

Act No. 54
Public Acts of 2006
Approved by the Governor
March 9, 2006
Filed with the Secretary of State
March 9, 2006
EFFECTIVE DATE: December 1, 2006

**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2006**

Introduced by Rep. Gaffney

ENROLLED HOUSE BILL No. 4893

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," 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:

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

- (a) "Chiropractic", "doctor of chiropractic", "chiropractor", "d.c.", and "chiropractic physician".
- (b) "Dentist", "doctor of dental surgery", "oral and maxillofacial surgeon", "orthodontist", "prosthodontist", "periodontist", "endodontist", "oral pathologist", "pediatric dentist", "dental hygienist", "registered dental hygienist", "dental assistant", "registered dental assistant", "r.d.a.", "d.d.s.", "d.m.d.", and "r.d.h.".
- (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) "Chiroprodist", "chiroprody", "chiroprodical", "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", "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 "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.
- (b) "Practice of athletic training" means the treatment of an individual for risk management and injury prevention, the clinical evaluation and assessment of an individual for an injury or illness, or both, the immediate care and treatment of an individual for an injury or illness, or both, and the rehabilitation and reconditioning of an individual's injury or illness, or both, as long as those activities are within the rules promulgated under section 17904 and performed under the direction and supervision of an individual licensed under part 170 or 175. The practice of athletic training does not include the practice of physical therapy, the practice of medicine, the practice of osteopathic medicine and surgery, the practice of chiropractic, or medical diagnosis or treatment.

(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. 17902. (1) Beginning on the effective date of the rules promulgated under section 17904, an individual shall not engage in the practice of athletic training unless licensed under this part or otherwise authorized to engage in the practice of athletic training under subsection (2). An individual licensed under this part shall not provide, offer to provide, or represent that he or she is qualified to provide any services that he or she is not qualified to perform by his or her education, training, or experience or that he or she is otherwise prohibited by law from performing.

(2) Subsection (1) does not prohibit an individual licensed under any other part or any other act from performing activities that are considered the practice of athletic training so long as those activities are within the individual's scope of practice and the individual does not use the titles protected under subsection (3).

(3) Beginning on the effective date of the rules promulgated under section 17904, an individual shall not use the titles "athletic trainer", "licensed athletic trainer", "certified athletic trainer", "athletic trainer certified", "a.t.", "a.t.l.", "c.a.t.", "a.t.c.", or similar words that indicate that the person is an athletic trainer unless the individual is licensed under this article as an athletic trainer.

Sec. 17903. The Michigan athletic trainer board is created in the department and shall consist of the following 7 members meeting the requirements of part 161:

- (a) Four athletic trainers.
- (b) One public member.
- (c) Two physicians licensed under part 170 or 175.

Sec. 17904. (1) The department shall promulgate rules establishing the minimum standards for licensure as an athletic trainer under this part and the minimum standards of care for the practice of athletic training.

(2) In promulgating the rules required under this section, the department may consult the professional standards issued by the national athletic trainer's association, by the national athletic trainer's association board of certification, or by another nationally recognized professional association. The department may incorporate by reference, in whole or in part, existing standards in the rules.

(3) As needed, the department may amend or supplement any standards by promulgation of a rule.

Sec. 17905. (1) The department shall issue a license under this article as an athletic trainer to an individual who meets all of the following requirements:

- (a) Applies to the department on a form provided by the department.
- (b) Meets the requirements for licensure promulgated pursuant to section 17904.
- (c) Pays the fees prescribed in section 16336.

(2) The department shall promulgate rules to provide for at least 80 clock hours of continuing education within each 3-year license cycle in subjects related to athletic training and approved by the department.

Sec. 17906. (1) A license issued by the department under section 17905 shall be for a 3-year license cycle. The license is renewable upon payment of the prescribed license renewal fee and, beginning with the third year after the effective date of the rules promulgated under section 17905(2), submission to the department of proof of satisfactory completion of at least 80 clock hours of continuing education within the 3-year license cycle in subjects related to athletic training and approved by the department.

(2) In addition to the continuing education requirements of subsection (1), an athletic trainer shall submit along with his or her application for license renewal proof satisfactory to the department of both of the following:

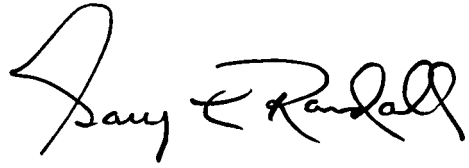
(a) That he or she has successfully completed a course of training in first aid, cardiopulmonary resuscitation, and foreign body obstruction of the airway approved by the department and offered or approved by the American Red Cross, the American heart association, or a comparable organization, as determined by the department.

(b) That he or she holds, at the time of application for renewal and at all times during the previous license period, a valid certification in first aid and cardiopulmonary resuscitation issued by the organization offering the training.

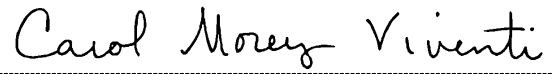
Sec. 17907. This part does not require new or additional third party reimbursement for services rendered by an individual licensed under this part.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor