r.s.s.t.”.
- (o) “Veterinary”, “veterinarian”, “veterinary doctor”, “veterinary surgeon”, “doctor of veterinary medicine”, “v.m.d.”, “d.v.m.”, “animal technician”, or “animal technologist”.
- (p) “Occupational therapist”, “occupational therapist registered”, “certified occupational therapist”, “o.t.”, “o.t.r.”, “c.o.t.”, “certified occupational therapy assistant”, “occupational therapy assistant”, or “c.o.t.a.”.
- (q) “Marriage advisor” or “marriage consultant”; “family counselor”, “family advisor”, “family therapist”, or “family consultant”; “family guidance counselor”, “family guidance advisor”, or “family guidance consultant”; “marriage guidance counselor”, “marriage guidance advisor”, or “marriage guidance consultant”; “family relations counselor”; “marriage relations counselor”, “marriage relations advisor”, or “marriage relations consultant”; “marital counselor” or “marital therapist”; “limited licensed marriage and family therapist” or “limited licensed marriage counselor”; “licensed marriage and family therapist” or “licensed marriage counselor”; and “l.m.f.t.”.
- (r) “Nursing home administrator”.
- (s) “Respiratory therapist”, “respiratory care practitioner”, “licensed respiratory therapist”, “licensed respiratory care practitioner”, “r.t.”, “r.c.p.”, “l.r.t.”, and “l.r.c.p.”.
- (t) “Audiometrist”, “audiologist”, “hearing therapist”, “hearing aid audiologist”, “educational audiologist”, “industrial audiologist”, and “clinical audiologist”.
- (u) “Acupuncturist”, “certified acupuncturist”, and “registered acupuncturist”.

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

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

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

PART 165.

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

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

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

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

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

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

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

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

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

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

(c) One public member.

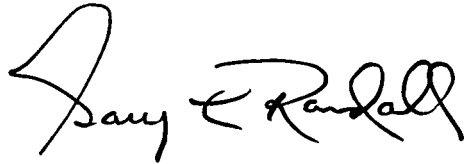
Sec. 16525. (1) The department, in consultation with the board, shall promulgate rules setting forth the minimum standards for registration as an acupuncturist. The department, in consultation with the board, may adopt by reference the professional standards issued by a certified program that is recognized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

(2) The department, in consultation with the board, shall not promulgate rules under this section that diminish competition or exceed the minimum level of regulation necessary to protect the public.

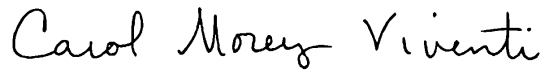
Sec. 16529. This part does not require new or additional third party reimbursement or mandated worker's compensation benefits for services by an individual registered as an acupuncturist under this part.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor