

September 22, 2005, Introduced by Reps. Amos, Pastor, Booher, Hansen, Steil and LaJoy 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 2004 PA 97, 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 the
2 boards and task forces, except those appointed to fill vacancies,
3 expire 4 years after appointment as follows:

4	Audiologists	June 30
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1	Nursing	June 30
2	Nursing home administrator	June 30
3	Optometry	June 30
4	Pharmacy	June 30
5	Podiatric medicine and surgery	June 30
6	Dentistry	June 30
7	Chiropractic	December 31
8	Counseling	June 30
9	Marriage and family therapy	June 30
10	MASSAGE THERAPY	DECEMBER 31
11	Medicine	December 31
12	Occupational therapists	December 31
13	Osteopathic medicine and surgery	December 31
14	Physical therapy	December 31
15	Psychology	December 31
16	Respiratory care	December 31
17	Social work	December 31
18	Veterinary medicine	December 31

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

24 (a) "Chiropractic", "doctor of chiropractic",
25 "chiropractor", "d.c.", and "chiropractic physician".

26 (b) "Dentist", "doctor of dental surgery", "oral and
27 maxillofacial surgeon", "orthodontist", "prosthodontist",
28 "periodontist", "endodontist", "oral pathologist", "pediatric
29 dentist", "dental hygienist", "registered dental hygienist",

1 "dental assistant", "registered dental assistant", "r.d.a.",
2 "d.d.s.", "d.m.d.", and "r.d.h.".

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

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

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

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

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

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

14 (i) "Physical therapy", "physical therapist",
15 "physiotherapist", "registered physical therapist", "licensed
16 physical therapist", "physical therapy technician", "p.t.",
17 "r.p.t.", "l.p.t.", and "p.t.t.".

18 (j) "Chiropodist", "chiropody", "chiropodical", "podiatry",
19 "podiatrist", "podiatric", "doctor of podiatric medicine", "foot
20 specialist", "podiatric physician and surgeon", and "d.p.m.".

21 (k) "Consulting psychologist", "psychologist",
22 "psychological assistant", "psychological examiner", "licensed
23 psychologist", and "limited licensed psychologist".

24 (l) "Licensed professional counselor", "licensed counselor",
25 "professional counselor", and "l.p.c.".

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

27 (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

1 "l.r.c.p."

2 (t) "Audiometrist", "audiologist", "hearing therapist",
3 "hearing aid audiologist", "educational audiologist", "industrial
4 audiologist", and "clinical audiologist".

5 (U) "LICENSED MASSAGE THERAPIST", "MASSAGE THERAPIST",
6 "MASSEUR", "MASSAGIST", "CERTIFIED MASSAGE THERAPIST", "CLINICAL
7 MASSAGE THERAPIST", "MEDICAL MASSAGE THERAPIST", "MANUAL MASSAGE
8 THERAPIST", "BOARD CERTIFIED MASSAGE THERAPIST", "MASSAGE
9 TECHNICIAN", "MYOMASSOLOGIST", "MASSEUSE", "L.M.T.", "M.M.T.",
10 AND "C.M.T."

11 (2) Notwithstanding section 16261, a person who was
12 specially trained at an institution of higher education in this
13 state to assist a physician in the field of orthopedics and upon
14 completion of training, received a 2-year associate of science
15 degree as an orthopedic physician's assistant before January 1,
16 1977, may use the title "orthopedic physician's assistant"
17 whether or not the person is licensed under this article.

18 SEC. 16346. FEES FOR AN INDIVIDUAL LICENSED OR SEEKING
19 LICENSURE AS A MASSAGE THERAPIST UNDER PART 165 ARE AS FOLLOWS:

20	(A) APPLICATION PROCESSING FEE.....	\$	20.00
21	(B) LICENSE FEE, PER YEAR.....		75.00
22	(C) TEMPORARY LICENSE FEE, PER YEAR.....		75.00

23 PART 165. MASSAGE THERAPY

24 SEC. 16501. (1) AS USED IN THIS PART:

25 (A) "FELDENKRAIS METHOD" MEANS A SYSTEM OF SOMATIC EDUCATION
26 IN WHICH TOUCH AND WORDS ARE USED TO ELIMINATE FAULTY HABITS,

1 LEARN NEW PATTERNS OF SELF-ORGANIZATION AND ACTION, AND IMPROVE A
2 PERSON'S OWN FUNCTIONAL MOVEMENT PATTERNS. FELDENKRAIS METHOD IS
3 BASED ON PRINCIPLES OF PHYSICS, BIOMECHANICS, AND AN
4 UNDERSTANDING OF, OR LEARNING ABOUT, HUMAN DEVELOPMENT.

5 (B) "MASSAGE THERAPIST" MEANS AN INDIVIDUAL ENGAGED IN THE
6 PRACTICE OF MASSAGE THERAPY.

7 (C) "POLARITY THERAPY" MEANS DIVERSE APPLICATIONS AFFECTING
8 THE HUMAN ENERGY SYSTEM AND INCLUDES ENERGETIC APPROACHES TO
9 SOMATIC CONTACT, VERBAL FACILITATION, NUTRITION, EXERCISE, AND
10 HEALTH EDUCATION. POLARITY THERAPY DOES NOT MAKE MEDICAL CLAIMS,
11 DIAGNOSE PHYSICAL AILMENTS, OR ALLOW PRESCRIPTION OF MEDICATIONS.

12 (D) "PRACTICE OF MASSAGE THERAPY" MEANS THE APPLICATION OF A
13 SYSTEM OF STRUCTURED TOUCH, PRESSURE, MOVEMENT, AND HOLDING TO
14 THE SOFT TISSUE OF THE HUMAN BODY IN WHICH THE PRIMARY INTENT IS
15 TO ENHANCE OR RESTORE THE HEALTH AND WELL-BEING OF THE CLIENT.
16 PRACTICE OF MASSAGE THERAPY INCLUDES COMPLEMENTARY METHODS,
17 INCLUDING THE EXTERNAL APPLICATION OF WATER, HEAT, COLD,
18 LUBRICATION, SALT SCRUBS, OR OTHER TOPICAL PREPARATIONS; AND
19 ELECTROMECHANICAL DEVICES THAT MIMIC OR ENHANCE THE ACTIONS
20 POSSIBLE BY THE HANDS.

21 (E) "SCHOOL" MEANS AN ACCREDITED OR LICENSED FACILITY
22 MEETING THE MINIMUM STANDARDS AND CURRICULUM AND APPROVED BY THE
23 BOARD, IN COMPLIANCE WITH SECTION 16148.

24 (F) "TRAGER APPROACH" MEANS A FORM OF MOVEMENT EDUCATION
25 THAT USES SUBTLE DIRECTED MOVEMENTS AND THE SKILLED TOUCH OF A
26 PRACTITIONER. THE TRAGER APPROACH COMBINES PHYSICAL MOVEMENT WITH
27 SENSORY AWARENESS AND INTERNAL IMAGERY DESIGNED TO INCREASE THE

1 CLIENT'S SELF-AWARENESS AND GENERATE PHYSIOLOGICAL CHANGES IN THE
2 BODY TISSUES SO AS TO ALLOW THE CLIENT TO EXPERIENCE A NEW WAY OF
3 MOVING HIS OR HER BODY.

4 (2) THE PRACTICE OF MASSAGE THERAPY DOES NOT INCLUDE MEDICAL
5 DIAGNOSIS OR IDENTIFICATION OF DISEASES, INJURIES, OR CONDITIONS
6 OR CAUSES OF DISEASES. THE PRACTICE OF MASSAGE THERAPY DOES NOT
7 INCLUDE HIGH VELOCITY, LOW AMPLITUDE TO A JOINT, ELECTRICAL
8 STIMULATION, APPLICATION OF ULTRASOUND, OR PRESCRIPTION OF
9 MEDICINES.

10 (3) IN ADDITION TO THE DEFINITIONS IN THIS PART, ARTICLE 1
11 CONTAINS GENERAL DEFINITIONS AND PRINCIPLES OF CONSTRUCTION
12 APPLICABLE TO ALL ARTICLES IN THIS CODE AND PART 161 CONTAINS
13 DEFINITIONS APPLICABLE TO THIS PART.

14 SEC. 16503. BEGINNING THE EFFECTIVE DATE OF THE AMENDATORY
15 ACT THAT ADDED THIS PART, AN INDIVIDUAL SHALL NOT USE THE TITLES
16 "LICENSED MASSAGE THERAPIST", "MASSAGE THERAPIST", "MASSEUR",
17 "MASSAGIST", "CERTIFIED MASSAGE THERAPIST", "CLINICAL MASSAGE
18 THERAPIST", "MEDICAL MASSAGE THERAPIST", "MANUAL MASSAGE
19 THERAPIST", "BOARD CERTIFIED MASSAGE THERAPIST", "MASSAGE
20 TECHNICIAN", "MYOMASSOLOGIST", "MASSEUSE", "L.M.T.", "M.M.T.",
21 AND "C.M.T.", OR SIMILAR WORDS OR INITIALS THAT INDICATE THAT THE
22 INDIVIDUAL IS A MASSAGE THERAPIST, UNLESS THE INDIVIDUAL IS
23 LICENSED UNDER THIS ARTICLE AS A MASSAGE THERAPIST. THIS SECTION
24 DOES NOT PREVENT THE USE OF A NAME, TITLE, OR INITIALS THAT ARE
25 REGISTERED OR OTHERWISE PROTECTED UNDER LAW AND USED BY A PERSON
26 CERTIFIED OR OTHERWISE APPROVED BY A PRIVATE ORGANIZATION.

27 SEC. 16505. THE MICHIGAN BOARD OF MASSAGE THERAPY IS CREATED

1 IN THE DEPARTMENT AND CONSISTS OF THE FOLLOWING 9 MEMBERS WHO
2 MEET THE REQUIREMENTS OF PART 161:

3 (A) FIVE INDIVIDUALS WHO MEET THE REQUIREMENTS OF SECTION
4 16135(2).

5 (B) FOUR PUBLIC MEMBERS.

6 SEC. 16507. (1) AN INDIVIDUAL SHALL NOT ENGAGE IN THE
7 PRACTICE OF MASSAGE THERAPY UNLESS LICENSED UNDER THIS PART. A
8 PERSON ENGAGED IN OR PRACTICING THE FELDENKRAIS METHOD, POLARITY
9 THERAPY, OR THE TRAGER APPROACH IS NOT REQUIRED TO BE LICENSED
10 UNDER THIS PART TO ENGAGE IN ACTIVITIES DEFINED BY THOSE TERMS.

11 (2) THE DEPARTMENT SHALL PROVIDE FOR A 3-YEAR LICENSE CYCLE.

12 (3) SUBSECTION (1) DOES NOT PREVENT ANY OF THE FOLLOWING:

13 (A) AN INDIVIDUAL LICENSED UNDER ANY OTHER PART OR ACT FROM
14 PERFORMING ACTIVITIES THAT ARE CONSIDERED MASSAGE THERAPY
15 SERVICES IF THOSE ACTIVITIES ARE WITHIN THE INDIVIDUAL'S SCOPE OF
16 PRACTICE AND IF THE INDIVIDUAL DOES NOT USE THE TITLES PROTECTED
17 UNDER SECTION 16503.

18 (B) AN INDIVIDUAL NOT LICENSED UNDER THIS PART FROM
19 PERFORMING ACTIVITIES THAT ARE CONSIDERED THE PRACTICE OF MASSAGE
20 THERAPY SERVICES WHILE UNDER THE SUPERVISION OF AN INDIVIDUAL WHO
21 IS LICENSED UNDER THIS PART, IF THE INDIVIDUAL DOES NOT USE THE
22 TITLES PROTECTED UNDER SECTION 16503.

23 (C) THE PRACTICE OF MASSAGE THERAPY THAT IS AN INTEGRAL PART
24 OF A PROGRAM OF STUDY BY STUDENTS ENROLLED IN A SCHOOL LICENSED
25 BY THE STATE BOARD OF EDUCATION UNDER 1943 PA 148, MCL 395.101 TO
26 395.103, PROVIDED THAT THEY ARE IDENTIFIED AS STUDENTS AND
27 PROVIDE MASSAGE THERAPY SERVICES ONLY WHILE UNDER THE SUPERVISION

1 OF A LICENSED MASSAGE THERAPIST.

2 (D) SELF-CARE BY A PATIENT OR UNCOMPENSATED CARE BY A FRIEND
3 OR FAMILY MEMBER WHO DOES NOT REPRESENT OR HOLD HIMSELF OR
4 HERSELF OUT TO BE A LICENSED MASSAGE THERAPIST.

5 SEC. 16509. (1) THE DEPARTMENT SHALL, UPON SUBMISSION OF A
6 COMPLETED APPLICATION AND PAYMENT OF THE APPROPRIATE APPLICATION
7 PROCESSING AND LICENSE FEE, ISSUE A LICENSE UNDER THIS PART TO AN
8 INDIVIDUAL WHO FULFILLS THE FOLLOWING CONDITIONS:

9 (A) HAS A HIGH SCHOOL DIPLOMA OR THE EQUIVALENT AS
10 DETERMINED BY THE BOARD.

11 (B) IS OF GOOD MORAL CHARACTER.

12 (C) IS AT LEAST 18 YEARS OF AGE.

13 (D) HAS SUCCESSFULLY COMPLETED A SUPERVISED CURRICULUM IN A
14 SCHOOL LICENSED UNDER 1943 PA 148, MCL 395.101 TO 395.103, THAT
15 HAS NOT LESS THAN 500 CLOCK HOURS OF SUPERVISED TRAINING.

16 (E) HAS SUCCESSFULLY PASSED AN EXAMINATION MEETING THE
17 REQUIREMENTS OF SECTION 16511.

18 (2) UNTIL 2 YEARS AFTER THE EFFECTIVE DATE OF THIS PART, THE
19 BOARD MAY ISSUE A LICENSE TO AN INDIVIDUAL WHO MEETS THE
20 REQUIREMENTS OF SUBSECTION (1)(A), (B), AND (C) AND PRESENTS
21 PROOF ACCEPTABLE TO THE BOARD THAT HE OR SHE HAS FULFILLED 1 OF
22 THE FOLLOWING REQUIREMENTS:

23 (A) HAS BEEN AN ACTIVE MEMBER OF A NATIONAL PROFESSIONAL
24 MASSAGE THERAPY ASSOCIATION RECOGNIZED BY AND ACCEPTABLE TO THE
25 BOARD THAT WAS ESTABLISHED BEFORE THE YEAR 2000, IF THAT
26 ASSOCIATION OFFERS PROFESSIONAL LIABILITY INSURANCE AND HAS AN
27 ESTABLISHED CODE OF PROFESSIONAL ETHICS.

1 (B) HAS PRACTICED MASSAGE THERAPY FOR AN AVERAGE OF AT LEAST
2 10 HOURS PER WEEK FOR 10 OR MORE YEARS, AS ESTABLISHED BY
3 AFFIDAVIT OF THE APPLICANT.

4 (C) HAS PRACTICED MASSAGE THERAPY FOR AN AVERAGE OF AT LEAST
5 10 HOURS PER WEEK FOR AT LEAST 3 YEARS, AS ESTABLISHED BY
6 AFFIDAVIT OF THE APPLICANT, AND HAS SUCCESSFULLY COMPLETED AT
7 LEAST 300 HOURS OF FORMAL TRAINING IN MASSAGE THERAPY ACCEPTABLE
8 TO THE BOARD, AS ESTABLISHED BY EVIDENCE FROM THE SCHOOL OR
9 SCHOOLS ATTENDED.

10 (D) HAS PASSED THE NATIONAL CERTIFICATION EXAM PROMULGATED
11 BY THE NATIONAL CERTIFICATION BOARD FOR THERAPEUTIC MASSAGE AND
12 BODYWORK AND HAS KEPT HIS OR HER CERTIFICATION STATUS CURRENT.

13 SEC. 16511. (1) THE BOARD SHALL PROVIDE THAT APPLICANTS PASS
14 AN EXAMINATION BEFORE ISSUANCE OF A LICENSE UNDER THIS PART. THE
15 BOARD MAY DEVELOP ITS OWN EXAMINATION AND MAY PROMULGATE RULES TO
16 ESTABLISH STANDARDS FOR THAT EXAMINATION OR FOR THE ADOPTION BY
17 REFERENCE OF AN EXAMINATION, OR PARTS OF AN EXAMINATION,
18 DEVELOPED BY AN OUTSIDE ENTITY THAT IT DETERMINES OFFERS AN
19 APPROPRIATE EXAMINATION. IF THE BOARD ADOPTS ALL OR PART OF AN
20 EXAMINATION DEVELOPED BY AN OUTSIDE ENTITY, THE BOARD MAY
21 PROMULGATE RULES TO ADOPT BY REFERENCE ANY SUPPLEMENT OR UPDATE
22 TO THE EXAMINATION.

23 (2) UNTIL 1 OR MORE EXAMINATIONS ARE DEVELOPED OR ADOPTED
24 UNDER SUBSECTION (1), THE NATIONAL CERTIFICATION EXAMINATION FOR
25 THERAPEUTIC MASSAGE AND BODYWORK AND THE NATIONAL CERTIFICATION
26 EXAMINATION FOR THERAPEUTIC MASSAGE, BOTH OF WHICH ARE
27 PROMULGATED BY THE NATIONAL CERTIFICATION BOARD FOR THERAPEUTIC

1 MASSAGE AND BODYWORK, THAT ARE IN EXISTENCE ON THE EFFECTIVE DATE
2 OF THIS PART, ARE ADOPTED BY REFERENCE AND CONSIDERED ACCEPTABLE
3 FOR QUALIFICATION OF APPLICANTS UNDER THIS PART.

4 SEC. 16513. (1) THE BOARD SHALL PROMULGATE RULES TO ADOPT A
5 CODE OF PROFESSIONAL ETHICS.

6 (2) A LICENSEE SHALL MAKE A WRITTEN REFERRAL OF A CLIENT TO
7 AN APPROPRIATE HEALTH PROFESSIONAL IF THE CLIENT'S PHYSICAL OR
8 MEDICAL CONDITION APPEARS TO CONSTITUTE A CONTRAINDICATION FOR
9 MASSAGE THERAPY.

10 (3) THE BOARD AND DEPARTMENT SHALL NOT, BY RULE OR
11 OTHERWISE, RESTRICT THE RIGHT OF A LICENSEE TO PARTICIPATE IN AND
12 BECOME A MEMBER OF ANY NATIONALLY RECOGNIZED TRADE OR
13 PROFESSIONAL ASSOCIATION.

14 SEC. 16515. SUBJECT TO SECTION 16204, THE BOARD SHALL, BY
15 RULE, REQUIRE AS A CONDITION OF RENEWAL OF A LICENSE THE
16 FURNISHING OF EVIDENCE OF AT LEAST 6 HOURS, OR THE EQUIVALENT
17 ACCEPTABLE TO THE BOARD, OF CONTINUING EDUCATION FOR EACH YEAR OF
18 THE LICENSE CYCLE. THE COURSES SHALL BE APPROVED BY THE BOARD AND
19 SHALL INCLUDE SUBJECTS RELATED TO THE PRACTICE OF MASSAGE
20 THERAPY.

21 SEC. 16517. BEGINNING THE EFFECTIVE DATE OF THIS PART, A
22 LOCAL UNIT OF GOVERNMENT SHALL NOT ESTABLISH OR MAINTAIN
23 LICENSING REQUIREMENTS FOR A MASSAGE THERAPIST LICENSED UNDER
24 THIS PART.

25 SEC. 16519. THIS PART DOES NOT REQUIRE NEW OR ADDITIONAL
26 THIRD PARTY REIMBURSEMENT OR MANDATED WORKER'S COMPENSATION
27 BENEFITS FOR SERVICES RENDERED BY AN INDIVIDUAL LICENSED UNDER

1 THIS PART.