

HOUSE BILL NO. 4104

February 20, 2025, Introduced by Reps. Wozniak, Rogers, Roth, Bierlein, Kunse, Outman, Bollin, Aragona, Thompson, Rheingans, Frisbie, Schmaltz, St. Germaine, Glanville, B. Carter, Scott, Fitzgerald, Longjohn, Neeley, Edwards, Paiz, MacDonell, Whitsett, McKinney, Miller, Price, Coffia, Skaggs, Martus, Wilson, Conlin, O'Neal, Byrnes, Wooden, Foreman, Tsernoglou, Young, Brixie, McFall, Weiss, Morgan, Hoskins and Farhat and referred to Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16345, 18301, and 18305 (MCL 333.16345,
333.18301, and 333.18305), as amended by 2008 PA 523, and by adding
sections 18303a and 18303b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 16345. **(1)** Fees for an individual licensed or seeking
- 2 licensure to engage in the practice of occupational therapy, or to

engage in practice as an occupational therapy assistant, under part 183 are as follows:

- (a) Application processing fee \$ 20.00
- (b) License fee, per year 75.00.

(2) The fee for an individual seeking to hold a compact privilege under the occupational therapy licensure compact enacted in section 16188 is \$75.00 per year.

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

(a) "Occupational therapy assistant" means an individual **who is** licensed under this article, **or authorized under section 18303b**, to engage in practice as an occupational therapy assistant.

(b) "Occupational therapist" means an individual **who is** licensed under this article, **or authorized under section 18303a**, to engage in the practice of occupational therapy.

(c) "Occupational therapy services" means those services provided to promote health and wellness, prevent disability, preserve functional capabilities, prevent barriers, and enable or improve performance in everyday activities, including, but not limited to, the following:

(i) Establishment, remediation, or restoration of a skill or ability that is impaired or not yet developed.

(ii) Compensation, modification, or adaptation of a person, activity, or environment.

(iii) Evaluation of factors that affect activities of daily living, instrumental activities of daily living, and other activities relating to education, work, play, leisure, and social participation. Those factors include, but are not limited to, body functions, body structure, habits, routines, role performance, behavior patterns, sensory motor skills, cognitive skills,

1 communication and interaction skills, and cultural, physical,
2 psychosocial, spiritual, developmental, environmental, and
3 socioeconomic contexts and activities that affect performance.

4 (iv) Interventions and procedures, including, but not limited
5 to, any of the following:

6 (A) Task analysis and therapeutic use of occupations,
7 exercises, and activities.

8 (B) Training in self-care, self-management, home management,
9 and community or work reintegration.

10 (C) Development remediation, or compensation of client factors
11 such as body functions and body structure.

12 (D) Education and training.

13 (E) Care coordination, case management, transition, and
14 consultative services.

15 (F) Modification of environments and adaptation processes such
16 as the application of ergonomic and safety principles.

17 (G) Assessment, design, fabrication, application, fitting, and
18 training in rehabilitative and assistive technology, adaptive
19 devices, and low temperature orthotic devices, and training in the
20 use of prosthetic devices. For the purposes of this sub-
21 subparagraph, the design and fabrication of low temperature
22 orthotic devices does not include permanent orthotics.

23 (H) Assessment, recommendation, and training in techniques to
24 enhance safety, functional mobility, and community mobility such as
25 wheelchair management and mobility.

26 (I) Management of feeding, eating, and swallowing.

27 (J) Application of physical agent modalities and use of a
28 range of specific therapeutic procedures, including, but not
29 limited to, techniques to enhance sensory-motor, perceptual, and

1 cognitive processing, manual therapy techniques, and adjunctive and
2 preparatory activities.

3 (K) Providing vision therapy services or low vision
4 rehabilitation services, if those services are provided pursuant to
5 a referral or prescription from, or under the supervision or
6 comanagement of, a physician licensed under part 170 or 175 or an
7 optometrist licensed under part 174.

8 (d) "Practice as an occupational therapy assistant" means the
9 practice of occupational therapy under the supervision of an
10 occupational therapist licensed under this article.

11 (e) "Practice of occupational therapy" means the therapeutic
12 use of everyday life occupations and occupational therapy services
13 to aid individuals or groups to participate in meaningful roles and
14 situations in the home, school, workplace, community, and other
15 settings, to promote health and wellness through research and
16 practice, and to serve those individuals or groups who have or are
17 at risk for developing an illness, injury, disease, disorder,
18 condition, impairment, disability, activity limitation, or
19 participation restriction. The practice of occupational therapy
20 addresses the physical, cognitive, psychosocial, sensory, and other
21 aspects of performance in a variety of contexts to support
22 engagement in everyday life activities that affect ~~a person's~~ **an**
23 **individual's** health, well-being, and quality of life throughout ~~his~~
24 ~~or her~~ **the individual's** life span. The practice of occupational
25 therapy does not include any of the following:

26 (i) The practice of medicine or osteopathic medicine and
27 surgery or medical diagnosis or treatment.

28 (ii) The practice of physical therapy.

29 (iii) The practice of optometry.

1 (2) In addition to the definitions in this part, article 1
2 contains general definitions and principles of construction
3 applicable to all articles in this code and part 161 contains
4 definitions applicable to this part.

5 **Sec. 18303a. (1) An individual who holds a compact privilege**
6 **to practice occupational therapy as an occupational therapist under**
7 **the occupational therapy licensure compact is authorized to engage**
8 **in the practice of occupational therapy under this article.**

9 (2) For purposes of this article, including the obligations of
10 an individual who is licensed as an occupational therapist, an
11 individual who holds a compact privilege to practice occupational
12 therapy as an occupational therapist under the occupational therapy
13 licensure compact is considered an occupational therapist who is
14 licensed under this part.

15 **Sec. 18303b. (1) An individual who holds a compact privilege**
16 **to practice occupational therapy under the occupational therapy**
17 **licensure compact as an occupational therapy assistant is**
18 **authorized to engage in the practice as an occupational therapy**
19 **assistant under this article.**

20 (2) For purposes of this article, including the obligations of
21 an individual who is licensed as an occupational therapy assistant,
22 an individual who holds a compact privilege to practice
23 occupational therapy as an occupational therapy assistant under the
24 occupational therapy licensure compact is considered an
25 occupational therapy assistant who is licensed under this part.

26 **Sec. 18305. (1) The Michigan board of occupational therapists**
27 **is created in the department and shall consist of the following 9**
28 **voting members who ~~shall~~**must** meet the requirements of part 161: 5**
29 **licensed occupational therapists and 4 public members, 1 of whom**

1 ~~shall be~~ **is** a physician licensed under part 170 or 175.

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

6 **(3) The board shall select the director to act as this state's**
7 **delegate for purposes of the occupational therapy licensure**
8 **compact.**

9 Enacting section 1. This amendatory act takes effect 1 year
10 after the date it is enacted into law.

11 Enacting section 2. This amendatory act does not take effect
12 unless Senate Bill No. ____ (request no. S00845'25) or House Bill
13 No. 4103 (request no. H00845'25) of the 103rd Legislature is
14 enacted into law.