

SUBSTITUTE FOR
HOUSE BILL NO. 4647

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 2000 PA 11, and by adding section 16338
and part 186.

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, 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 |

HB4647, As Passed House, July 11, 2001

House Bill No. 4647

2

| | | |
|----|----------------------------------|-------------|
| 1 | Dentistry | June 30 |
| 2 | Chiropractic | December 31 |
| 3 | Counseling | June 30 |
| 4 | Marriage and family therapy | June 30 |
| 5 | Medicine | December 31 |
| 6 | Occupational therapists | December 31 |
| 7 | Osteopathic medicine and surgery | December 31 |
| 8 | Physical therapy | December 31 |
| 9 | Psychology | December 31 |
| 10 | RESPIRATORY CARE | DECEMBER 31 |
| 11 | Social work | December 31 |
| 12 | Veterinary medicine | December 31 |

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

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

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

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

- 1 (d) "Physician's assistant" and "p.a.".
2 (e) "Registered professional nurse", "registered nurse",
3 "r.n.", "licensed practical nurse", "l.p.n.", "nurse midwife",
4 "nurse anesthetist", "nurse practitioner", "trained attendant",
5 and "t.a.".
6 (f) "Doctor of optometry", "optometrist", and "o.d.".
7 (g) "Osteopath", "osteopathy", "osteopathic practitioner",
8 "doctor of osteopathy", "diplomate in osteopathy", and "d.o.".
9 (h) "Pharmacy", "pharmacist", "apothecary", "drugstore",
10 "druggist", "medicine store", "prescriptions", and "r.ph.".
11 (i) "Physical therapy", "physical therapist",
12 "physiotherapist", "registered physical therapist", "licensed
13 physical therapist", "physical therapy technician", "p.t.",
14 "r.p.t.", "l.p.t.", and "p.t.t.".
15 (j) "Chiropodist", "chiropody", "chiropodical", "podiatry",
16 "podiatrist", "podiatric", "doctor of podiatric medicine", "foot
17 specialist", "podiatric physician and surgeon", and "d.p.m.".
18 (k) "Consulting psychologist", "psychologist",
19 "psychological assistant", "psychological examiner", "licensed
20 psychologist", and "limited licensed psychologist".
21 (l) "Licensed professional counselor", "licensed counselor",
22 "professional counselor", and "l.p.c.".
23 (m) "Sanitarian", "registered sanitarian", and "r.s.".
24 (n) "Social worker", "certified social worker", "social work
25 technician", "s.w.", "c.s.w.", and "s.w.t.".

HB4647, As Passed House, July 11, 2001

House Bill No. 4647

4

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

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

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

20 (R) "RESPIRATORY THERAPIST", "RESPIRATORY CARE
21 PRACTITIONER", "R.T.", AND "R.C.P.".

22 (2) Notwithstanding section 16261, a person who was spe-
23 cially trained at an institution of higher education in this
24 state to assist a physician in the field of orthopedics and upon
25 completion of training, received a 2-year associate of science
26 degree as an orthopedic physician's assistant before January 1,

HB4647, As Passed House, July 11, 2001

House Bill No. 4647

5

1 1977, may use the title "orthopedic physician's assistant"
2 whether or not the person is licensed under this article.

3 SEC. 16338. FEES FOR AN INDIVIDUAL REGISTERED OR SEEKING
4 REGISTRATION AS A RESPIRATORY THERAPIST UNDER PART 186 ARE AS
5 FOLLOWS:

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

7 (B) REGISTRATION FEE, PER YEAR..... 75.00

8 PART 186. RESPIRATORY CARE

9 SEC. 18601. (1) AS USED IN THIS PART:

10 (A) "HEALTH FACILITY" MEANS A HEALTH FACILITY OR AGENCY
11 LICENSED UNDER ARTICLE 17.

12 (B) "MEDICAL DIRECTOR" MEANS A PHYSICIAN WHO IS RESPONSIBLE
13 FOR THE QUALITY, SAFETY, APPROPRIATENESS, AND EFFECTIVENESS OF
14 THE RESPIRATORY CARE PROVIDED BY A RESPIRATORY THERAPIST, WHO
15 ASSISTS IN QUALITY MONITORING, PROTOCOL DEVELOPMENT, AND COMPE-
16 TENCY VALIDATION, AND WHO MEETS ALL OF THE FOLLOWING:

17 (i) IS THE MEDICAL DIRECTOR OF AN INPATIENT OR OUTPATIENT
18 RESPIRATORY CARE SERVICE OR DEPARTMENT WITHIN A HEALTH FACILITY,
19 OR OF A HOME CARE AGENCY, DURABLE MEDICAL EQUIPMENT COMPANY, OR
20 EDUCATIONAL PROGRAM.

21 (ii) HAS SPECIAL INTEREST AND KNOWLEDGE IN THE DIAGNOSIS AND
22 TREATMENT OF CARDIOPULMONARY DISORDERS AND DISEASES.

23 (iii) IS QUALIFIED BY TRAINING OR EXPERIENCE, OR BOTH, IN
24 THE MANAGEMENT OF ACUTE AND CHRONIC CARDIOPULMONARY DISORDERS AND
25 DISEASES.

26 (C) "PHYSICIAN" MEANS THAT TERM AS DEFINED IN SECTIONS 17001
27 AND 17501.

1 (D) "RESPIRATORY THERAPIST" MEANS AN INDIVIDUAL WHO IS
2 RESPONSIBLE FOR PROVIDING PATIENT CARE SERVICES UNDER THE PRE-
3 SCRIPTON OF A PHYSICIAN TO INDIVIDUALS WITH DISORDERS AND DIS-
4 EASES OF THE CARDIOPULMONARY SYSTEM, INCLUDING, BUT NOT LIMITED
5 TO, LIFE SUPPORT AND CARDIOPULMONARY RESUSCITATION AND WHO IS
6 REGISTERED UNDER THIS ARTICLE AS A RESPIRATORY THERAPIST.

7 (2) IN ADDITION TO THE DEFINITIONS IN THIS PART, ARTICLE 1
8 CONTAINS GENERAL DEFINITIONS AND PRINCIPLES OF CONSTRUCTION
9 APPLICABLE TO ALL ARTICLES IN THIS CODE AND PART 161 CONTAINS
10 DEFINITIONS APPLICABLE TO THIS PART.

11 SEC. 18603. AFTER THE EFFECTIVE DATE OF THE RULES PROMUL-
12 GATED BY THE BOARD UNDER SECTION 16145, AN INDIVIDUAL SHALL NOT
13 USE THE TITLES "RESPIRATORY THERAPIST", "RESPIRATORY CARE
14 PRACTITIONER", "R.T.", AND "R.C.P." OR SIMILAR WORDS THAT INDI-
15 CATE THE INDIVIDUAL IS A RESPIRATORY THERAPIST UNLESS THE INDI-
16 VIDUAL IS REGISTERED UNDER THIS ARTICLE AS A RESPIRATORY
17 THERAPIST.

18 SEC. 18605. THE MICHIGAN BOARD OF RESPIRATORY CARE IS CRE-
19 ATED IN THE DEPARTMENT AND CONSISTS OF THE FOLLOWING 7 MEMBERS
20 WHO MEET THE REQUIREMENTS OF PART 161:

21 (A) FOUR INDIVIDUALS WHO MEET THE REQUIREMENTS OF
22 SECTION 16135.

23 (B) ONE MEDICAL DIRECTOR.

24 (C) TWO PUBLIC MEMBERS.

25 SEC. 18607. (1) IN PROMULGATING RULES TO ESTABLISH REQUIRE-
26 MENTS FOR REGISTRATION UNDER SECTION 16145, THE BOARD SHALL ADOPT
27 ALL OF THE FOLLOWING REQUIREMENTS:

HB4647, As Passed House, July 11, 2001

House Bill No. 4647

7

1 (A) SUCCESSFUL COMPLETION OF AN ACCREDITED RESPIRATORY
2 THERAPIST TRAINING PROGRAM APPROVED BY THE BOARD.

3 (B) HAVING AT LEAST A 2-YEAR ASSOCIATE'S DEGREE FROM AN
4 ACCREDITED COLLEGE OR UNIVERSITY APPROVED BY THE BOARD.

5 (C) HAVING THE CREDENTIAL CONFERRED BY THE NATIONAL BOARD
6 FOR RESPIRATORY CARE OR ITS SUCCESSOR ORGANIZATION AS A RESPIRA-
7 TORY THERAPIST OR ITS SUCCESSOR CREDENTIAL, AS APPROVED BY THE
8 BOARD.

9 (2) SUBJECT TO SECTION 16204, THE BOARD SHALL BY RULE PRE-
10 SCRIBE CONTINUING EDUCATION REQUIREMENTS AS A CONDITION FOR REG-
11 ISTRATION RENEWAL.

12 SEC. 18609. THIS PART DOES NOT REQUIRE NEW OR ADDITIONAL
13 THIRD PARTY REIMBURSEMENT OR MANDATED WORKER'S COMPENSATION BENE-
14 FITS FOR SERVICES RENDERED BY AN INDIVIDUAL REGISTERED AS A RES-
15 PIRATORY THERAPIST UNDER THIS ARTICLE.