

HOUSE BILL No. 5233

November 4, 2003, Introduced by Reps. Steil, Richardville, Tabor, Shulman, Brandenburg, Shaffer, Meyer, Garfield, Wenke, Mortimer, Rocca, Stakoe, Ward, Moolenaar, Newell, Pappageorge, Bieda, Pastor, Kooiman, Woronchak, Palmer, Minore and Murphy and referred to the Committee on Health Policy.

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 2001 PA 139, 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	Nursing	June 30
5	Nursing home administrator	June 30
6	Optometry	June 30
7	Pharmacy	June 30
8	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,
15 with or without qualifying words or phrases, are restricted in
16 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", "chiropractor",
19 "d.c.", and "chiropractic physician".

20 (b) "Dentist", "doctor of dental surgery", "oral and
21 maxillofacial 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.".

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

1 (e) "Registered professional nurse", "registered nurse",
 2 "r.n.", "licensed practical nurse", "l.p.n.", "nurse midwife",
 3 "nurse anesthetist", "nurse practitioner", "trained attendant",
 4 and "t.a.".

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

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

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

10 (i) "Physical therapy", "physical therapist",
 11 "physiotherapist", "registered physical therapist", "licensed
 12 physical therapist", "physical therapy technician", "p.t.",
 13 "r.p.t.", "l.p.t.", and "p.t.t.".

14 (j) "Chiropodist", "chiropody", "chiropodical", "podiatry",
 15 "podiatrist", "podiatric", "doctor of podiatric medicine", "foot
 16 specialist", "podiatric physician and surgeon", and "d.p.m.".

17 (k) "Consulting psychologist", "psychologist", "psychological
 18 assistant", "psychological examiner", "licensed psychologist",
 19 and "limited licensed psychologist".

20 (l) "Licensed professional counselor", "licensed counselor",
 21 "professional counselor", and "l.p.c.".

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

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

25 (o) "Veterinary", "veterinarian", "veterinary doctor",
 26 "veterinary surgeon", "doctor of veterinary medicine", "v.m.d.",
 27 "d.v.m.", "animal technician", or "animal technologist".

1 (p) "Occupational therapist", "occupational therapist
 2 registered", "certified occupational therapist", "o.t.",
 3 "o.t.r.", "c.o.t.", "certified occupational therapy assistant",
 4 "occupational therapy assistant", or "c.o.t.a.".

5 (q) "Marriage advisor" or "marriage consultant"; "family
 6 counselor", "family advisor", "family therapist", or "family
 7 consultant"; "family guidance counselor", "family guidance
 8 advisor", or "family guidance consultant"; "marriage guidance
 9 counselor", "marriage guidance advisor", or "marriage guidance
 10 consultant"; "family relations counselor"; "marriage relations
 11 counselor", "marriage relations advisor", or "marriage relations
 12 consultant"; "marital counselor" or "marital therapist"; "limited
 13 licensed marriage and family therapist" or "limited licensed
 14 marriage counselor"; "licensed marriage and family therapist" or
 15 "licensed marriage counselor"; and "l.m.f.t.".

16 (r) "Nursing home administrator".

17 (s) "Licensed massage therapist", "massage therapist",
 18 "masseur", "massagist", "certified massage therapist", "clinical
 19 massage therapist", "medical massage therapist", "manual massage
 20 therapist", "board certified massage therapist", "massage
 21 technician", "myomassologist", "masseuse", "l.m.t.", "m.m.t.",
 22 and "c.m.t.".

23 (2) Notwithstanding section 16261, a person who was specially
 24 trained at an institution of higher education in this state to
 25 assist a physician in the field of orthopedics and upon
 26 completion of training, received a 2-year associate of science
 27 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. 16346. Fees for an individual licensed or seeking
 4 licensure as a massage therapist under part 165 are as follows:

5 (a) Application processing fee.....\$ 20.00

6 (b) License fee, per year..... 75.00

7 (c) Temporary license fee, per year..... 75.00.

8 PART 165. MASSAGE THERAPY

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

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

16 (b) "Massage therapist" means an individual engaged in the
 17 practice of massage therapy.

18 (c) "Polarity therapy" means diverse applications affecting
 19 the human energy system and includes energetic approaches to
 20 somatic contact, verbal facilitation, nutrition, exercise, and
 21 health education. Polarity therapy does not make medical claims,
 22 diagnose physical ailments, or allow prescription of
 23 medications.

24 (d) "Practice of massage therapy" means a scientific
 25 discipline of manual therapy that provides assessment, education,
 26 consultation, and treatment of and with an individual through
 27 applying manual therapy techniques, for the purpose of relieving

1 stresses to the human body. The practice of massage therapy
2 includes all of the following:

3 (i) The treatment, planning, and delivery of therapy by use
4 of hands-on technique or manual physical practices.

5 (ii) The assessment of soft tissue tension and hyperesthesia
6 for the purpose of relaxing connective and muscle tissues,
7 normalizing circulation, reducing inflammation, and promoting
8 soft tissue healing and the maintenance of general good physical
9 and mental well-being.

10 (iii) The use of mechanical soft tissue vibratory devices or
11 manual vibration, thermal heat, cupping, and cold applications
12 and stretching.

13 (iv) The therapeutic assistance, coordination, and delivery
14 of manual therapy in conjunction with medical and chiropractic
15 physicians, physical therapists, occupational therapists, nurses,
16 and other allied medical personnel.

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 or causes of diseases.

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

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

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

22 (a) Five individuals who meet the requirements of section
23 16135(2).

24 (b) Four public members.

25 Sec. 16507. (1) An individual shall not engage in the
26 practice of massage therapy unless licensed under this part. A
27 person engaged in or practicing the Feldenkrais method, polarity

1 therapy, or the Trager approach is not required to be licensed
2 under this part to engage in activities defined by those terms.

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

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

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

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

16 (c) The practice of massage therapy that is an integral part
17 of a program of study by students enrolled in a school licensed
18 by the state board of education under 1943 PA 148, MCL 395.101 to
19 395.103, provided that they are identified as students and
20 provide massage therapy services only while under the supervision
21 of a licensed massage therapist.

22 (d) Self-care by a patient or uncompensated care by a friend
23 or family member who does not represent or hold himself or
24 herself out to be a licensed massage therapist.

25 Sec. 16509. (1) The department shall, upon submission of a
26 completed application and payment of the appropriate application
27 processing and license fee, issue a license under this part to an

1 individual who fulfills the following conditions:

2 (a) Has a high school diploma or the equivalent as determined
3 by the board.

4 (b) Is of good moral character.

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

6 (d) Has successfully completed a curriculum in a school
7 licensed under 1943 PA 148, MCL 395.101 to 395.103, that has not
8 less than 500 hours of training. The board shall consider
9 acceptance of a curriculum or program offered by an entity or
10 school in good standing with any state, regional, or national
11 agency or governmental regulatory body charged with regulating
12 massage therapy schools, curricula, or programs.

13 (e) Has successfully passed an examination meeting the
14 requirements of section 16511.

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

20 (a) Has been an active member of a national professional
21 massage therapy association recognized by and acceptable to the
22 board that was established before the year 2000, if that
23 association offers professional liability insurance and has an
24 established code of professional ethics.

25 (b) Has practiced massage therapy for an average of at least
26 10 hours per week for 10 or more years, as established by
27 affidavit of the applicant.

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

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

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

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

25 (2) A licensee shall make a written referral of a client to
26 an appropriate health professional if the client's physical or
27 medical condition appears to constitute a contraindication for

1 massage therapy.

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

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

13 Sec. 16517. This part does not require new or additional
14 third party reimbursement or mandated worker's compensation
15 benefits for services rendered by an individual licensed under
16 this part.