

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 921

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16345, 18301, 18303, 18305, 18307, and 18309
(MCL 333.16345, 333.18301, 333.18303, 333.18305, 333.18307, and
333.18309), section 16345 as added by 1993 PA 79, sections 18301,
18303, 18307, and 18309 as added by 1988 PA 473, and section
18305 as amended by 2006 PA 394, and by adding sections 18313 and
18315.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16345. Fees for ~~a person registered or seeking~~
2 ~~registration as a certified occupational therapist or a certified~~
3 ~~occupational therapist assistant~~ **AN INDIVIDUAL LICENSED OR**
4 **SEEKING LICENSURE TO ENGAGE IN THE PRACTICE OF OCCUPATIONAL**
5 **THERAPY, OR TO ENGAGE IN PRACTICE AS AN OCCUPATIONAL THERAPY**

1 **ASSISTANT**, under part 183 are as follows:

2 (a) Application processing fee..... \$ 20.00

3 (b) ~~Registration~~ **LICENSE** fee, per year..... ~~60.00~~ **75.00**.

4 Sec. 18301. (1) As used in this part:

5 (a) ~~"Certified occupational"~~ **"OCCUPATIONAL** therapy assistant"

6 means an individual ~~registered as a certified~~ **LICENSED UNDER THIS**

7 **ARTICLE TO ENGAGE IN PRACTICE AS AN** occupational therapy

8 assistant. ~~in accordance with this article.~~

9 (b) ~~"Certified occupational"~~ **"OCCUPATIONAL** therapist" means

10 an individual ~~who diminishes or corrects pathology in order to~~

11 ~~promote and maintain health through application of the art and~~

12 ~~science of directing purposeful activity designed to restore,~~

13 ~~reinforce, and enhance the performance of individuals and who is~~

14 ~~registered in accordance with this article~~ **LICENSED UNDER THIS**

15 **ARTICLE TO ENGAGE IN THE PRACTICE OF OCCUPATIONAL THERAPY.**

16 (C) **"OCCUPATIONAL THERAPY SERVICES" MEANS THOSE SERVICES**

17 **PROVIDED TO PROMOTE HEALTH AND WELLNESS, PREVENT DISABILITY,**

18 **PRESERVE FUNCTIONAL CAPABILITIES, PREVENT BARRIERS, AND ENABLE OR**

19 **IMPROVE PERFORMANCE IN EVERYDAY ACTIVITIES, INCLUDING, BUT NOT**

20 **LIMITED TO, THE FOLLOWING:**

21 (i) **ESTABLISHMENT, REMEDIATION, OR RESTORATION OF A SKILL OR**

22 **ABILITY THAT IS IMPAIRED OR NOT YET DEVELOPED.**

23 (ii) **COMPENSATION, MODIFICATION, OR ADAPTATION OF A PERSON,**

24 **ACTIVITY, OR ENVIRONMENT.**

25 (iii) **EVALUATION OF FACTORS THAT AFFECT ACTIVITIES OF DAILY**

26 **LIVING, INSTRUMENTAL ACTIVITIES OF DAILY LIVING, AND OTHER**

1 ACTIVITIES RELATING TO EDUCATION, WORK, PLAY, LEISURE, AND SOCIAL
2 PARTICIPATION. THOSE FACTORS INCLUDE, BUT ARE NOT LIMITED TO,
3 BODY FUNCTIONS, BODY STRUCTURE, HABITS, ROUTINES, ROLE
4 PERFORMANCE, BEHAVIOR PATTERNS, SENSORY MOTOR SKILLS, COGNITIVE
5 SKILLS, COMMUNICATION AND INTERACTION SKILLS, AND CULTURAL,
6 PHYSICAL, PSYCHOSOCIAL, SPIRITUAL, DEVELOPMENTAL, ENVIRONMENTAL,
7 AND SOCIOECONOMIC CONTEXTS AND ACTIVITIES THAT AFFECT
8 PERFORMANCE.

9 (iv) INTERVENTIONS AND PROCEDURES, INCLUDING, BUT NOT LIMITED
10 TO, ANY OF THE FOLLOWING:

11 (A) TASK ANALYSIS AND THERAPEUTIC USE OF OCCUPATIONS,
12 EXERCISES, AND ACTIVITIES.

13 (B) TRAINING IN SELF-CARE, SELF-MANAGEMENT, HOME MANAGEMENT,
14 AND COMMUNITY OR WORK REINTEGRATION.

15 (C) DEVELOPMENT REMEDIATION, OR COMPENSATION OF CLIENT
16 FACTORS SUCH AS BODY FUNCTIONS AND BODY STRUCTURE.

17 (D) EDUCATION AND TRAINING.

18 (E) CARE COORDINATION, CASE MANAGEMENT, TRANSITION, AND
19 CONSULTATIVE SERVICES.

20 (F) MODIFICATION OF ENVIRONMENTS AND ADAPTATION PROCESSES
21 SUCH AS THE APPLICATION OF ERGONOMIC AND SAFETY PRINCIPLES.

22 (G) ASSESSMENT, DESIGN, FABRICATION, APPLICATION, FITTING,
23 AND TRAINING IN REHABILITATIVE AND ASSISTIVE TECHNOLOGY, ADAPTIVE
24 DEVICES, AND LOW TEMPERATURE ORTHOTIC DEVICES, AND TRAINING IN
25 THE USE OF PROSTHETIC DEVICES. FOR THE PURPOSES OF THIS SUB-
26 SUBPARAGRAPH, THE DESIGN AND FABRICATION OF LOW TEMPERATURE
27 ORTHOTIC DEVICES DOES NOT INCLUDE PERMANENT ORTHOTICS.

1 (H) ASSESSMENT, RECOMMENDATION, AND TRAINING IN TECHNIQUES
2 TO ENHANCE SAFETY, FUNCTIONAL MOBILITY, AND COMMUNITY MOBILITY
3 SUCH AS WHEELCHAIR MANAGEMENT AND MOBILITY.

4 (I) MANAGEMENT OF FEEDING, EATING, AND SWALLOWING.

5 (J) APPLICATION OF PHYSICAL AGENT MODALITIES AND USE OF A
6 RANGE OF SPECIFIC THERAPEUTIC PROCEDURES, INCLUDING, BUT NOT
7 LIMITED TO, TECHNIQUES TO ENHANCE SENSORY-MOTOR, PERCEPTUAL, AND
8 COGNITIVE PROCESSING, MANUAL THERAPY TECHNIQUES, AND ADJUNCTIVE
9 AND PREPARATORY ACTIVITIES.

10 (K) PROVIDING VISION THERAPY SERVICES OR LOW VISION
11 REHABILITATION SERVICES, IF THOSE SERVICES ARE PROVIDED PURSUANT
12 TO A REFERRAL OR PRESCRIPTION FROM, OR UNDER THE SUPERVISION OR
13 COMANAGEMENT OF, A PHYSICIAN LICENSED UNDER PART 170 OR 175 OR AN
14 OPTOMETRIST LICENSED UNDER PART 174.

15 (D) "PRACTICE AS AN OCCUPATIONAL THERAPY ASSISTANT" MEANS
16 THE PRACTICE OF OCCUPATIONAL THERAPY UNDER THE SUPERVISION OF AN
17 OCCUPATIONAL THERAPIST LICENSED UNDER THIS ARTICLE.

18 (E) "PRACTICE OF OCCUPATIONAL THERAPY" MEANS THE THERAPEUTIC
19 USE OF EVERYDAY LIFE OCCUPATIONS AND OCCUPATIONAL THERAPY
20 SERVICES TO AID INDIVIDUALS OR GROUPS TO PARTICIPATE IN
21 MEANINGFUL ROLES AND SITUATIONS IN THE HOME, SCHOOL, WORKPLACE,
22 COMMUNITY, AND OTHER SETTINGS, TO PROMOTE HEALTH AND WELLNESS
23 THROUGH RESEARCH AND PRACTICE, AND TO SERVE THOSE INDIVIDUALS OR
24 GROUPS WHO HAVE OR ARE AT RISK FOR DEVELOPING AN ILLNESS, INJURY,
25 DISEASE, DISORDER, CONDITION, IMPAIRMENT, DISABILITY, ACTIVITY
26 LIMITATION, OR PARTICIPATION RESTRICTION. THE PRACTICE OF
27 OCCUPATIONAL THERAPY ADDRESSES THE PHYSICAL, COGNITIVE,

1 PSYCHOSOCIAL, SENSORY, AND OTHER ASPECTS OF PERFORMANCE IN A
 2 VARIETY OF CONTEXTS TO SUPPORT ENGAGEMENT IN EVERYDAY LIFE
 3 ACTIVITIES THAT AFFECT A PERSON'S HEALTH, WELL-BEING, AND QUALITY
 4 OF LIFE THROUGHOUT HIS OR HER LIFE SPAN. THE PRACTICE OF
 5 OCCUPATIONAL THERAPY DOES NOT INCLUDE ANY OF THE FOLLOWING:

6 (i) THE PRACTICE OF MEDICINE OR OSTEOPATHIC MEDICINE AND
 7 SURGERY OR MEDICAL DIAGNOSIS OR TREATMENT.

8 (ii) THE PRACTICE OF PHYSICAL THERAPY.

9 (iii) THE PRACTICE OF OPTOMETRY.

10 (2) 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. 18303. (1) After the rules described in sections 18307
 15 and 18309 are promulgated ~~, a person~~ **FOR LICENSURE UNDER THIS**
 16 **ARTICLE, AN INDIVIDUAL** shall not use the titles "occupational
 17 therapist", "o.t.", "**OCCUPATIONAL THERAPIST LICENSED**", "**O.T.L.**",
 18 "occupational therapist registered", "o.t.r.", ~~"certified~~
 19 ~~occupational therapist", "c.o.t."~~ **"OCCUPATIONAL THERAPIST**
 20 **REGISTERED LICENSED**", "**O.T.R.L.**", "certified occupational therapy
 21 assistant", "c.o.t.a.", "**CERTIFIED OCCUPATIONAL THERAPY ASSISTANT**
 22 **LICENSED**", "**C.O.T.A.L.**", "occupational therapy assistant",
 23 "**O.T.A.**", "**OCCUPATIONAL THERAPY ASSISTANT LICENSED**", "**O.T.A.L.**",
 24 or similar words which indicate that ~~the person~~ **HE OR SHE** is a
 25 ~~certified~~ **LICENSED AS AN** occupational therapist or a ~~certified~~
 26 occupational therapy assistant unless the ~~person is registered in~~
 27 ~~accordance with~~ **INDIVIDUAL IS LICENSED UNDER** this article.

Senate Bill No. 921 (H-1) as amended December 18, 2008

1 (2) AFTER THE RULES DESCRIBED IN SECTIONS 18307 AND 18309
2 ARE PROMULGATED FOR LICENSURE UNDER THIS PART, AN INDIVIDUAL
3 SHALL NOT ENGAGE IN THE PRACTICE OF OCCUPATIONAL THERAPY OR THE
4 PRACTICE AS AN OCCUPATIONAL THERAPY ASSISTANT UNLESS LICENSED OR
5 OTHERWISE AUTHORIZED BY THIS ARTICLE.

6 (3) SUBSECTION (2) DOES NOT PREVENT ANY OF THE FOLLOWING:

7 (A) SELF-CARE BY A PATIENT OR UNCOMPENSATED CARE BY A FRIEND
8 OR FAMILY MEMBER WHO DOES NOT REPRESENT OR HOLD HIMSELF OR
9 HERSELF OUT TO BE A LICENSED OCCUPATIONAL THERAPIST OR
10 OCCUPATIONAL THERAPY ASSISTANT.

11 (B) AN INDIVIDUAL LICENSED OR REGISTERED UNDER ANY OTHER
12 PART OR ACT FROM PERFORMING ACTIVITIES THAT ARE CONSIDERED
13 OCCUPATIONAL THERAPY SERVICES IF THOSE ACTIVITIES ARE WITHIN THE
14 INDIVIDUAL'S SCOPE OF PRACTICE AND IF THE INDIVIDUAL DOES NOT USE
15 THE TITLES PROTECTED UNDER SUBSECTION (1).

16 (C) AN ORTHOTIST OR PROSTHETIST FROM PROVIDING SERVICES
17 CONSISTENT WITH HIS OR HER TRAINING IN ORTHOTICS OR PROSTHETICS
18 IF HE OR SHE IS CERTIFIED BY THE AMERICAN BOARD FOR CERTIFICATION
19 IN ORTHOTICS, PROSTHETICS AND PEDORTHICS AND HE OR SHE DOES NOT
20 REPRESENT OR HOLD HIMSELF OR HERSELF OUT TO BE A LICENSED
21 OCCUPATIONAL THERAPIST OR OCCUPATIONAL THERAPY ASSISTANT.

22 [(D) A PARKS AND RECREATION PROFESSIONAL WHO IS DIRECTLY EMPLOYED
23 BY A LOCAL UNIT OF GOVERNMENT OR A THERAPEUTIC RECREATION SPECIALIST
24 CERTIFIED BY THE NATIONAL COUNCIL FOR THERAPEUTIC RECREATION
25 CERTIFICATION FROM PROVIDING SERVICES IF HE OR SHE DOES NOT REPRESENT OR
26 HOLD HIMSELF OR HERSELF OUT TO BE A LICENSED OCCUPATIONAL THERAPIST OR
27 OCCUPATIONAL THERAPY ASSISTANT.]

1 Sec. 18305. (1) The Michigan board of occupational
2 therapists is created in the department and shall consist of the
3 following 9 voting members who shall meet the requirements of
4 part 161: 5 ~~certified~~**LICENSED** occupational therapists and 4
5 public members, **1 OF WHOM SHALL BE A PHYSICIAN LICENSED UNDER**
6 **PART 170 OR 175.**

7 (2) The terms of office of individual members of the board
8 created under this section, except those appointed to fill
9 vacancies, expire 4 years after the appointment on December 31 of
10 the year in which the term expires.

11 Sec. 18307. The board, in consultation with the department,
12 shall promulgate rules **UNDER SECTION 16145** setting forth the
13 minimum standards for ~~registration as a certified~~**LICENSURE AS AN**
14 occupational therapist. For purposes of this section, the
15 professional standards issued by the American occupational
16 therapy association or any other recognized trade association may
17 be adopted by the board. The board shall not promulgate rules
18 under this section ~~which~~**THAT** diminish competition or exceed the
19 minimum level of regulation necessary to protect the public.

20 Sec. 18309. The board, in consultation with the department,
21 shall promulgate rules **UNDER SECTION 16145** setting forth the
22 minimum standards for ~~registration as a certified~~**LICENSURE AS AN**
23 occupational therapy assistant. For purposes of this section, the
24 professional standards issued by the American occupational
25 therapy association or any other recognized trade association may
26 be adopted by the board. The board shall not promulgate rules
27 under this section ~~which~~**THAT** diminish competition or exceed the

1 minimum level of regulation necessary to protect the public.

2 SEC. 18313. (1) BEGINNING THE LICENSE RENEWAL CYCLE AFTER
3 THE EFFECTIVE DATE OF THE RULES PROMULGATED UNDER THIS PART, AN
4 INDIVIDUAL LICENSED UNDER THIS ARTICLE SHALL MEET THE CONTINUING
5 EDUCATION OR COMPETENCE REQUIREMENTS OF THIS SECTION WHEN
6 RENEWING HIS OR HER LICENSE.

7 (2) IN ADDITION TO THE REQUIREMENTS OF PART 161, THE BOARD,
8 IN CONSULTATION WITH THE DEPARTMENT, MAY PROMULGATE RULES TO
9 REQUIRE A LICENSEE SEEKING RENEWAL TO FURNISH EVIDENCE THAT,
10 DURING THE LICENSING PERIOD IMMEDIATELY PRECEDING THE APPLICATION
11 FOR RENEWAL, THE LICENSEE COMPLETED AN APPROPRIATE NUMBER OF
12 HOURS OF CONTINUING EDUCATION COURSES OR CONTINUING COMPETENCE
13 ACTIVITIES RELATED TO THE PRACTICE OF OCCUPATIONAL THERAPY AND
14 DESIGNED TO FURTHER EDUCATE AND MAINTAIN COMPETENCE.

15 SEC. 18315. THIS PART DOES NOT REQUIRE NEW OR ADDITIONAL
16 THIRD PARTY REIMBURSEMENT OR MANDATED WORKER'S COMPENSATION
17 BENEFITS FOR SERVICES RENDERED BY AN INDIVIDUAL LICENSED AS AN
18 OCCUPATIONAL THERAPIST OR AN OCCUPATIONAL THERAPIST ASSISTANT
19 UNDER THIS ARTICLE.

20 Enacting section 1. This amendatory act does not take effect
21 unless Senate Bill No. 493 of the 94th Legislature is enacted
22 into law.