

SENATE BILL No. 620

July 12, 2001, Introduced by Senator SCHWARZ and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16263, 16315, 16335, 17801, 17820, and 17822 (MCL 333.16263, 333.16315, 333.16335, 333.17801, 333.17820, and 333.17822), section 16263 as amended by 2000 PA 11, section 16315 as added by 1993 PA 138, section 16335 as added by 1993 PA 80, and sections 17801 and 17820 as amended and section 17822 as added by 1987 PA 213, and by adding sections 17823 and 17824.

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:

- 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.",

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

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

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

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

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

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

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

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

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

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

21 (9) The department shall use the nurse professional fund
22 each fiscal year only as follows:

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

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

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

7 (10) Within 2 years after the effective date of this sec-
8 tion, the department shall promulgate rules to implement subsec-
9 tion (9) including, but not limited to, rules governing the con-
10 tinuing education program and rules to establish eligibility cri-
11 teria for participation in the nursing scholarship program,
12 application procedures, and maximum amounts for individual
13 scholarships.

14 (11) The official prescription form program fund is estab-
15 lished in the state treasury and shall be administered by the
16 department. Twenty dollars of the license fee received by the
17 department under section 16319 shall be deposited with the state
18 treasurer to the credit of the official prescription form program
19 fund. The department shall use the fund only in connection with
20 programs relating to the official prescription forms required
21 under article 7. Any unexpended balance in the fund at the end
22 of a fiscal year shall carry forward to the next fiscal year.

23 (12) THE PHYSICAL THERAPY PROFESSIONAL FUND IS ESTABLISHED
24 IN THE STATE TREASURY. OF THE MONEY THAT IS ATTRIBUTED TO
25 PER-YEAR LICENSE FEES COLLECTED UNDER SECTION 16335, THE STATE
26 TREASURER SHALL CREDIT 10% OF EACH INDIVIDUAL ANNUAL LICENSE FEE
27 COLLECTED TO THE PHYSICAL THERAPY PROFESSIONAL FUND. THE MONEY

1 IN THE PHYSICAL THERAPY PROFESSIONAL FUND SHALL BE EXPENDED ONLY
2 FOR THE ESTABLISHMENT AND OPERATION OF A PHYSICAL THERAPY CON-
3 TINUING EDUCATION PROGRAM ESTABLISHED UNDER SECTION 17823.

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

9 (14) THE UNENCUMBERED BALANCE IN THE PHYSICAL THERAPY PRO-
10 FESSIONAL FUND AT THE CLOSE OF THE FISCAL YEAR SHALL REMAIN IN
11 THE PHYSICAL THERAPY PROFESSIONAL FUND AND SHALL NOT REVERT TO
12 THE GENERAL FUND.

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

16	(a) Application processing fee.....	\$ 20.00
17	(b) Examination fees:	
18	Jurisprudence examination only.....	25.00
19	(c) License fee, per year.....	50.00 60.00
20	(d) Temporary license.....	20.00
21	(D) (e) Limited license, per year.....	25.00

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

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

25 (B) "PHYSICAL THERAPIST ASSISTANT" MEANS AN INDIVIDUAL WHO
26 ASSISTS THE PHYSICAL THERAPIST IN PHYSICAL THERAPY INTERVENTION

1 AND IS A GRADUATE OF A NATIONALLY ACCREDITED PHYSICAL THERAPIST
2 ASSISTANT EDUCATION PROGRAM.

3 (C) ~~(b)~~ "Practice of physical therapy" means, SUBJECT TO
4 SUBSECTION (2), the evaluation of, education of, consultation
5 with, or treatment of an individual by ~~the~~ OR UNDER THE DIREC-
6 TION AND RESPONSIBILITY OF A PHYSICAL THERAPIST. PRACTICE OF
7 PHYSICAL THERAPY INCLUDES, BUT IS NOT LIMITED TO, THE employment
8 of effective properties of physical measures and the use of ther-
9 apeutic exercises and rehabilitative procedures, with or without
10 ~~assistant~~ ASSISTIVE devices, for the purpose of preventing,
11 correcting, or alleviating a physical or mental disability; ~~—~~
12 ~~It includes~~ AND treatment planning, performance of tests and
13 measurements, interpretation of referrals, INTERPRETATION AND
14 LABELING OF TEST AND MEASUREMENT RESULTS, INTERVENTION SELECTION,
15 initiation of referrals, instruction, consultative services, and
16 supervision of personnel. Physical measures include massage,
17 mobilization, heat, cold, air, light, water, electricity, and
18 sound.

19 (2) Practice of physical therapy does not include the
20 ~~identification of underlying medical problems or etiologies,~~
21 establishment of medical diagnoses ~~—~~ or the prescribing of
22 MEDICAL treatment.

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

1 Sec. 17820. A person shall not engage in the practice of
2 physical therapy unless licensed or otherwise authorized by this
3 article. ~~A person shall engage in the actual treatment of an
4 individual only upon the prescription of an individual holding a
5 license, other than a subfield license, issued under part 166,
6 170, 175, or 180, or the equivalent license issued by another
7 state.~~

8 Sec. 17822. (1) This part does not prohibit a hospital, as
9 a condition of employment or the granting of staff privileges,
10 from requiring a physical therapist to practice in the hospital
11 only upon the prescription of an individual holding a license,
12 other than a subfield license, issued under part 166, 170, 175,
13 or 180 or the equivalent license issued by another state.

14 (2) THIS PART DOES NOT RESTRICT A PERSON LICENSED OR REGIS-
15 TERED UNDER ANY OTHER LAW OF THIS STATE FROM ENGAGING IN THE PRO-
16 FESSIOIN OR PRACTICE FOR WHICH THAT PERSON IS LICENSED OR REGIS-
17 TERED IF THAT PERSON DOES NOT REPRESENT, IMPLY, OR CLAIM THAT HE
18 OR SHE IS A PHYSICAL THERAPIST OR A PROVIDER OF PHYSICAL THERAPY
19 OR OTHERWISE REPRESENT THE SERVICES THAT PERSON PROVIDES AS PHYS-
20 ICAL THERAPY.

21 SEC. 17823. (1) NOTWITHSTANDING THE REQUIREMENTS OF PART
22 161, THE BOARD SHALL REQUIRE A LICENSEE SEEKING RENEWAL OF A
23 PHYSICAL THERAPY LICENSE TO FURNISH THE BOARD WITH SATISFACTORY
24 EVIDENCE THAT DURING THE 2 YEARS IMMEDIATELY PRECEDING AN APPLI-
25 CATION FOR RENEWAL THE LICENSEE HAS ATTENDED CONTINUING EDUCATION
26 COURSES OR PROGRAMS APPROVED BY THE BOARD AND TOTALING NOT LESS

1 THAN 40 HOURS IN SUBJECTS RELATED TO THE PRACTICE OF PHYSICAL
2 THERAPY AND DESIGNED TO FURTHER EDUCATE LICENSEES.

3 (2) AS REQUIRED UNDER SECTION 16204, THE BOARD SHALL PROMUL-
4 GATE RULES REQUIRING EACH APPLICANT FOR LICENSE RENEWAL TO COM-
5 PLETE AS PART OF THE CONTINUING EDUCATION REQUIREMENT OF SUBSEC-
6 TION (1) AN APPROPRIATE NUMBER OF HOURS OR COURSES IN PAIN AND
7 SYMPTOM MANAGEMENT.

8 SEC. 17824. (1) PHYSICAL THERAPISTS SHALL ADHERE TO THE
9 RECOGNIZED STANDARDS OF ETHICS AND STANDARDS OF PRACTICE AS MAY
10 BE ESTABLISHED BY THE PHYSICAL THERAPY PROFESSION AND BY RULES OF
11 THE BOARD.

12 (2) A PERSON OR ITS EMPLOYEES, AGENTS, OR REPRESENTATIVES
13 SHALL NOT IMPLY DIRECTLY OR INDIRECTLY THAT PHYSICAL THERAPY IS
14 PROVIDED OR SUPPLIED, INCLUDING THE BILLING OF SERVICES LABELED
15 AS PHYSICAL THERAPY, UNLESS SUCH SERVICES ARE PROVIDED BY OR
16 UNDER THE DIRECTION OF A PHYSICAL THERAPIST.