

**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2002**

**Introduced by Reps. Ehardt, Richardville, Julian, Ruth Johnson, Vander Veen, Mortimer, Neumann,
Bogardus, Adamini and Lemmons**

ENROLLED HOUSE BILL No. 4647

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," 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:

Sec. 16131. The terms of office of individual members of the boards and task forces, except those appointed to fill vacancies, expire 4 years after appointment as follows:

Nursing	June 30
Nursing home administrator	June 30
Optometry	June 30
Pharmacy	June 30
Podiatric medicine and surgery	June 30
Dentistry	June 30
Chiropractic	December 31
Counseling	June 30
Marriage and family therapy	June 30
Medicine	December 31
Occupational therapists	December 31

Osteopathic medicine and surgery	December 31
Physical therapy	December 31
Psychology	December 31
Respiratory care	December 31
Social work	December 31
Veterinary medicine	December 31

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

- (a) “Chiropractic”, “doctor of chiropractic”, “chiropractor”, “d.c.”, and “chiropractic physician”.
- (b) “Dentist”, “doctor of dental surgery”, “oral and maxillofacial surgeon”, “orthodontist”, “prosthodontist”, “periodontist”, “endodontist”, “oral pathologist”, “pediatric dentist”, “dental hygienist”, “registered dental hygienist”, “dental assistant”, “registered dental assistant”, “r.d.a.”, “d.d.s.”, “d.m.d.”, and “r.d.h.”.
- (c) “Doctor of medicine” and “m.d.”.
- (d) “Physician’s assistant” and “p.a.”.
- (e) “Registered professional nurse”, “registered nurse”, “r.n.”, “licensed practical nurse”, “l.p.n.”, “nurse midwife”, “nurse anesthetist”, “nurse practitioner”, “trained attendant”, and “t.a.”.
- (f) “Doctor of optometry”, “optometrist”, and “o.d.”.
- (g) “Osteopath”, “osteopathy”, “osteopathic practitioner”, “doctor of osteopathy”, “diplomat in osteopathy”, and “d.o.”.
- (h) “Pharmacy”, “pharmacist”, “apothecary”, “drugstore”, “druggist”, “medicine store”, “prescriptions”, and “r.ph.”.
- (i) “Physical therapy”, “physical therapist”, “physiotherapist”, “registered physical therapist”, “licensed physical therapist”, “physical therapy technician”, “p.t.”, “r.p.t.”, “l.p.t.”, and “p.t.t.”.
- (j) “Chiropodist”, “chiropody”, “chiropodical”, “podiatry”, “podiatrist”, “podiatric”, “doctor of podiatric medicine”, “foot specialist”, “podiatric physician and surgeon”, and “d.p.m.”.
- (k) “Consulting psychologist”, “psychologist”, “psychological assistant”, “psychological examiner”, “licensed psychologist”, and “limited licensed psychologist”.
- (l) “Licensed professional counselor”, “licensed counselor”, “professional counselor”, and “l.p.c.”.
- (m) “Sanitarian”, “registered sanitarian”, and “r.s.”.
- (n) “Social worker”, “certified social worker”, “social work technician”, “s.w.”, “c.s.w.”, and “s.w.t.”.
- (o) “Veterinary”, “veterinarian”, “veterinary doctor”, “veterinary surgeon”, “doctor of veterinary medicine”, “v.m.d.”, “d.v.m.”, “animal technician”, or “animal technologist”.
- (p) “Occupational therapist”, “occupational therapist registered”, “certified occupational therapist”, “o.t.”, “o.t.r.”, “c.o.t.”, “certified occupational therapy assistant”, “occupational therapy assistant”, or “c.o.t.a.”.
- (q) “Marriage advisor” or “marriage consultant”; “family counselor”, “family advisor”, “family therapist”, or “family consultant”; “family guidance counselor”, “family guidance advisor”, or “family guidance consultant”; “marriage guidance counselor”, “marriage guidance advisor”, or “marriage guidance consultant”; “family relations counselor”; “marriage relations counselor”, “marriage relations advisor”, or “marriage relations consultant”; “marital counselor” or “marital therapist”; “limited licensed marriage and family therapist” or “limited licensed marriage counselor”; “licensed marriage and family therapist” or “licensed marriage counselor”; and “l.m.f.t.”.
- (r) “Nursing home administrator”.
- (s) “Respiratory therapist”, “respiratory care practitioner”, “r.t.”, and “r.c.p.”.

(2) Notwithstanding section 16261, a person who was specially trained at an institution of higher education in this state to assist a physician in the field of orthopedics and upon completion of training, received a 2-year associate of science degree as an orthopedic physician’s assistant before January 1, 1977, may use the title “orthopedic physician’s assistant” whether or not the person is licensed under this article.

Sec. 16344. Fees for an individual registered or seeking registration as a respiratory therapist under part 187 are as follows:

(a) Application processing fee	\$ 20.00
(b) Registration fee, per year.....	75.00
(c) Temporary registration fee, per year	75.00

PART 187. RESPIRATORY CARE

Sec. 18701. (1) As used in this part:

(a) "Health facility" means a health facility or agency licensed under article 17.

(b) "Medical director" means a physician who is responsible for the quality, safety, appropriateness, and effectiveness of the respiratory care provided by a respiratory therapist, who assists in quality monitoring, protocol development, and competency validation, and who meets all of the following:

(i) Is the medical director of an inpatient or outpatient respiratory care service or department within a health facility, or of a home care agency, durable medical equipment company, or educational program.

(ii) Has special interest and knowledge in the diagnosis and treatment of cardiopulmonary disorders and diseases.

(iii) Is qualified by training or experience, or both, in the management of acute and chronic cardiopulmonary disorders and diseases.

(c) "Physician" means that term as defined in sections 17001 and 17501.

(d) "Respiratory therapist" means an individual who is responsible for providing patient care services under the prescription of a physician to individuals with disorders and diseases of the cardiopulmonary system, including, but not limited to, life support and cardiopulmonary resuscitation and who is registered under this article as a respiratory therapist.

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

Sec. 18703. After the effective date of the rules promulgated by the department under section 16145, an individual shall not use the titles "respiratory therapist", "respiratory care practitioner", "r.t.", and "r.c.p." or similar words that indicate the individual is a respiratory therapist unless the individual is registered under this article as a respiratory therapist.

Sec. 18705. The Michigan board of respiratory care is created in the department and consists of the following 7 members who meet the requirements of part 161:

(a) Four individuals who meet the requirements of section 16135(2).

(b) One medical director.

(c) Two public members.

Sec. 18707. (1) In promulgating rules to establish requirements for registration under section 16145, the department shall adopt all of the following requirements:

(a) Successful completion of an accredited respiratory therapist training program approved by the department.

(b) Having at least a 2-year associate's degree from an accredited college or university approved by the department.

(c) Having the credential conferred by the national board for respiratory care or its successor organization as a respiratory therapist or its successor credential, as approved by the department.

(2) Subject to section 16204, the department shall by rule prescribe continuing education requirements as a condition for registration renewal.

Sec. 18709. (1) The department may issue a temporary registration as a registered respiratory therapist to an applicant who does not meet all of the requirements of section 18707, if the applicant does all of the following:

(a) Applies to the department for a temporary registration within 1 year after the effective date of the amendatory act that added this part.

(b) Provides satisfactory proof to the department that he or she has been employed full-time as a respiratory therapist for the 4 years immediately preceding the date of application in 1 of the following:

(i) An inpatient or outpatient respiratory care service or department within a licensed health facility or agency.

(ii) A durable medical equipment company.

(iii) A respiratory care educational program.

(c) Provides the department with a letter of recommendation from his or her medical director at the time of application attesting to the applicant's clinical competence as a respiratory therapist.

(d) Pays the applicable fees prescribed by section 16344.

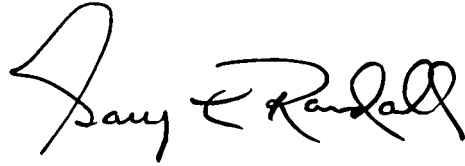
(2) A temporary registration issued by the department under this section expires within the same time period as a nontemporary registration issued by the department under this part. The holder of a temporary registration issued

under this section may apply for renewal of the temporary registration a number of times so that the individual is not a holder of a temporary registration for more than a total of 4 years.

(3) The holder of a temporary registration issued under this section is subject to this part, except for the requirements for registration, and the rules promulgated under this part.

Sec. 18711. This part does not require new or additional third party reimbursement or mandated worker's compensation benefits for services rendered by an individual registered as a respiratory therapist under this article.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives.



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Secretary of the Senate.

Approved

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Governor.