

# HOUSE BILL No. 5408

January 20, 2004, Introduced by Rep. Vander Veen 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 183A.

## 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>Dietetics and nutrition</b>	<b>June 30</b>
5	Nursing	June 30
6	Nursing home administrator	June 30
7	Optometry	June 30
8	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	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", ~~or~~  
 6 "family counselor", "family advisor", "family therapist", ~~or~~  
 7 "family consultant", ~~or~~ "family guidance counselor", "family  
 8 guidance advisor", ~~or~~ "family guidance consultant", ~~or~~  
 9 "marriage guidance counselor", "marriage guidance advisor", ~~or~~  
 10 "marriage guidance consultant", ~~or~~ "family relations counselor",  
 11 ~~or~~ "marriage relations counselor", "marriage relations advisor",  
 12 ~~or~~ "marriage relations consultant", ~~or~~ "marital counselor",  
 13 ~~or~~ "marital therapist", ~~or~~ "limited licensed marriage and  
 14 family therapist", ~~or~~ "limited licensed marriage counselor",  
 15 ~~or~~ "licensed marriage and family therapist", ~~or~~ "licensed  
 16 marriage counselor", ~~or~~ and "l.m.f.t.".

17 (r) "Nursing home administrator".

18 (s) **"Registered dietitian", "licensed dietitian",**  
 19 **"dietitian", "licensed nutritionist", "nutritionist", "r.d.",**  
 20 **"l.d.", and "l.n.".**

21 (2) Notwithstanding section 16261, a person who was specially  
 22 trained at an institution of higher education in this state to  
 23 assist a physician in the field of orthopedics and upon  
 24 completion of training, received a 2-year associate of science  
 25 degree as an orthopedic physician's assistant before January 1,  
 26 1977, may use the title "orthopedic physician's assistant"  
 27 whether or not the person is licensed under this article.

1       Sec. 16346. Fees for an individual licensed or seeking  
 2 licensure as a dietitian and nutritionist under part 183A are as  
 3 follows:

4       (a) Application processing fee..... \$20.00  
 5       (b) License fee, per year..... \$75.00  
 6       (c) Temporary license fee, per year..... \$75.00

7                   PART 183A. DIETETICS AND NUTRITION

8       Sec. 18351. (1) As used in this part:

9       (a) "Dietetics and nutrition care services" means the  
 10 integration and application of the scientific principles of food,  
 11 nutrition, biochemistry, physiology, management, and behavioral  
 12 and social sciences to achieve and maintain the health of  
 13 individuals. Dietetics and nutrition care services include, but  
 14 are not limited to, each of the following:

15       (i) Assessing the nutrition needs of an individual or group  
 16 of individuals based upon biochemical, anthropometric, physical,  
 17 and dietary data, determining the resources and constraints to  
 18 meet the nutrition needs of that individual or group of  
 19 individuals, and recommending proper nutrition intake to satisfy  
 20 those needs.

21       (ii) Establishing priorities, goals, and objectives to meet  
 22 the nutrition needs of the individual or group of individuals  
 23 based on available resources and constraints.

24       (iii) Providing nutrition counseling regarding health and  
 25 disease.

26       (iv) Developing, implementing, and managing a nutrition care  
 27 system.

(v) Evaluating, adjusting, and maintaining a standard of quality in dietetics and nutrition care services.

(vi) Providing medical nutrition therapy.

(b) "Dietitian and nutritionist" means an individual who is engaged in the practice of dietetics and nutrition, who is responsible for providing dietetics and nutrition care services, and who is licensed under this article as a dietitian and nutritionist. Dietitian and nutritionist does not include an individual who does 1 or more of the following:

(i) Furnishes general nutrition information on food, food materials, or dietary supplements or provides explanations to customers about foods or food products in connection with the marketing and distribution of those products, but does not hold himself or herself out as a dietitian and nutritionist.

(ii) Provides weight control services under a program approved by a dietitian and nutritionist who is licensed or registered under this part or licensed by another state that has substantially equal licensing requirements to those existing in this state.

(c) "Practice of dietetics and nutrition care services" means the provision of dietetics and nutrition care services.

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

Sec. 18353. Beginning on the effective date of the amendatory act that added this part, an individual shall not use

1 the titles "registered dietitian", "licensed dietitian",  
2 "dietitian", "licensed nutritionist", "nutritionist", "r.d.",  
3 "l.d.", or "l.n." or similar words that indicate that the  
4 individual is a dietitian and nutritionist, unless the individual  
5 is licensed under this article as a dietitian and nutritionist.

6 Sec. 18355. The Michigan board of dietetics and nutrition  
7 is created in the department and consists of the following 7  
8 voting members who meet the requirements of part 161:

9 (a) Two public members.

10 (b) Five members who are dietitians and nutritionists  
11 licensed under this part and who meet the requirements of section  
12 16135(2).

13 Sec. 18357. (1) An individual shall not engage in the  
14 practice of dietetics and nutrition or provide or offer to  
15 provide dietetics and nutrition care services unless licensed  
16 under this part.

17 (2) The board shall promulgate rules under section 16145 as  
18 necessary or appropriate to fulfill its functions under this  
19 article including, but not limited to, rules establishing ethics,  
20 qualifications, and fitness of applicants, complaint process, and  
21 penalties for violations of this article or rules promulgated  
22 under this article. In promulgating rules to establish  
23 requirements for licensure under section 16145, the board shall  
24 require the applicant or licensee to meet all of the following  
25 requirements:

26 (a) Have a baccalaureate degree from a United States  
27 regionally accredited institution of higher education approved by

1 the department with a major course of study in human nutrition,  
2 nutrition education, foods and nutrition, dietetics, or food  
3 systems management, or an equivalent course of study, as approved  
4 by the department.

5 (b) Have completed at least 900 hours of postcollege or  
6 planned continuous preprofessional experience supervised by a  
7 licensed dietitian as prescribed in rules promulgated by the  
8 department.

9 (c) Have successfully completed an examination that is  
10 approved by the department.

11 (3) The department shall issue a license as a dietitian and  
12 nutritionist to an individual who is currently registered as a  
13 dietitian by the commission on dietetic registration and who  
14 applies for licensure as a dietitian and nutritionist within 1  
15 year after the effective date of this part.

16 (4) Subject to section 16204, the department shall by rule  
17 prescribe continuing education requirements that are consistent  
18 with continuing education requirements established by the  
19 American dietetic association as a condition for license  
20 renewal.

21 (5) The department may utilize the standards contained in the  
22 clinical practice guidelines issued by the American dietetic  
23 association that are in effect on the effective date of this  
24 part, which are adopted by reference, as interim standards, until  
25 rules are promulgated under subsection (2).

26 Sec. 18359. (1) The department may issue a temporary  
27 license as a dietitian and nutritionist to an applicant who does



1 not meet all of the requirements of section 18357, if the  
2 applicant does all of the following:

3 (a) Applies to the department for a temporary license within  
4 1 year after the effective date of the amendatory act that added  
5 this part.

6 (b) Provides evidence to the department that he or she is a  
7 dietitian who is registered with the commission on dietetic  
8 registration or who meets the educational requirements prescribed  
9 under section 18357(2)(a) and satisfies either of the following:

10 (i) Has experience as prescribed under section 18357(2)(b).

11 (ii) Has been employed as a dietitian for at least 3 of the  
12 last 10 years immediately preceding the date of the application.

13 (c) Pays the applicable fees prescribed by section 16346.

14 (2) A temporary license issued by the department under this  
15 section expires within the same time period as a nontemporary  
16 license issued by the department under this part. The holder of  
17 a temporary license issued under this section may apply for a  
18 renewal of the temporary license, but an individual may not hold  
19 a temporary license for more than a total of 2 years.

20 (3) The holder of a temporary license issued under this  
21 section is subject to this part and the rules promulgated under  
22 this part, except for the requirements for licensure.

23 Sec. 18361. This part does not require or preclude third  
24 party reimbursement for services provided under this part and  
25 does not preclude a health maintenance organization, a health  
26 care benefit plan, a nonprofit health care corporation, a  
27 worker's disability compensation insurer, a health insurer, an

1 automobile insurer, or the medicaid program from requiring a  
2 member or enrollee to fulfill benefit requirements for physical  
3 therapy services, including, but not limited to, prescription,  
4 referral, or preapproval. As used in this section, "medicaid"  
5 means the program for medical assistance created under title XIX  
6 of the social security act, 42 USC 1396 to 1396v.