

**SENATE 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 2001 PA 139, and by adding section
16344 and part 187.

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 Nursing home administrator | June 30 |
| 6 Optometry | June 30 |
| 7 Pharmacy | June 30 |

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| 1 | Podiatric medicine and surgery | June 30 |
| 2 | Dentistry | June 30 |
| 3 | Chiropractic | December 31 |
| 4 | Counseling | June 30 |
| 5 | Marriage and family therapy | June 30 |
| 6 | Medicine | December 31 |
| 7 | Occupational therapists | December 31 |
| 8 | Osteopathic medicine and surgery | December 31 |
| 9 | Physical therapy | December 31 |
| 10 | Psychology | December 31 |
| 11 | RESPIRATORY CARE | DECEMBER 31 |
| 12 | Social work | December 31 |
| 13 | Veterinary medicine | December 31 |

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

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

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

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

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

19 (r) "Nursing home administrator".

20 (s) "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,

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

3 SEC. 16344. FEES FOR AN INDIVIDUAL REGISTERED OR SEEKING
4 REGISTRATION AS A RESPIRATORY THERAPIST UNDER PART 187 ARE AS
5 FOLLOWS:

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

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

8 (C) TEMPORARY REGISTRATION FEE, PER YEAR..... 75.00

9 PART 187. RESPIRATORY CARE

10 SEC. 18701. (1) AS USED IN THIS PART:

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

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

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

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

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

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

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

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

13 SEC. 18703. AFTER THE EFFECTIVE DATE OF THE RULES PROMUL-
14 GATED BY THE DEPARTMENT UNDER SECTION 16145, AN INDIVIDUAL SHALL
15 NOT USE THE TITLES "RESPIRATORY THERAPIST", "RESPIRATORY CARE
16 PRACTITIONER", "R.T.", AND "R.C.P." OR SIMILAR WORDS THAT INDI-
17 CATE THE INDIVIDUAL IS A RESPIRATORY THERAPIST UNLESS THE INDI-
18 VIDUAL IS REGISTERED UNDER THIS ARTICLE AS A RESPIRATORY
19 THERAPIST.

20 SEC. 18705. THE MICHIGAN BOARD OF RESPIRATORY CARE IS CRE-
21 ATED IN THE DEPARTMENT AND CONSISTS OF THE FOLLOWING 7 MEMBERS
22 WHO MEET THE REQUIREMENTS OF PART 161:

23 (A) FOUR INDIVIDUALS WHO MEET THE REQUIREMENTS OF
24 SECTION 16135(2).

25 (B) ONE MEDICAL DIRECTOR.

26 (C) TWO PUBLIC MEMBERS.

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1 SEC. 18707. (1) IN PROMULGATING RULES TO ESTABLISH
2 REQUIREMENTS FOR REGISTRATION UNDER SECTION 16145, THE DEPARTMENT
3 SHALL ADOPT ALL OF THE FOLLOWING REQUIREMENTS:

4 (A) SUCCESSFUL COMPLETION OF AN ACCREDITED RESPIRATORY THER-
5 APIST TRAINING PROGRAM APPROVED BY THE DEPARTMENT.

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

8 (C) HAVING THE CREDENTIAL CONFERRED BY THE NATIONAL BOARD
9 FOR RESPIRATORY CARE OR ITS SUCCESSOR ORGANIZATION AS A RESPIRA-
10 TORY THERAPIST OR ITS SUCCESSOR CREDENTIAL, AS APPROVED BY THE
11 DEPARTMENT.

12 (2) SUBJECT TO SECTION 16204, THE DEPARTMENT SHALL BY RULE
13 PRESCRIBE CONTINUING EDUCATION REQUIREMENTS AS A CONDITION FOR
14 REGISTRATION RENEWAL.

15 SEC. 18709. (1) THE DEPARTMENT MAY ISSUE A TEMPORARY REGIS-
16 TRATION AS A REGISTERED RESPIRATORY THERAPIST TO AN APPLICANT WHO
17 DOES NOT MEET ALL OF THE REQUIREMENTS OF SECTION 18707, IF THE
18 APPLICANT DOES ALL OF THE FOLLOWING:

19 (A) APPLIES TO THE DEPARTMENT FOR A TEMPORARY REGISTRATION
20 WITHIN 1 YEAR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
21 ADDED THIS PART.

22 (B) PROVIDES SATISFACTORY PROOF TO THE DEPARTMENT THAT HE OR
23 SHE HAS BEEN EMPLOYED FULL-TIME AS A RESPIRATORY THERAPIST FOR
24 THE 4 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION IN 1 OF
25 THE FOLLOWING:

26 (i) AN INPATIENT OR OUTPATIENT RESPIRATORY CARE SERVICE OR
27 DEPARTMENT WITHIN A LICENSED HEALTH FACILITY OR AGENCY.

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1 (ii) A DURABLE MEDICAL EQUIPMENT COMPANY.

2 (iii) A RESPIRATORY CARE EDUCATIONAL PROGRAM.

3 (C) PROVIDES THE DEPARTMENT WITH A LETTER OF RECOMMENDATION
4 FROM HIS OR HER MEDICAL DIRECTOR AT THE TIME OF APPLICATION
5 ATTESTING TO THE APPLICANT'S CLINICAL COMPETENCE AS A RESPIRATORY
6 THERAPIST.

7 (D) PAYS THE APPLICABLE FEES PRESCRIBED BY SECTION 16344.

8 (2) A TEMPORARY REGISTRATION ISSUED BY THE DEPARTMENT UNDER
9 THIS SECTION EXPIRES WITHIN THE SAME TIME PERIOD AS A NONTEMPO-
10 RARY REGISTRATION ISSUED BY THE DEPARTMENT UNDER THIS PART. THE
11 HOLDER OF A TEMPORARY REGISTRATION ISSUED UNDER THIS SECTION MAY
12 APPLY FOR RENEWAL OF THE TEMPORARY REGISTRATION A NUMBER OF TIMES
13 SO THAT THE INDIVIDUAL IS NOT A HOLDER OF A TEMPORARY REGISTRA-
14 TION FOR MORE THAN A TOTAL OF 4 YEARS.

15 (3) THE HOLDER OF A TEMPORARY REGISTRATION ISSUED UNDER THIS
16 SECTION IS SUBJECT TO THIS PART, EXCEPT FOR THE REQUIREMENTS FOR
17 REGISTRATION, AND THE RULES PROMULGATED UNDER THIS PART.

18 SEC. 18711. THIS PART DOES NOT REQUIRE NEW OR ADDITIONAL
19 THIRD PARTY REIMBURSEMENT OR MANDATED WORKER'S COMPENSATION BENE-
20 FITS FOR SERVICES RENDERED BY AN INDIVIDUAL REGISTERED AS A RES-
21 PIRATORY THERAPIST UNDER THIS ARTICLE.