

# SENATE BILL No. 351

March 24, 2005, Introduced by Senators HAMMERSTROM, LELAND, KUIPERS, GARCIA, JACOBS, BERNERO, SCOTT, CHERRY, BIRKHOLZ, BARCIA, SCHAUER, SWITALSKI, STAMAS, CLARK-COLEMAN and CLARKE 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 16322  
 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 <b>ACUPUNCTURE</b>	<b>JUNE 30</b>
5   Audiologists	June 30
6   Nursing	June 30
7   Nursing home administrator	June 30
8   Optometry	June 30

1	Pharmacy	June 30
2	Podiatric medicine and surgery	June 30
3	Dentistry	June 30
4	Chiropractic	December 31
5	Counseling	June 30
6	Marriage and family therapy	June 30
7	Medicine	December 31
8	Occupational therapists	December 31
9	Osteopathic medicine and surgery	December 31
10	Physical therapy	December 31
11	Psychology	December 31
12	Respiratory care	December 31
13	Social work	December 31
14	Veterinary medicine	December 31

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

20           (a) "Chiropractic", "doctor of chiropractic",  
 21 "chiropractor", "d.c.", and "chiropractic physician".

22           (b) "Dentist", "doctor of dental surgery", "oral and  
 23 maxillofacial surgeon", "orthodontist", "prosthodontist",  
 24 "periodontist", "endodontist", "oral pathologist", "pediatric  
 25 dentist", "dental hygienist", "registered dental hygienist",  
 26 "dental assistant", "registered dental assistant", "r.d.a.",  
 27 "d.d.s.", "d.m.d.", and "r.d.h.".

28           (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) "Chiropodist", "chiropody", "chiropodical", "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",

1 "registered social service technician", "social service  
2 technician", "l.m.s.w.", "l.b.s.w.", and "r.s.s.t.".

3 (o) "Veterinary", "veterinarian", "veterinary doctor",  
4 "veterinary surgeon", "doctor of veterinary medicine", "v.m.d.",  
5 "d.v.m.", "animal technician", or "animal technologist".

6 (p) "Occupational therapist", "occupational therapist  
7 registered", "certified occupational therapist", "o.t.",  
8 "o.t.r.", "c.o.t.", "certified occupational therapy assistant",  
9 "occupational therapy assistant", or "c.o.t.a.".

10 (q) "Marriage advisor" or "marriage consultant"; "family  
11 counselor", "family advisor", "family therapist", or "family  
12 consultant"; "family guidance counselor", "family guidance  
13 advisor", or "family guidance consultant"; "marriage guidance  
14 counselor", "marriage guidance advisor", or "marriage guidance  
15 consultant"; "family relations counselor"; "marriage relations  
16 counselor", "marriage relations advisor", or "marriage relations  
17 consultant"; "marital counselor" or "marital therapist"; "limited  
18 licensed marriage and family therapist" or "limited licensed  
19 marriage counselor"; "licensed marriage and family therapist" or  
20 "licensed marriage counselor"; and "l.m.f.t.".

21 (r) "Nursing home administrator".

22 (s) "Respiratory therapist", "respiratory care  
23 practitioner", "licensed respiratory therapist", "licensed  
24 respiratory care practitioner", "r.t.", "r.c.p.", "l.r.t.", and  
25 "l.r.c.p.".

26 (t) "Audiometrist", "audiologist", "hearing therapist",  
27 "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

1 DEFINITIONS APPLICABLE TO THIS PART.

2 SEC. 16511. (1) EXCEPT AS OTHERWISE PROVIDED UNDER  
3 SUBSECTION (2), AFTER RULES ARE PROMULGATED UNDER SECTION 16145,  
4 AN INDIVIDUAL SHALL NOT USE THE TITLE "ACUPUNCTURIST", "CERTIFIED  
5 ACUPUNCTURIST", OR "REGISTERED ACUPUNCTURIST" UNLESS HE OR SHE IS  
6 REGISTERED UNDER THIS PART.

7 (2) NEITHER OF THE FOLLOWING IS SUBJECT TO THE PROVISIONS OF  
8 THIS PART:

9 (A) A PHYSICIAN WHO IS LICENSED UNDER PART 170 OR 175.

10 (B) AN INDIVIDUAL WHO IS CERTIFIED BY THE NATIONAL  
11 ACUPUNCTURE DETOXIFICATION ASSOCIATION.

12 SEC. 16521. THE MICHIGAN BOARD OF ACUPUNCTURE IS CREATED IN  
13 THE DEPARTMENT AND SHALL CONSIST OF THE FOLLOWING 8 VOTING  
14 MEMBERS WHO MEET THE REQUIREMENTS OF PART 161:

15 (A) FOUR ACUPUNCTURISTS. THE MEMBERS INITIALLY APPOINTED  
16 UNDER THIS SUBDIVISION SHALL MEET THE REQUIREMENTS OF SECTION  
17 16135.

18 (B) THREE PHYSICIANS LICENSED UNDER PART 170 OR 175.

19 (C) ONE PUBLIC MEMBER.

20 SEC. 16525. (1) THE DEPARTMENT, IN CONSULTATION WITH THE  
21 BOARD, SHALL PROMULGATE RULES SETTING FORTH THE MINIMUM STANDARDS  
22 FOR REGISTRATION AS AN ACUPUNCTURIST. THE DEPARTMENT, IN  
23 CONSULTATION WITH THE BOARD, MAY ADOPT BY REFERENCE THE  
24 PROFESSIONAL STANDARDS ISSUED BY A CERTIFIED PROGRAM THAT IS  
25 RECOGNIZED BY THE NATIONAL COMMISSION FOR CERTIFYING AGENCIES OR  
26 BY A NATIONALLY RECOGNIZED TRADE ASSOCIATION.

27 (2) THE DEPARTMENT, IN CONSULTATION WITH THE BOARD, SHALL

1 NOT PROMULGATE RULES UNDER THIS SECTION THAT DIMINISH COMPETITION  
2 OR EXCEED THE MINIMUM LEVEL OF REGULATION NECESSARY TO PROTECT  
3 THE PUBLIC.

4 SEC. 16529. THIS PART DOES NOT REQUIRE NEW OR ADDITIONAL  
5 THIRD PARTY REIMBURSEMENT OR MANDATED WORKER'S COMPENSATION  
6 BENEFITS FOR SERVICES BY AN INDIVIDUAL REGISTERED AS AN  
7 ACUPUNCTURIST UNDER THIS PART.