

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 4893

(As amended, February 28, 2006)

<<A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 16263 (MCL 333.16263), as amended by 2006 PA  
30, and by adding section 16336 and part 179.>>

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

6       (a) "Chiropractic", "doctor of chiropractic", "chiropractor",  
7 "d.c.", and "chiropractic physician".

8       (b) "Dentist", "doctor of dental surgery", "oral and

1 maxillofacial surgeon", "orthodontist", "prosthodontist",  
2 "periodontist", "endodontist", "oral pathologist", "pediatric  
3 dentist", "dental hygienist", "registered dental hygienist",  
4 "dental assistant", "registered dental assistant", "r.d.a.",  
5 "d.d.s.", "d.m.d.", and "r.d.h.".

6 (c) "Doctor of medicine" and "m.d.".

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

8 (e) "Registered professional nurse", "registered nurse",  
9 "r.n.", "licensed practical nurse", "l.p.n.", "nurse midwife",  
10 "nurse anesthetist", "nurse practitioner", "trained attendant", and  
11 "t.a.".

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

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

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

17 (i) "Physical therapy", "physical therapist",  
18 "physiotherapist", "registered physical therapist", "licensed  
19 physical therapist", "physical therapy technician", "p.t.",  
20 "r.p.t.", "l.p.t.", and "p.t.t.".

21 (j) "Chiropodist", "chiropody", "chiropodical", "podiatry",  
22 "podiatrist", "podiatric", "doctor of podiatric medicine", "foot  
23 specialist", "podiatric physician and surgeon", and "d.p.m.".

24 (k) "Consulting psychologist", "psychologist", "psychological  
25 assistant", "psychological examiner", "licensed psychologist", and  
26 "limited licensed psychologist".

27 (l) "Licensed professional counselor", "licensed counselor",

1 "professional counselor", and "l.p.c.".

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

3 (n) Until July 1, 2005, "social worker", "certified social  
4 worker", "social work technician", "s.w.", "c.s.w.", and "s.w.t.".  
5 Beginning July 1, 2005, "social worker", "licensed master's social  
6 worker", "licensed bachelor's social worker", "registered social  
7 service technician", "social service technician", "l.m.s.w.",  
8 "l.b.s.w.", and "r.s.s.t.".

9 (o) "Veterinary", "veterinarian", "veterinary doctor",  
10 "veterinary surgeon", "doctor of veterinary medicine", "v.m.d.",  
11 "d.v.m.", "animal technician", or "animal technologist".

12 (p) "Occupational therapist", "occupational therapist  
13 registered", "certified occupational therapist", "o.t.", "o.t.r.",  
14 "c.o.t.", "certified occupational therapy assistant", "occupational  
15 therapy assistant", or "c.o.t.a.".

16 (q) "Marriage advisor" or "marriage consultant"; "family  
17 counselor", "family advisor", "family therapist", or "family  
18 consultant"; "family guidance counselor", "family guidance  
19 advisor", or "family guidance consultant"; "marriage guidance  
20 counselor", "marriage guidance advisor", or "marriage guidance  
21 consultant"; "family relations counselor"; "marriage relations  
22 counselor", "marriage relations advisor", or "marriage relations  
23 consultant"; "marital counselor" or "marital therapist"; "limited  
24 licensed marriage and family therapist" or "limited licensed  
25 marriage counselor"; "licensed marriage and family therapist" or  
26 "licensed marriage counselor"; and "l.m.f.t.".

27 (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".

(V) "ATHLETIC TRAINER", "LICENSED ATHLETIC TRAINER", "CERTIFIED ATHLETIC TRAINER", "ATHLETIC TRAINER CERTIFIED", "A.T.", "A.T.L.", "C.A.T.", AND "A.T.C.".

(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. 16336. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE AS AN ATHLETIC TRAINER UNDER PART 179 ARE AS FOLLOWS:**

(A) APPLICATION PROCESSING FEE ..... \$ 75.00.

(B) LICENSE FEE, PER YEAR ..... \$ 200.00.

#### **PART 179.**

#### **ATHLETIC TRAINING**

**SEC. 17901. (1) AS USED IN THIS PART:**

(A) "ATHLETIC TRAINER" MEANS AN INDIVIDUAL ENGAGED IN THE PRACTICE OF ATHLETIC TRAINING.

1 (B) "PRACTICE OF ATHLETIC TRAINING" MEANS THE TREATMENT OF AN  
2 INDIVIDUAL FOR RISK MANAGEMENT AND INJURY PREVENTION, THE CLINICAL  
3 EVALUATION AND ASSESSMENT OF AN INDIVIDUAL FOR AN INJURY OR  
4 ILLNESS, OR BOTH, THE IMMEDIATE CARE AND TREATMENT OF AN INDIVIDUAL  
5 FOR AN INJURY OR ILLNESS, OR BOTH, AND THE REHABILITATION AND  
6 RECONDITIONING OF AN INDIVIDUAL'S INJURY OR ILLNESS, OR BOTH, AS  
7 LONG AS THOSE ACTIVITIES ARE WITHIN THE RULES PROMULGATED UNDER  
8 SECTION 17904 AND PERFORMED UNDER THE DIRECTION AND SUPERVISION OF  
9 AN INDIVIDUAL LICENSED UNDER PART 170 OR 175. THE PRACTICE OF  
10 ATHLETIC TRAINING DOES NOT INCLUDE THE PRACTICE OF PHYSICAL  
11 THERAPY, THE PRACTICE OF MEDICINE, THE PRACTICE OF OSTEOPATHIC  
12 MEDICINE AND SURGERY, THE PRACTICE OF CHIROPRACTIC, OR MEDICAL  
13 DIAGNOSIS OR TREATMENT.

14 (2) IN ADDITION TO THE DEFINITIONS IN THIS PART, ARTICLE 1  
15 CONTAINS GENERAL DEFINITIONS AND PRINCIPLES OF CONSTRUCTION  
16 APPLICABLE TO ALL ARTICLES IN THIS CODE AND PART 161 CONTAINS  
17 DEFINITIONS APPLICABLE TO THIS PART.

18 SEC. 17902. (1) BEGINNING ON THE EFFECTIVE DATE OF THE RULES  
19 PROMULGATED UNDER SECTION 17904, AN INDIVIDUAL SHALL NOT ENGAGE IN  
20 THE PRACTICE OF ATHLETIC TRAINING UNLESS LICENSED UNDER THIS PART  
21 OR OTHERWISE AUTHORIZED TO ENGAGE IN THE PRACTICE OF ATHLETIC  
22 TRAINING UNDER SUBSECTION (2). AN INDIVIDUAL LICENSED UNDER THIS  
23 PART SHALL NOT PROVIDE, OFFER TO PROVIDE, OR REPRESENT THAT HE OR  
24 SHE IS QUALIFIED TO PROVIDE ANY SERVICES THAT HE OR SHE IS NOT  
25 QUALIFIED TO PERFORM BY HIS OR HER EDUCATION, TRAINING, OR  
26 EXPERIENCE OR THAT HE OR SHE IS OTHERWISE PROHIBITED BY LAW FROM  
27 PERFORMING.

1           (2) SUBSECTION (1) DOES NOT PROHIBIT AN INDIVIDUAL LICENSED  
2 UNDER ANY OTHER PART OR ANY OTHER ACT FROM PERFORMING ACTIVITIES  
3 THAT ARE CONSIDERED THE PRACTICE OF ATHLETIC TRAINING SO LONG AS  
4 THOSE ACTIVITIES ARE WITHIN THE INDIVIDUAL'S SCOPE OF PRACTICE AND  
5 THE INDIVIDUAL DOES NOT USE THE TITLES PROTECTED UNDER SUBSECTION  
6 (3).

7           (3) BEGINNING ON THE EFFECTIVE DATE OF THE RULES PROMULGATED  
8 UNDER SECTION 17904, AN INDIVIDUAL SHALL NOT USE THE TITLES  
9 "ATHLETIC TRAINER", "LICENSED ATHLETIC TRAINER", "CERTIFIED  
10 ATHLETIC TRAINER", "ATHLETIC TRAINER CERTIFIED", "A.T.", "A.T.L.",  
11 "C.A.T.", "A.T.C.", OR SIMILAR WORDS THAT INDICATE THAT THE PERSON  
12 IS AN ATHLETIC TRAINER UNLESS THE INDIVIDUAL IS LICENSED UNDER THIS  
13 ARTICLE AS AN ATHLETIC TRAINER.

14           SEC. 17903. THE MICHIGAN ATHLETIC TRAINER BOARD IS CREATED IN  
15 THE DEPARTMENT AND SHALL CONSIST OF THE FOLLOWING 7 MEMBERS MEETING  
16 THE REQUIREMENTS OF PART 161:

17           (A) FOUR ATHLETIC TRAINERS.

18           (B) ONE PUBLIC MEMBER.

19           (C) TWO PHYSICIANS LICENSED UNDER PART 170 OR 175.

20           SEC. 17904. (1) THE DEPARTMENT SHALL PROMULGATE RULES  
21 ESTABLISHING THE MINIMUM STANDARDS FOR LICENSURE AS AN ATHLETIC  
22 TRAINER UNDER THIS PART AND THE MINIMUM STANDARDS OF CARE FOR THE  
23 PRACTICE OF ATHLETIC TRAINING.

24           (2) IN PROMULGATING THE RULES REQUIRED UNDER THIS SECTION, THE  
25 DEPARTMENT MAY CONSULT THE PROFESSIONAL STANDARDS ISSUED BY THE  
26 NATIONAL ATHLETIC TRAINER'S ASSOCIATION, BY THE NATIONAL ATHLETIC  
27 TRAINER'S ASSOCIATION BOARD OF CERTIFICATION, OR BY ANOTHER

1 NATIONALLY RECOGNIZED PROFESSIONAL ASSOCIATION. THE DEPARTMENT MAY  
2 INCORPORATE BY REFERENCE, IN WHOLE OR IN PART, EXISTING STANDARDS  
3 IN THE RULES.

4 (3) AS NEEDED, THE DEPARTMENT MAY AMEND OR SUPPLEMENT ANY  
5 STANDARDS BY PROMULGATION OF A RULE.

6 SEC. 17905. (1) THE DEPARTMENT SHALL ISSUE A LICENSE UNDER  
7 THIS ARTICLE AS AN ATHLETIC TRAINER TO AN INDIVIDUAL WHO MEETS ALL  
8 OF THE FOLLOWING REQUIREMENTS:

9 (A) APPLIES TO THE DEPARTMENT ON A FORM PROVIDED BY THE  
10 DEPARTMENT.

11 (B) MEETS THE REQUIREMENTS FOR LICENSURE PROMULGATED PURSUANT  
12 TO SECTION 17904.

13 (C) PAYS THE FEES PRESCRIBED IN SECTION 16336.

14 (2) THE DEPARTMENT SHALL PROMULGATE RULES TO PROVIDE FOR AT  
15 LEAST 80 CLOCK HOURS OF CONTINUING EDUCATION WITHIN EACH 3-YEAR  
16 LICENSE CYCLE IN SUBJECTS RELATED TO ATHLETIC TRAINING AND APPROVED  
17 BY THE DEPARTMENT.

18 SEC. 17906. (1) A LICENSE ISSUED BY THE DEPARTMENT UNDER  
19 SECTION 17905 SHALL BE FOR A 3-YEAR LICENSE CYCLE. THE LICENSE IS  
20 RENEWABLE UPON PAYMENT OF THE PRESCRIBED LICENSE RENEWAL FEE AND,  
21 BEGINNING WITH THE THIRD YEAR AFTER THE EFFECTIVE DATE OF THE RULES  
22 PROMULGATED UNDER SECTION 17905(2), SUBMISSION TO THE DEPARTMENT OF  
23 PROOF OF SATISFACTORY COMPLETION OF AT LEAST 80 CLOCK HOURS OF  
24 CONTINUING EDUCATION WITHIN THE 3-YEAR LICENSE CYCLE IN SUBJECTS  
25 RELATED TO ATHLETIC TRAINING AND APPROVED BY THE DEPARTMENT.

26 (2) IN ADDITION TO THE CONTINUING EDUCATION REQUIREMENTS OF  
27 SUBSECTION (1), AN ATHLETIC TRAINER SHALL SUBMIT ALONG WITH HIS OR

1 HER APPLICATION FOR LICENSE RENEWAL PROOF SATISFACTORY TO THE  
2 DEPARTMENT OF BOTH OF THE FOLLOWING:

3 (A) THAT HE OR SHE HAS SUCCESSFULLY COMPLETED A COURSE OF  
4 TRAINING IN FIRST AID, CARDIOPULMONARY RESUSCITATION, AND FOREIGN  
5 BODY OBSTRUCTION OF THE AIRWAY APPROVED BY THE DEPARTMENT AND  
6 OFFERED OR APPROVED BY THE AMERICAN RED CROSS, THE AMERICAN HEART  
7 ASSOCIATION, OR A COMPARABLE ORGANIZATION, AS DETERMINED BY THE  
8 DEPARTMENT.

9 (B) THAT HE OR SHE HOLDS, AT THE TIME OF APPLICATION FOR  
10 RENEWAL AND AT ALL TIMES DURING THE PREVIOUS LICENSE PERIOD, A  
11 VALID CERTIFICATION IN FIRST AID AND CARDIOPULMONARY RESUSCITATION  
12 ISSUED BY THE ORGANIZATION OFFERING THE TRAINING.

13 SEC. 17907. THIS PART DOES NOT REQUIRE NEW OR ADDITIONAL THIRD  
14 PARTY REIMBURSEMENT FOR SERVICES RENDERED BY AN INDIVIDUAL LICENSED  
15 UNDER THIS PART.

16 Enacting section 1. This amendatory act takes effect December  
17 1, 2006.