

**SUBSTITUTE FOR  
HOUSE BILL NO. 5014**

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending sections 16263, 16315, 16335, 17801, and 17820  
(MCL 333.16263, 333.16315, 333.16335, 333.17801, and 333.17820),  
section 16263 as amended by 2001 PA 139, section 16315 as amended  
by 2001 PA 232, section 16335 as added by 1993 PA 80, and  
sections 17801 and 17820 as amended by 1987 PA 213, and by adding  
sections 17823, 17824, and 17825.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

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1       (a) "Chiropractic", "doctor of chiropractic",  
2       "chiropractor", "d.c.", and "chiropractic physician".

3       (b) "Dentist", "doctor of dental surgery", "oral and maxil-  
4       lofacial surgeon", "orthodontist", "prosthodontist",  
5       "periodontist", "endodontist", "oral pathologist", "pediatric  
6       dentist", "dental hygienist", "registered dental hygienist",  
7       "dental assistant", "registered dental assistant", "r.d.a.",  
8       "d.d.s.", "d.m.d.", and "r.d.h.".

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

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

11       (e) "Registered professional nurse", "registered nurse",  
12       "r.n.", "licensed practical nurse", "l.p.n.", "nurse midwife",  
13       "nurse anesthetist", "nurse practitioner", "trained attendant",  
14       and "t.a.".

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

16       (g) "Osteopath", "osteopathy", "osteopathic practitioner",  
17       "doctor of osteopathy", "diplomate in osteopathy", and "d.o.".

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

20       (i) "Physical therapy", "physical therapist", "DOCTOR OF  
21       PHYSIOTHERAPY", "DOCTOR OF PHYSICAL THERAPY", "physiotherapist",  
22       "PHYSIOTHERAPY", "registered physical therapist", "licensed phys-  
23       ical therapist", "physical therapy technician", "PHYSICAL THERA-  
24       PIST ASSISTANT", "PHYSICAL THERAPY ASSISTANT", "PHYSIOTHERAPIST  
25       ASSISTANT", "PHYSIOTHERAPY ASSISTANT", "P.T. ASSISTANT", "p.t.",  
26       "r.p.t.", "l.p.t.", "C.P.T.", "D.P.T.", "M.P.T.", "P.T.A.",

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1 "REGISTERED P.T.A.", "LICENSED P.T.A.", "CERTIFIED P.T.A.",  
2 "C.P.T.A.", "L.P.T.A.", "R.P.T.A.", and "p.t.t.".

3 (j) "Chiropodist", "chiropody", "chiropodical", "podiatry",  
4 "podiatrist", "podiatric", "doctor of podiatric medicine", "foot  
5 specialist", "podiatric physician and surgeon", and "d.p.m.".

6 (k) "Consulting psychologist", "psychologist",  
7 "psychological assistant", "psychological examiner", "licensed  
8 psychologist", and "limited licensed psychologist".

9 (l) "Licensed professional counselor", "licensed counselor",  
10 "professional counselor", and "l.p.c.".

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

12 (n) "Social worker", "certified social worker", "social work  
13 technician", "s.w.", "c.s.w.", and "s.w.t.".

14 (o) "Veterinary", "veterinarian", "veterinary doctor",  
15 "veterinary surgeon", "doctor of veterinary medicine", "v.m.d.",  
16 "d.v.m.", "animal technician", or "animal technologist".

17 (p) "Occupational therapist", "occupational therapist  
18 registered", "certified occupational therapist", "o.t.",  
19 "o.t.r.", "c.o.t.", "certified occupational therapy assistant",  
20 "occupational therapy assistant", or "c.o.t.a.".

21 (q) "Marriage advisor" or "marriage consultant"; "family  
22 counselor", "family advisor", "family therapist", or "family  
23 consultant"; "family guidance counselor", "family guidance  
24 advisor", or "family guidance consultant"; "marriage guidance  
25 counselor", "marriage guidance advisor", or "marriage guidance  
26 consultant"; "family relations counselor"; "marriage relations  
27 counselor", "marriage relations advisor", or "marriage relations

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1 consultant"; "marital counselor" or "marital therapist"; "limited  
2 licensed marriage and family therapist" or "limited licensed mar-  
3 riage counselor"; "licensed marriage and family therapist" or  
4 "licensed marriage counselor"; and "l.m.f.t.".

5 (r) "Nursing home administrator".

6 (2) Notwithstanding section 16261, a person who was spe-  
7 cially trained at an institution of higher education in this  
8 state to assist a physician in the field of orthopedics and upon  
9 completion of training, received a 2-year associate of science  
10 degree as an orthopedic physician's assistant before January 1,  
11 1977, may use the title "orthopedic physician's assistant"  
12 whether or not the person is licensed under this article.

13 Sec. 16315. (1) The health professions regulatory fund is  
14 established in the state treasury. Except as otherwise provided  
15 in this section, the state treasurer shall credit the fees col-  
16 lected under sections 16319 to 16349 to the health professions  
17 regulatory fund. The money in the health professions regulatory  
18 fund shall be expended only as provided in subsection (5).

19 (2) The state treasurer shall direct the investment of the  
20 health professions regulatory fund. Interest and earnings from  
21 health professions regulatory fund investment shall be credited  
22 to the health professions regulatory fund.

23 (3) The unencumbered balance in the health professions regu-  
24 latory fund at the close of the fiscal year shall remain in the  
25 health professions regulatory fund and shall not revert to the  
26 general fund.

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1           (4) The health professions regulatory fund may receive gifts  
2 and devises and other money as provided by law.

3           (5) The department of consumer and industry services shall  
4 use the health professions regulatory fund only to carry out its  
5 powers and duties under this article and article 7 including, but  
6 not limited to, reimbursing the department of attorney general  
7 for the reasonable cost of services provided to the department of  
8 consumer and industry services under this article and article 7.

9           (6) The nurse professional fund is established in the state  
10 treasury. Of the money that is attributable to per-year license  
11 fees collected under section 16327, the state treasurer shall  
12 credit \$2.00 of each individual annual license fee collected to  
13 the nurse professional fund. The money in the nurse professional  
14 fund shall be expended only as provided in subsection (9).

15           (7) The state treasurer shall direct the investment of the  
16 nurse professional fund, and shall credit interest and earnings  
17 from the investment to the nurse professional fund. The nurse  
18 professional fund may receive gifts and devises and other money  
19 as provided by law.

20           (8) The unencumbered balance in the nurse professional fund  
21 at the close of the fiscal year shall remain in the nurse profes-  
22 sional fund and shall not revert to the general fund.

23           (9) The department of consumer and industry services shall  
24 use the nurse professional fund each fiscal year only as  
25 follows:

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1           (a) The department may use not more than 1/3 of the nurse  
2 professional fund for the establishment and operation of a nurse  
3 continuing education program.

4           (b) The department may use not more than 1/3 of the nurse  
5 professional fund to perform research and development studies to  
6 promote and advance the nursing profession.

7           (c) The department shall use not less than 1/3 of the nurse  
8 professional fund to establish and operate a nursing scholarship  
9 program.

10           (10) The official prescription form program fund established  
11 by the amendatory act that added this section is abolished. The  
12 money remaining in the official prescription form program fund on  
13 ~~the effective date of the amendatory act that added~~  
14 ~~subsection (11)~~ JANUARY 3, 2002 shall be transferred by the  
15 state treasurer to the pain management education and controlled  
16 substances electronic monitoring and antidiversion fund created  
17 in subsection (11).

18           (11) The pain management education and controlled substances  
19 electronic monitoring and antidiversion fund is established in  
20 the state treasury.

21           (12) The state treasurer shall direct the investment of the  
22 pain management education and controlled substances electronic  
23 monitoring and antidiversion fund. Interest and earnings from  
24 investment of the pain management education and controlled sub-  
25 stances electronic monitoring and antidiversion fund shall be  
26 credited to the pain management education and controlled  
27 substances electronic monitoring and antidiversion fund.

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1           (13) The unencumbered balance in the pain management  
2 education and controlled substances electronic monitoring and  
3 antidiversion fund at the close of the fiscal year shall remain  
4 in the pain management education and controlled substances elec-  
5 tronic monitoring and antidiversion fund and shall not revert to  
6 the general fund. The pain management education and controlled  
7 substances electronic monitoring and antidiversion fund may  
8 receive gifts and devises and other money as provided by law.  
9 Twenty dollars of the license fee received by the department of  
10 consumer and industry services under section 16319 shall be  
11 deposited with the state treasurer to the credit of the pain man-  
12 agement education and controlled substances electronic monitoring  
13 and antidiversion fund. The department shall use the pain man-  
14 agement education and controlled substances electronic monitoring  
15 and antidiversion fund only in connection with programs relating  
16 to pain management education for health professionals, preventing  
17 the diversion of controlled substances, and development and main-  
18 tenance of the electronic monitoring system for controlled sub-  
19 stances data required by section 7333a.

20           (14) THE PHYSICAL THERAPY PROFESSIONAL FUND IS ESTABLISHED  
21 IN THE STATE TREASURY. OF THE MONEY THAT IS ATTRIBUTED TO  
22 PER-YEAR LICENSE FEES COLLECTED UNDER SECTION 16335, THE STATE  
23 TREASURER SHALL CREDIT 10% OF EACH INDIVIDUAL ANNUAL LICENSE FEE  
24 COLLECTED TO THE PHYSICAL THERAPY PROFESSIONAL FUND. THE MONEY  
25 IN THE PHYSICAL THERAPY PROFESSIONAL FUND SHALL BE EXPENDED ONLY  
26 FOR THE ESTABLISHMENT AND OPERATION OF A PHYSICAL THERAPY  
27 CONTINUING EDUCATION PROGRAM ESTABLISHED UNDER SECTION 17823.

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1           (15) THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE  
2     PHYSICAL THERAPY PROFESSIONAL FUND AND SHALL CREDIT INTEREST AND  
3     EARNINGS FROM THE INVESTMENT TO THE PHYSICAL THERAPY PROFESSIONAL  
4     FUND. THE PHYSICAL THERAPY PROFESSIONAL FUND MAY RECEIVE GIFTS  
5     AND DEVICES AND OTHER MONEY AS PROVIDED BY LAW.

6           (16) THE UNENCUMBERED BALANCE IN THE PHYSICAL THERAPY PRO-  
7     FESSIONAL FUND AT THE CLOSE OF THE FISCAL YEAR SHALL REMAIN IN  
8     THE PHYSICAL THERAPY PROFESSIONAL FUND AND SHALL NOT REVERT TO  
9     THE GENERAL FUND.

10          Sec. 16335. Fees for a person licensed or seeking licensure  
11     to engage in the practice of physical therapy under part 178 are  
12     as follows:

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

14       (b) Examination fees:

15           Jurisprudence examination only..... 25.00

16       (c) License fee, per year..... ~~50.00~~ 60.00

17     ~~(d) Temporary license..... 20.00~~

18       (D) ~~(e)~~ Limited license, per year..... 25.00

19          Sec. 17801. (1) As used in this part:

20       (a) "Physical therapist" means an individual licensed under  
21     this article to engage in the practice of physical therapy.

22       (B) "PHYSICAL THERAPIST ASSISTANT" MEANS AN INDIVIDUAL WHO  
23     ASSISTS A PHYSICAL THERAPIST IN PHYSICAL THERAPY INTERVENTION AND  
24     IS A GRADUATE OF A NATIONALLY ACCREDITED PHYSICAL THERAPIST  
25     ASSISTANT EDUCATION PROGRAM.

26       (C) ~~(b)~~ "Practice of physical therapy", SUBJECT TO  
27     SUBSECTION (2), means the evaluation of, education of,



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1 consultation with, or treatment of an individual by A PHYSICAL  
2 THERAPIST OR UNDER THE DIRECTION AND RESPONSIBILITY OF A PHYSICAL  
3 THERAPIST IN COMPLIANCE WITH THE RULES PROMULGATED UNDER  
4 SECTION 17824(1). PRACTICE OF PHYSICAL THERAPY INCLUDES, BUT IS  
5 NOT LIMITED TO, the employment of effective properties of physi-  
6 cal measures and the use of therapeutic exercises and rehabilita-  
7 tive procedures, with or without ~~assistant~~ ASSISTIVE devices,  
8 for the purpose of preventing, correcting, or alleviating a phys-  
9 ical or mental disability; ~~It includes~~ treatment planning,  
10 performance of tests and measurements AND INTERPRETATION AND  
11 LABELING OF THE RESULTS, interpretation of referrals,  
12 INTERVENTION SELECTION, initiation of referrals, instruction,  
13 consultative services, and supervision of personnel. Physical  
14 measures include massage, mobilization, heat, cold, air, light,  
15 water, electricity, and sound.

16 (2) Practice of physical therapy does not include the  
17 ~~identification of underlying medical problems or etiologies,~~  
18 establishment of medical diagnoses ~~or~~ or the prescribing of  
19 MEDICAL treatment.

20 (3) ~~(2)~~ In addition to the definitions in this part, arti-  
21 cle 1 contains general definitions and principles of construction  
22 applicable to all articles in this code and part 161 contains  
23 definitions applicable to this part.

24 Sec. 17820. A person shall not engage in the practice of  
25 physical therapy unless licensed or otherwise authorized by this  
26 article. ~~A person shall engage in the actual treatment of an~~  
27 ~~individual only upon the prescription of an individual holding a~~

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1 ~~license, other than a subfield license, issued under part 166,~~  
2 ~~170, 175, or 180, or the equivalent license issued by another~~  
3 ~~state.~~

4 SEC. 17823. (1) NOTWITHSTANDING THE REQUIREMENTS OF  
5 PART 161, BEGINNING 2 YEARS AFTER THE EFFECTIVE DATE OF THE AMEN-  
6 DATORY ACT THAT ADDED THIS SECTION, THE BOARD SHALL REQUIRE A  
7 LICENSEE SEEKING RENEWAL OF A PHYSICAL THERAPY LICENSE TO FURNISH  
8 THE BOARD WITH SATISFACTORY EVIDENCE THAT DURING THE 2 YEARS  
9 IMMEDIATELY PRECEDING AN APPLICATION FOR RENEWAL THE LICENSEE HAS  
10 ATTENDED CONTINUING EDUCATION COURSES OR PROGRAMS APPROVED BY THE  
11 BOARD AND TOTALING NOT LESS THAN 40 HOURS IN SUBJECTS RELATED TO  
12 THE PRACTICE OF PHYSICAL THERAPY AND DESIGNED TO FURTHER EDUCATE  
13 LICENSEES.

14 (2) AS REQUIRED UNDER SECTION 16204, THE DEPARTMENT, IN CON-  
15 SULTATION WITH THE BOARD, SHALL PROMULGATE RULES REQUIRING EACH  
16 APPLICANT FOR LICENSE RENEWAL TO COMPLETE AS PART OF THE CONTINU-  
17 ING EDUCATION REQUIREMENT OF SUBSECTION (1) AN APPROPRIATE NUMBER  
18 OF HOURS OR COURSES IN PAIN AND SYMPTOM MANAGEMENT.

[ (3) EFFECTIVE DECEMBER 31, 2009, AN INDIVIDUAL SEEKING LICENSURE  
UNDER THIS SECTION TO ENGAGE IN THE PRACTICE OF PHYSICAL THERAPY SHALL  
HOLD A DOCTORAL LEVEL DEGREE FROM A NATIONALLY ACCREDITED PHYSICAL  
THERAPY PROGRAM. AS OF DECEMBER 31, 2009, ALL INDIVIDUALS WHO PRESENTLY  
HOLD A LICENSE UNDER THIS SECTION OR FROM ANOTHER STATE, SHALL BE GRANTED  
GRANDFATHER STATUS AND SHALL NOT BE REQUIRED TO HOLD A DOCTORAL LEVEL  
DEGREE FROM A NATIONALLY ACCREDITED PHYSICAL THERAPY PROGRAM. ]

19 SEC. 17824. (1) THE DEPARTMENT, IN CONSULTATION WITH THE  
20 BOARD, SHALL PROMULGATE RULES TO ESTABLISH STANDARDS OF ETHICS  
21 AND STANDARDS OF PRACTICE FOR PHYSICAL THERAPISTS. THE DEPART-  
22 MENT SHALL INCORPORATE BY REFERENCE INTO THE RULES THE STANDARDS  
23 OF ETHICS, STANDARDS OF PRACTICE, AND SUPERVISION GUIDELINES CON-  
24 TAINED IN THE DOCUMENT ENTITLED "GUIDE TO PHYSICAL THERAPY  
25 PRACTICE", SECOND EDITION, PUBLISHED BY THE AMERICAN PHYSICAL  
26 THERAPY ASSOCIATION, ALEXANDRIA, VIRGINIA, JANUARY 2001.

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1 (2) A PHYSICAL THERAPIST SHALL ADHERE TO THE STANDARDS OF  
2 ETHICS, STANDARDS OF PRACTICE, AND SUPERVISION GUIDELINES  
3 ESTABLISHED IN THE RULES PROMULGATED UNDER SUBSECTION (1).

[ (3) A PHYSICAL THERAPIST SHALL REFER A PATIENT TO AN APPROPRIATE  
HEALTH CARE PRACTITIONER IF THE PHYSICAL THERAPIST HAS REASONABLE CAUSE  
TO BELIEVE THAT SYMPTOMS OR CONDITIONS ARE PRESENT THAT REQUIRE SERVICES  
BEYOND THE SCOPE OF PRACTICE OF PHYSICAL THERAPY.

(4) A PHYSICAL THERAPIST SHALL CONSULT WITH AN APPROPRIATE HEALTH  
CARE PRACTITIONER IF A PATIENT DOES NOT SHOW REASONABLE RESPONSE TO  
TREATMENT IN A TIME PERIOD CONSISTENT WITH THE STANDARDS OF PRACTICE  
ESTABLISHED IN THE RULES PROMULGATED UNDER SUBSECTION (1). ]

4 SEC. 17825. THIS PART DOES NOT REQUIRE OR PRECLUDE THIRD  
5 PARTY REIMBURSEMENT FOR SERVICES PROVIDED UNDER THIS PART, NOR  
6 DOES IT PRECLUDE A HEALTH MAINTENANCE ORGANIZATION, A HEALTH CARE  
7 BENEFIT PLAN, A NONPROFIT HEALTH CARE CORPORATION, A WORKER'S  
8 DISABILITY COMPENSATION INSURER, OR THE MEDICAID PROGRAM FROM  
9 REQUIRING A MEMBER OR ENROLLEE TO FULFILL BENEFIT REQUIREMENTS  
10 FOR PHYSICAL THERAPY SERVICES, INCLUDING, BUT NOT LIMITED TO,  
11 PRESCRIPTION, REFERRAL, OR PREAPPROVAL. AS USED IN THIS SECTION,  
12 "MEDICAID" MEANS THE PROGRAM FOR MEDICAL ASSISTANCE CREATED UNDER  
13 TITLE XIX OF THE SOCIAL SECURITY ACT, CHAPTER 53, 49 STAT. 620,  
14 42 U.S.C. 1396 TO 1396f, 1396g-1 TO 1396r-6, AND 1396r-8 TO  
15 1396v.