



HOUSE BILL No. 5219

December 10, 1999, Introduced by Reps. Schermesser, DeHart, Hale, Scott, Dennis, Pappageorge, Kelly, Ruth Johnson and Bogardus and referred to the Committee on Regulatory Reform.

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 1995 PA 126, and by adding section
16348 and part 185.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16131. The terms of office of individual members of
2 the boards and task forces, except those appointed to fill vacan-
3 cies, ~~shall~~ expire 4 years after appointment as follows:

4 Nursing	June 30
5 Optometry	June 30
6 Pharmacy	June 30
7 Podiatric medicine and surgery	June 30
8 Dentistry	June 30

1	Chiropractic	December 31
2	Counseling	June 30
3	Marriage and family therapy	June 30
4	Medicine	December 31
5	Occupational therapists	December 31
6	Osteopathic medicine and surgery	December 31
7	Physical therapy	December 31
8	Psychology	December 31
9	Sanitarians	December 31
10	MASSAGE THERAPY	DECEMBER 31
11	Veterinary medicine	December 31

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

17 (a) "Chiropractic", "doctor of chiropractic",
18 "chiropractor", "d.c.", and "chiropractic physician".

19 (b) "Dentist", "doctor of dental surgery", "oral and maxil-
20 lofacial surgeon", "orthodontist", "prosthodontist",
21 "periodontist", "endodontist", "oral pathologist", "pediatric
22 dentist", "dental hygienist", "registered dental hygienist",
23 "dental assistant", "registered dental assistant", "R.D.A.",
24 "d.d.s.", "d.m.d.", and "r.d.h.".

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

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

1 (e) "Registered professional nurse", "registered nurse",
 2 "r.n.", "licensed practical nurse", "l.p.n.", "nurse midwife",
 3 "nurse anesthetist", "nurse practitioner", "trained attendant",
 4 and "t.a.".

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

6 (g) "Osteopath", "osteopathy", "osteopathic practitioner",
 7 "doctor of osteopathy", "diplome in osteopathy", and "d.o.".

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

10 (i) "Physical therapy", "physical therapist",
 11 "physiotherapist", "registered physical therapist", "licensed
 12 physical therapist", "physical therapy technician", "p.t.",
 13 "r.p.t.", "l.p.t.", and "p.t.t.".

14 (j) "Chiropodist", "chiropody", "chiropodical", "podiatry",
 15 "podiatrist", "podiatric", "doctor of podiatric medicine", "foot
 16 specialist", "podiatric physician and surgeon", and "d.p.m.".

17 (k) "Consulting psychologist", "psychologist",
 18 "psychological assistant", ~~and~~ "psychological examiner",
 19 "licensed psychologist", and "limited licensed psychologist".

20 (l) "Licensed professional counselor", "licensed counselor",
 21 "professional counselor", and "l.p.c.".

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

23 (n) "Veterinary", "veterinarian", "veterinary doctor",
 24 "veterinary surgeon", "doctor of veterinary medicine", "v.m.d.",
 25 "d.v.m.", "animal technician", or "animal technologist".

26 (o) "Occupational therapist", "occupational therapist
 27 registered", "certified occupational therapist", "o.t.",

1 "o.t.r.", "c.o.t.", "certified occupational therapy assistant",
 2 "occupational therapy assistant", or "c.o.t.a.".

3 (p) "Marriage advisor" or "marriage consultant"; "family
 4 counselor", "family advisor", "family therapist", or "family
 5 consultant"; "family guidance counselor", "family guidance
 6 advisor", or "family guidance consultant"; "marriage guidance
 7 counselor", "marriage guidance advisor", or "marriage guidance
 8 consultant"; "family relations counselor"; "marriage relations
 9 counselor", "marriage relations advisor", or "marriage relations
 10 consultant"; "marital counselor" or "marital therapist"; "limited
 11 licensed marriage and family therapist" or "limited licensed mar-
 12 riage counselor"; "licensed marriage and family therapist" or
 13 "licensed marriage counselor"; and "l.m.f.t.".

14 (Q) "MASSAGE THERAPIST", "LICENSED MASSAGE THERAPIST",
 15 "M.T.", AND "L.M.T.".

16 (2) Notwithstanding section 16261, a person who was spe-
 17 cially trained at an institution of higher education in this
 18 state to assist a physician in the field of orthopedics and upon
 19 completion of training, received a 2-year associate of science
 20 degree as an orthopedic physician's assistant before January 1,
 21 1977, may use the title "orthopedic physician's assistant"
 22 whether or not the person is licensed under this article.

23 SEC. 16348. FEES FOR AN INDIVIDUAL LICENSED OR SEEKING
 24 LICENSURE AS A LICENSED MASSAGE THERAPIST UNDER PART 185 ARE AS
 25 FOLLOWS:

26 (A) APPLICATION PROCESSING FEE.....\$ 20.00

1 (B) LICENSE FEE, PER YEAR..... 50.00

2 PART 185. MASSAGE THERAPY

3 SEC. 18501. (1) AS USED IN THIS PART:

4 (A) "MASSAGE THERAPIST" MEANS A PERSON WHO IS LICENSED UNDER
5 THIS ARTICLE TO ENGAGE IN THE PRACTICE OF MASSAGE THERAPY.

6 (B) "PRACTICE OF MASSAGE THERAPY" MEANS THE SCIENTIFIC ART
7 OF TISSUE MANIPULATION BY HAND OR WITH A MECHANICAL OR ELECTRICAL
8 INSTRUMENT FOR A THERAPEUTIC PURPOSE, AND MAY INCLUDE THE USE OF
9 OIL RUBS OR THE APPLICATION OF HOT AND COLD TREATMENTS. THE
10 PRACTICE OF MASSAGE THERAPY DOES NOT INCLUDE DIAGNOSIS OF ILL-
11 NESS, GIVING MEDICAL ADVICE, OR DISPENSING OF MEDICATION.

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

16 SEC. 18503. AFTER THE EFFECTIVE DATE OF THE RULES PROMUL-
17 GATED BY THE BOARD UNDER SECTION 18607, AN INDIVIDUAL SHALL NOT
18 USE THE TITLES "MASSAGE THERAPIST", "LICENSED MASSAGE THERAPIST",
19 "M.T.", OR "L.M.T.", OR SIMILAR WORDS THAT INDICATE THE INDIVID-
20 UAL IS A LICENSED MASSAGE THERAPIST UNLESS THE INDIVIDUAL IS
21 LICENSED UNDER THIS ARTICLE AS A MASSAGE THERAPIST.

22 SEC. 18505. THE MICHIGAN BOARD OF MASSAGE THERAPY IS CRE-
23 ATED IN THE DEPARTMENT AND CONSISTS OF THE FOLLOWING 9 MEMBERS
24 WHO MEET THE REQUIREMENTS OF PART 161:

25 (A) FIVE INDIVIDUALS WHO MEET THE REQUIREMENTS OF
26 SECTION 16135.

1 (B) FOUR PUBLIC MEMBERS.

2 SEC. 18507. (1) THE BOARD, IN CONSULTATION WITH THE
3 DEPARTMENT, SHALL PROMULGATE RULES THAT SPECIFY THE MINIMUM STAN-
4 DARDS FOR LICENSURE AS A LICENSED MASSAGE THERAPIST. FOR PUR-
5 POSES OF THIS SECTION, THE PROFESSIONAL STANDARDS ISSUED BY THE
6 AMERICAN MASSAGE THERAPY ASSOCIATION OR ANY OTHER RECOGNIZED PRO-
7 FESSIONAL ASSOCIATION MAY BE ADOPTED BY THE BOARD. THE BOARD
8 SHALL NOT PROMULGATE RULES UNDER THIS SUBSECTION THAT DIMINISH
9 COMPETITION OR EXCEED THE MINIMUM LEVEL OF REGULATION NECESSARY
10 TO PROTECT THE PUBLIC.

11 (2) SUBJECT TO SECTION 16204, THE BOARD SHALL BY RULE PRE-
12 SCRIBE CONTINUING EDUCATION REQUIREMENTS AS A CONDITION FOR
13 LICENSE RENEWAL.