

SENATE BILL No. 403

April 21, 2005, Introduced by Senators TOY, HAMMERSTROM, BERNERO and GILBERT and referred to the Committee on Health Policy.

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 2004 PA 97, and by adding section 16346
and part 183A.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

DIETETICS AND NUTRITION	JUNE 30
Audiologists	June 30
Nursing	June 30

1	Nursing home administrator	June 30
2	Optometry	June 30
3	Pharmacy	June 30
4	Podiatric medicine and surgery	June 30
5	Dentistry	June 30
6	Chiropractic	December 31
7	Counseling	June 30
8	Marriage and family therapy	June 30
9	Medicine	December 31
10	Occupational therapists	December 31
11	Osteopathic medicine and surgery	December 31
12	Physical therapy	December 31
13	Psychology	December 31
14	Respiratory care	December 31
15	Social work	December 31
16	Veterinary medicine	December 31

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

22 (a) "Chiropractic", "doctor of chiropractic",
23 "chiropractor", "d.c.", and "chiropractic physician".

24 (b) "Dentist", "doctor of dental surgery", "oral and
25 maxillofacial surgeon", "orthodontist", "prosthodontist",
26 "periodontist", "endodontist", "oral pathologist", "pediatric
27 dentist", "dental hygienist", "registered dental hygienist",
28 "dental assistant", "registered dental assistant", "r.d.a.",

1 "d.d.s.", "d.m.d.", and "r.d.h.".
2 (c) "Doctor of medicine" and "m.d.".
3 (d) "Physician's assistant" and "p.a.".
4 (e) "Registered professional nurse", "registered nurse",
5 "r.n.", "licensed practical nurse", "l.p.n.", "nurse midwife",
6 "nurse anesthetist", "nurse practitioner", "trained attendant",
7 and "t.a.".
8 (f) "Doctor of optometry", "optometrist", and "o.d.".
9 (g) "Osteopath", "osteopathy", "osteopathic practitioner",
10 "doctor of osteopathy", "diplomate in osteopathy", and "d.o.".
11 (h) "Pharmacy", "pharmacist", "apothecary", "drugstore",
12 "druggist", "medicine store", "prescriptions", and "r.ph.".
13 (i) "Physical therapy", "physical therapist",
14 "physiotherapist", "registered physical therapist", "licensed
15 physical therapist", "physical therapy technician", "p.t.",
16 "r.p.t.", "l.p.t.", and "p.t.t.".
17 (j) "Chiropodist", "chiropody", "chiropodical", "podiatry",
18 "podiatrist", "podiatric", "doctor of podiatric medicine", "foot
19 specialist", "podiatric physician and surgeon", and "d.p.m.".
20 (k) "Consulting psychologist", "psychologist",
21 "psychological assistant", "psychological examiner", "licensed
22 psychologist", and "limited licensed psychologist".
23 (l) "Licensed professional counselor", "licensed counselor",
24 "professional counselor", and "l.p.c.".
25 (m) "Sanitarian", "registered sanitarian", and "r.s.".
26 (n) Until July 1, 2005, "social worker", "certified social
27 worker", "social work technician", "s.w.", "c.s.w.", and

1 "s.w.t.". Beginning July 1, 2005, "social worker", "licensed
2 master's social worker", "licensed bachelor's social worker",
3 "registered social service technician", "social service
4 technician", "l.m.s.w.", "l.b.s.w.", and "r.s.s.t.".

5 (o) "Veterinary", "veterinarian", "veterinary doctor",
6 "veterinary surgeon", "doctor of veterinary medicine", "v.m.d.",
7 "d.v.m.", "animal technician", or "animal technologist".

8 (p) "Occupational therapist", "occupational therapist
9 registered", "certified occupational therapist", "o.t.",
10 "o.t.r.", "c.o.t.", "certified occupational therapy assistant",
11 "occupational therapy assistant", or "c.o.t.a.".

12 (q) "Marriage advisor" or "marriage consultant"; "family
13 counselor", "family advisor", "family therapist", or "family
14 consultant"; "family guidance counselor", "family guidance
15 advisor", or "family guidance consultant"; "marriage guidance
16 counselor", "marriage guidance advisor", or "marriage guidance
17 consultant"; "family relations counselor"; "marriage relations
18 counselor", "marriage relations advisor", or "marriage relations
19 consultant"; "marital counselor" or "marital therapist"; "limited
20 licensed marriage and family therapist" or "limited licensed
21 marriage counselor"; "licensed marriage and family therapist" or
22 "licensed marriage counselor"; and "l.m.f.t.".

23 (r) "Nursing home administrator".

24 (s) "Respiratory therapist", "respiratory care
25 practitioner", "licensed respiratory therapist", "licensed
26 respiratory care practitioner", "r.t.", "r.c.p.", "l.r.t.", and
27 "l.r.c.p.".

(t) "Audiometrist", "audiologist", "hearing therapist", "hearing aid audiologist", "educational audiologist", "industrial audiologist", and "clinical audiologist".

(U) "REGISTERED DIETITIAN", "LICENSED DIETITIAN", "DIETITIAN", "LICENSED NUTRITIONIST", "NUTRITIONIST", "R.D.", "L.D.", AND "L.N.".

(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. 16346. FEES FOR AN INDIVIDUAL LICENSED OR SEEKING LICENSE AS A DIETITIAN AND NUTRITIONIST UNDER PART 183A ARE AS FOLLOWS:

(A) APPLICATION PROCESSING FEE \$20.00

(B) LICENSE FEE, PER YEAR \$75.00

(C) TEMPORARY LICENSE FEE, PER YEAR \$75.00

PART 183A. DIETETICS AND NUTRITION

SEC. 18351. (1) AS USED IN THIS PART:

(A) "DIETETICS AND NUTRITION CARE SERVICES" MEANS THE INTEGRATION AND APPLICATION OF THE SCIENTIFIC PRINCIPLES OF FOOD, NUTRITION, BIOCHEMISTRY, PHYSIOLOGY, MANAGEMENT, AND BEHAVIORAL AND SOCIAL SCIENCES TO ACHIEVE AND MAINTAIN THE HEALTH OF INDIVIDUALS.

(B) "DIETITIAN AND NUTRITIONIST" MEANS AN INDIVIDUAL WHO IS

1 ENGAGED IN THE PRACTICE OF DIETETICS AND NUTRITION, WHO IS
2 RESPONSIBLE FOR PROVIDING DIETETICS AND NUTRITION CARE SERVICES,
3 AND WHO IS LICENSED UNDER THIS ARTICLE AS A DIETITIAN AND
4 NUTRITIONIST. DIETITIAN AND NUTRITIONIST DOES NOT INCLUDE AN
5 INDIVIDUAL WHO DOES 1 OR MORE OF THE FOLLOWING:

6 (i) FURNISHES GENERAL NUTRITION INFORMATION ON FOOD, FOOD
7 MATERIALS, OR DIETARY SUPPLEMENTS OR PROVIDES EXPLANATIONS TO
8 CUSTOMERS ABOUT FOODS OR FOOD PRODUCTS IN CONNECTION WITH THE
9 MARKETING AND DISTRIBUTION OF THOSE PRODUCTS, BUT DOES NOT HOLD
10 HIMSELF OR HERSELF OUT AS A DIETITIAN AND NUTRITIONIST.

11 (ii) PROVIDES WEIGHT CONTROL SERVICES UNDER A PROGRAM
12 APPROVED BY A DIETITIAN AND NUTRITIONIST WHO IS LICENSED OR
13 REGISTERED UNDER THIS PART OR LICENSED BY ANOTHER STATE THAT HAS
14 LICENSING REQUIREMENTS SUBSTANTIALLY EQUAL TO THOSE EXISTING IN
15 THIS STATE OR UNDER A PROGRAM APPROVED BY A CHIROPRACTIC
16 PHYSICIAN, OR A PHYSICIAN, WHO IS LICENSED UNDER PART 164, 170,
17 OR 175 OR BY ANOTHER STATE THAT HAS LICENSING REQUIREMENTS
18 SUBSTANTIALLY EQUAL TO THOSE EXISTING IN THIS STATE.

19 (C) "PRACTICE OF DIETETICS AND NUTRITION CARE SERVICES"
20 MEANS THE PROVISION OF DIETETICS AND NUTRITION CARE SERVICES. THE
21 PRACTICE OF DIETETICS AND NUTRITION CARE SERVICES INCLUDES, BUT
22 IS NOT LIMITED TO, EACH OF THE FOLLOWING:

23 (i) ASSESSING THE NUTRITION NEEDS OF AN INDIVIDUAL OR GROUP
24 OF INDIVIDUALS BASED UPON BIOCHEMICAL, ANTHROPOMETRIC, PHYSICAL,
25 AND DIETARY DATA, DETERMINING THE RESOURCES AND CONSTRAINTS TO
26 MEET THE NUTRITION NEEDS OF THAT INDIVIDUAL OR GROUP OF
27 INDIVIDUALS, AND RECOMMENDING PROPER NUTRITION INTAKE TO SATISFY

1 THOSE NEEDS.

2 (ii) ESTABLISHING PRIORITIES, GOALS, AND OBJECTIVES TO MEET
3 THE NUTRITION NEEDS OF THE INDIVIDUAL OR GROUP OF INDIVIDUALS
4 BASED ON AVAILABLE RESOURCES AND CONSTRAINTS.

5 (iii) PROVIDING NUTRITION COUNSELING REGARDING HEALTH AND
6 DISEASE.

7 (iv) DEVELOPING, IMPLEMENTING, AND MANAGING A NUTRITION CARE
8 SYSTEM.

9 (v) EVALUATING, ADJUSTING, AND MAINTAINING A STANDARD OF
10 QUALITY IN DIETETICS AND NUTRITION CARE SERVICES.

11 (vi) PROVIDING MEDICAL NUTRITION THERAPY.

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

16 SEC. 18353. BEGINNING JULY 1, 2006, AN INDIVIDUAL SHALL NOT
17 USE THE TITLES "REGISTERED DIETITIAN", "LICENSED DIETITIAN",
18 "DIETITIAN", "LICENSED NUTRITIONIST", "NUTRITIONIST", "R.D.",
19 "L.D.", OR "L.N." OR SIMILAR WORDS THAT INDICATE THAT THE
20 INDIVIDUAL IS A DIETITIAN AND NUTRITIONIST, UNLESS THE INDIVIDUAL
21 IS LICENSED UNDER THIS ARTICLE AS A DIETITIAN AND NUTRITIONIST.

22 SEC. 18355. THE MICHIGAN BOARD OF DIETETICS AND NUTRITION IS
23 CREATED IN THE DEPARTMENT AND CONSISTS OF THE FOLLOWING 7 VOTING
24 MEMBERS WHO MEET THE REQUIREMENTS OF PART 161:

25 (A) TWO PUBLIC MEMBERS.

26 (B) FIVE MEMBERS WHO ARE DIETITIANS AND NUTRITIONISTS
27 LICENSED UNDER THIS PART AND WHO MEET THE REQUIREMENTS OF SECTION

1 16135(2) .

2 SEC. 18357. (1) AN INDIVIDUAL SHALL NOT ENGAGE IN THE
3 PRACTICE OF DIETETICS AND NUTRITION OR PROVIDE OR OFFER TO
4 PROVIDE DIETETICS AND NUTRITION CARE SERVICES UNLESS LICENSED
5 UNDER THIS PART.

6 (2) THE DIRECTOR, UPON RECOMMENDATION OF THE BOARD, SHALL
7 PROMULGATE RULES UNDER SECTION 16145 AS NECESSARY OR APPROPRIATE
8 TO FULFILL ITS FUNCTIONS UNDER THIS ARTICLE INCLUDING, BUT NOT
9 LIMITED TO, RULES ESTABLISHING ETHICS, QUALIFICATIONS, AND
10 FITNESS OF APPLICANTS, COMPLAINT PROCESS, AND PENALTIES FOR
11 VIOLATIONS OF THIS ARTICLE OR RULES PROMULGATED UNDER THIS
12 ARTICLE. IN PROMULGATING RULES TO ESTABLISH REQUIREMENTS FOR
13 LICENSURE UNDER SECTION 16145, THE DIRECTOR SHALL REQUIRE THE
14 APPLICANT OR LICENSEE TO MEET ALL OF THE FOLLOWING REQUIREMENTS:

15 (A) HAVE A BACCALAUREATE DEGREE FROM A UNITED STATES
16 REGIONALLY ACCREDITED INSTITUTION OF HIGHER EDUCATION APPROVED BY
17 THE DEPARTMENT WITH A MAJOR COURSE OF STUDY IN HUMAN NUTRITION,
18 NUTRITION EDUCATION, FOODS AND NUTRITION, DIETETICS, OR FOOD
19 SYSTEMS MANAGEMENT, OR AN EQUIVALENT COURSE OF STUDY, AS APPROVED
20 BY THE DEPARTMENT.

21 (B) HAVE COMPLETED AT LEAST 900 HOURS OF POSTCOLLEGE OR
22 PLANNED CONTINUOUS PREPROFESSIONAL EXPERIENCE SUPERVISED BY A
23 LICENSED DIETITIAN AS PRESCRIBED IN RULES PROMULGATED BY THE
24 DEPARTMENT.

25 (C) HAVE SUCCESSFULLY COMPLETED AN EXAMINATION THAT IS
26 APPROVED BY THE DEPARTMENT.

27 (3) THE DEPARTMENT SHALL ISSUE A LICENSE AS A DIETITIAN AND

1 NUTRITIONIST TO AN INDIVIDUAL WHO IS CURRENTLY REGISTERED AS A
2 DIETITIAN BY THE COMMISSION ON DIETETIC REGISTRATION AND FULFILLS
3 THE STANDARDS OF THE COMMISSION AS ADOPTED BY REFERENCE UNDER
4 SUBSECTION (5). THAT INDIVIDUAL SHALL APPLY FOR LICENSURE AS A
5 DIETITIAN AND NUTRITIONIST WITHIN 1 YEAR AFTER THE EFFECTIVE DATE
6 OF THIS PART.

7 (4) SUBJECT TO SECTION 16204, THE DEPARTMENT SHALL BY RULE
8 PRESCRIBE CONTINUING EDUCATION REQUIREMENTS THAT ARE CONSISTENT
9 WITH CONTINUING EDUCATION REQUIREMENTS ESTABLISHED BY THE
10 AMERICAN DIETETIC ASSOCIATION AS A CONDITION FOR LICENSE RENEWAL.
11 THE DEPARTMENT MAY ADOPT, BY RULE, THE CONTINUING EDUCATION
12 REQUIREMENTS ESTABLISHED BY THE AMERICAN DIETETIC ASSOCIATION.

13 (5) THE DEPARTMENT SHALL UTILIZE THE STANDARDS CONTAINED IN
14 THE CLINICAL PRACTICE GUIDELINES ISSUED BY THE AMERICAN DIETETIC
15 ASSOCIATION THAT ARE IN EFFECT ON THE EFFECTIVE DATE OF THIS
16 PART, WHICH ARE ADOPTED BY REFERENCE, AS INTERIM STANDARDS, UNTIL
17 RULES ARE PROMULGATED UNDER SUBSECTION (2).

18 SEC. 18359. (1) THE DEPARTMENT MAY ISSUE A TEMPORARY LICENSE
19 AS A DIETITIAN AND NUTRITIONIST TO AN APPLICANT WHO DOES NOT MEET
20 ALL OF THE REQUIREMENTS OF SECTION 18357, IF THE APPLICANT DOES
21 ALL OF THE FOLLOWING:

22 (A) APPLIES TO THE DEPARTMENT FOR A TEMPORARY LICENSE WITHIN
23 1 YEAR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
24 THIS PART.

25 (B) PROVIDES EVIDENCE TO THE DEPARTMENT THAT HE OR SHE IS A
26 DIETITIAN WHO IS REGISTERED WITH THE COMMISSION ON DIETETIC
27 REGISTRATION OR WHO MEETS THE EDUCATIONAL REQUIREMENTS PRESCRIBED

1 UNDER SECTION 18357(2)(A) AND SATISFIES EITHER OF THE FOLLOWING:

2 (i) HAS EXPERIENCE AS PRESCRIBED UNDER SECTION 18357(2)(B).

3 (ii) HAS BEEN EMPLOYED AS A DIETITIAN FOR AT LEAST 3 OF THE
4 LAST 10 YEARS IMMEDIATELY PRECEDING THE DATE OF THE APPLICATION.

5 (C) PAYS THE APPLICABLE FEES PRESCRIBED BY SECTION 16346.

6 (2) A TEMPORARY LICENSE ISSUED BY THE DEPARTMENT UNDER THIS
7 SECTION EXPIRES WITHIN THE SAME TIME PERIOD AS A NONTEMPORARY
8 LICENSE ISSUED BY THE DEPARTMENT UNDER THIS PART. THE HOLDER OF A
9 TEMPORARY LICENSE ISSUED UNDER THIS SECTION MAY APPLY FOR A
10 RENEWAL OF THE TEMPORARY LICENSE, BUT AN INDIVIDUAL MAY NOT HOLD
11 A TEMPORARY LICENSE FOR MORE THAN A TOTAL OF 2 YEARS.

12 (3) THE HOLDER OF A TEMPORARY LICENSE ISSUED UNDER THIS
13 SECTION IS SUBJECT TO THIS PART AND THE RULES PROMULGATED UNDER
14 THIS PART, EXCEPT FOR THE REQUIREMENTS FOR LICENSURE.

15 SEC. 18361. THIS PART DOES NOT REQUIRE NEW OR ADDITIONAL
16 THIRD PARTY REIMBURSEMENT OR MANDATED WORKER'S COMPENSATION
17 BENEFITS FOR SERVICES RENDERED BY AN INDIVIDUAL LICENSED UNDER
18 THIS PART.

19 Enacting section 1. This amendatory act takes effect July
20 1, 2006.