

HOUSE BILL No. 4176

February 11, 2003, Introduced by Reps. Vander Veen, Milosch, Voorhees, Garfield, Drolet, Brandenburg, Caswell, Sheen, Hoogendyk and Tabor 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, 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:

6 (a) "Chiropractic", "doctor of chiropractic", "chiropractor",

1 "d.c.", and "chiropractic physician".

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

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

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

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

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

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

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

19 (i) "Physical therapy", "physical therapist", "**doctor of**
20 **physiotherapy**", "**doctor of physical therapy**", "physiotherapist",
21 "**physiotherapy**", "registered physical therapist", "licensed
22 physical therapist", "physical therapy technician", "**physical**
23 **therapist assistant**", "**physical therapy assistant**",
24 "**physiotherapist assistant**", "**physiotherapy assistant**",
25 "**p.t. assistant**", "p.t.", "r.p.t.", "l.p.t.", "c.p.t.", "d.p.t.",
26 "m.p.t.", "p.t.a.", "registered p.t.a.", "licensed p.t.a.",
27 "certified p.t.a.", "c.p.t.a.", "l.p.t.a.", "r.p.t.a.", and

1 "p.t.t.".

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

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

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

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

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

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

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

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

1 licensed marriage and family therapist" or "limited licensed
2 marriage counselor"; "licensed marriage and family therapist" or
3 "licensed marriage counselor"; and "l.m.f.t.".

4 (r) "Nursing home administrator".

5 (2) Notwithstanding section 16261, a person who was specially
6 trained at an institution of higher education in this state to
7 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
15 collected 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
23 regulatory fund at the close of the fiscal year shall remain in
24 the health professions regulatory fund and shall not revert to
25 the 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 of consumer and industry services shall
2 use the health professions regulatory fund only to carry out its
3 powers and duties under this article and article 7 including, but
4 not limited to, reimbursing the department of attorney general
5 for the reasonable cost of services provided to the department of
6 consumer and industry services under 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
20 professional fund and shall not revert to the general fund.

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

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

27 (b) The department may use not more than 1/3 of the nurse

1 professional fund to perform research and development studies to
2 promote and advance the nursing profession.

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

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

14 (11) The pain management education and controlled substances
15 electronic monitoring and antidiversion fund is established in
16 the state treasury.

17 (12) The state treasurer shall direct the investment of the
18 pain management education and controlled substances electronic
19 monitoring and antidiversion fund. Interest and earnings from
20 investment of the pain management education and controlled
21 substances electronic monitoring and antidiversion fund shall be
22 credited to the pain management education and controlled
23 substances electronic monitoring and antidiversion fund.

24 (13) The unencumbered balance in the pain management
25 education and controlled substances electronic monitoring and
26 antidiversion fund at the close of the fiscal year shall remain
27 in the pain management education and controlled substances

1 electronic monitoring and antidiversion fund and shall not revert
2 to the general fund. The pain management education and
3 controlled substances electronic monitoring and antidiversion
4 fund may receive gifts and devises and other money as provided by
5 law. Twenty dollars of the license fee received by the
6 department of consumer and industry services under section 16319
7 shall be deposited with the state treasurer to the credit of the
8 pain management education and controlled substances electronic
9 monitoring and antidiversion fund. The department shall use the
10 pain management education and controlled substances electronic
11 monitoring and antidiversion fund only in connection with
12 programs relating to pain management education for health
13 professionals, preventing the diversion of controlled substances,
14 and development and maintenance of the electronic monitoring
15 system for controlled substances data required by section 7333a.

16 **(14) The physical therapy professional fund is established in**
17 **the state treasury. Of the money that is attributed to per-year**
18 **license fees collected under section 16335, the state treasurer**
19 **shall credit 10% of each individual annual license fee collected**
20 **to the physical therapy professional fund. The money in the**
21 **physical therapy professional fund shall be expended only for the**
22 **establishment and operation of a physical therapy continuing**
23 **education program established under section 17823.**

24 **(15) The state treasurer shall direct the investment of the**
25 **physical therapy professional fund and shall credit interest and**
26 **earnings from the investment to the physical therapy professional**
27 **fund. The physical therapy professional fund may receive gifts**

1 and devises and other money as provided by law.

2 (16) The unencumbered balance in the physical therapy
3 professional fund at the close of the fiscal year shall remain in
4 the physical therapy professional fund and shall not revert to
5 the general fund.

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

9	(a) Application processing fee.....	\$ 20.00
10	(b) Examination fees:	
11	Jurisprudence examination only.....	25.00
12	(c) License fee, per year.....	50.00 60.00
13	(d) Temporary license.....	20.00
14	(d) (e) Limited license, per year.....	25.00

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

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

18 (b) "Physical therapist assistant" means an individual who
19 assists a physical therapist in physical therapy intervention and
20 is a graduate of a nationally accredited physical therapist
21 assistant education program.

22 (c) ~~(b)~~ "Practice of physical therapy", subject to
23 subsection (2), means the evaluation of, education of,
24 consultation with, or treatment of an individual by a physical
25 therapist or under the direction and responsibility of a physical
26 therapist in compliance with the rules promulgated under
27 section 17824(1). Practice of physical therapy includes, but is

1 **not limited to**, the employment of effective properties of
 2 physical measures and the use of therapeutic exercises and
 3 rehabilitative procedures, with or without ~~assistant~~ **assistive**
 4 devices, for the purpose of preventing, correcting, or
 5 alleviating a physical or mental disability; ~~— It includes~~
 6 treatment planning, performance of tests and measurements **and**
 7 **interpretation and labeling of the results**, interpretation of
 8 referrals, **intervention selection**, initiation of referrals,
 9 instruction, consultative services, and supervision of
 10 personnel. Physical measures include massage, mobilization,
 11 heat, cold, air, light, water, electricity, and sound.

12 **(2)** Practice of physical therapy does not include the
 13 ~~identification of underlying medical problems or etiologies,~~
 14 establishment of medical diagnoses ~~—~~ or the prescribing of
 15 **medical** treatment.

16 **(3)** ~~—(2)—~~ In addition to the definitions in this part,
 17 article 1 contains general definitions and principles of
 18 construction applicable to all articles in this code and part 161
 19 contains definitions applicable to this part.

20 Sec. 17820. **(1)** A person shall not engage in the practice
 21 of physical therapy unless licensed or otherwise authorized by
 22 this article. ~~A person shall engage in the actual treatment of~~
 23 ~~an individual only upon the prescription of an individual holding~~
 24 ~~a license, other than a subfield license, issued under part 166,~~
 25 ~~170, 175, or 180, or the equivalent license issued by another~~
 26 ~~state.~~

27 **(2)** Except as provided in subsection (3), beginning December

1 31, 2009, an individual seeking licensure under this part shall
2 have completed a doctoral level physical therapist educational
3 program that is accredited by the American physical therapy
4 association and acceptable to the board.

5 (3) An individual holding a license under this part or the
6 equivalent license issued by another state as of December 31,
7 2009 is not required to complete a doctoral level physical
8 therapist educational program as provided in subsection (2) to
9 maintain or renew his or her license.

10 Sec. 17823. (1) Notwithstanding the requirements of
11 part 161, beginning 2 years after the effective date of the
12 amendatory act that added this section, the board shall require a
13 licensee seeking renewal of a physical therapy license to furnish
14 the board with satisfactory evidence that during the 2 years
15 immediately preceding an application for renewal the licensee has
16 attended continuing education courses or programs approved by the
17 board and totaling not less than 40 hours in subjects related to
18 the practice of physical therapy and designed to further educate
19 licensees.

20 (2) As required under section 16204, the department, in
21 consultation with the board, shall promulgate rules requiring
22 each applicant for license renewal to complete as part of the
23 continuing education requirement of subsection (1) an appropriate
24 number of hours or courses in pain and symptom management.

25 Sec. 17824. (1) The department, in consultation with the
26 board, shall promulgate rules to establish standards of ethics
27 and standards of practice for physical therapists. The

1 department shall incorporate by reference into the rules the
2 standards of ethics, standards of practice, and supervision
3 guidelines contained in the document entitled "Guide to Physical
4 Therapy Practice", second edition, published by the American
5 physical therapy association, Alexandria, Virginia, January
6 2001.

7 (2) A physical therapist shall adhere to the standards of
8 ethics, standards of practice, and supervision guidelines
9 established in the rules promulgated under subsection (1).

10 Sec. 17825. This part does not require or preclude third
11 party reimbursement for services provided under this part and
12 does not preclude a health maintenance organization, a health
13 care benefit plan, a nonprofit health care corporation, a
14 worker's disability compensation insurer, or the medicaid program
15 from requiring a member or enrollee to fulfill benefit
16 requirements for physical therapy services, including, but not
17 limited to, prescription, referral, or preapproval. As used in
18 this section, "medicaid" means the program for medical assistance
19 created under title XIX of the social security act, chapter 531,
20 49 Stat. 620, 42 U.S.C. 1396 to 1396r-6 and 1396r-8 to 1396v.