

HOUSE BILL No. 4439

March 2, 2005, Introduced by Reps. Vander Veen, Jones, Kahn, Hansen, Zelenko, Shaffer, LaJoy, Mortimer, Wenke, Lipsey, Vagnozzi, Caul and Garfield 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 176.

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:

4	Audiologists	June 30
5	Nursing	June 30
6	Nursing home administrator	June 30

1	Optometry	June 30
2	Pharmacy	June 30
3	Podiatric medicine and surgery	June 30
4	Dentistry	June 30
5	Chiropractic	December 31
6	Counseling	June 30
7	Marriage and family therapy	June 30
8	SPEECH-LANGUAGE PATHOLOGY	DECEMBER 31
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) "SPEECH-LANGUAGE PATHOLOGIST", "SPEECH PATHOLOGIST", "SPEECH THERAPIST", "SPEECH CORRECTIONIST", "SPEECH CLINICIAN", "LANGUAGE THERAPIST", "LANGUAGE PATHOLOGIST", "LOGOPEDIST", "COMMUNICOLOGIST", "APHASIOLOGIST", "PHONIATRIST", "VOICE THERAPIST", AND "VOICE PATHOLOGIST".

(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 LICENSURE AS A SPEECH THERAPIST OR SPEECH PATHOLOGIST UNDER PART 176 ARE AS FOLLOWS:

(A) APPLICATION PROCESSING FEE	\$ 20.00
(B) LICENSE FEE, PER YEAR	75.00.

PART 176. SPEECH-LANGUAGE PATHOLOGY

SEC. 17601. (1) AS USED IN THIS PART:

(A) "PRACTICE OF SPEECH-LANGUAGE PATHOLOGY" MEANS THE APPLICATION OF PRINCIPLES, METHODS, AND PROCEDURES RELATED TO THE DEVELOPMENT OF DISORDERS OF HUMAN COMMUNICATION INCLUDING THE FOLLOWING:

(i) IDENTIFYING, ASSESSING, TREATING, REHABILITATING, AND

1 PREVENTING DISORDERS OF SPEECH, VOICE, AND LANGUAGE.

2 (ii) IDENTIFYING, ASSESSING, TREATING, REHABILITATING, AND
3 PREVENTING DISORDERS OF ORAL-PHARYNGEAL FUNCTION, DYSPHAGIA, AND
4 RELATED DISORDERS.

5 (iii) IDENTIFYING, ASSESSING, TREATING, REHABILITATING, AND
6 PREVENTING COGNITIVE-COMMUNICATIVE DISORDERS.

7 (iv) ASSESSING, SELECTING, AND DEVELOPING AUGMENTATIVE AND
8 ALTERNATIVE COMMUNICATION SYSTEMS AND PROVIDING TRAINING IN THEIR
9 USE.

10 (v) PROVIDING SPEECH TREATMENT AND RELATED COUNSELING
11 SERVICES TO HEARING IMPAIRED INDIVIDUALS AND THEIR FAMILIES.

12 (vi) ENHANCING SPEECH-LANGUAGE PROFICIENCY AND COMMUNICATION
13 EFFECTIVENESS.

14 (vii) SCREENING OF HEARING AND OTHER FACTORS FOR THE PURPOSE
15 OF SPEECH-LANGUAGE ASSESSMENT OR THE INITIAL IDENTIFICATION OF
16 INDIVIDUALS WITH OTHER COMMUNICATION DISORDERS PROVIDED THAT
17 JUDGMENTS AND DESCRIPTIVE STATEMENTS ABOUT RESULTS OF THAT
18 SCREENING ARE LIMITED TO PASS-FAIL DETERMINATIONS.

19 (B) "SPEECH-LANGUAGE PATHOLOGIST" MEANS AN INDIVIDUAL
20 ENGAGED IN THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY.

21 (2) PRACTICE OF SPEECH-LANGUAGE PATHOLOGY DOES NOT INCLUDE
22 EITHER OF THE FOLLOWING:

23 (A) THE FITTING AND DISPENSING OF HEARING AIDS AS PROVIDED
24 BY ARTICLE 13 OF THE OCCUPATIONAL CODE, 1980 PA 299, MCL 339.1301
25 TO 339.1309.

26 (B) THE PRACTICE OF MEDICINE OR OSTEOPATHIC MEDICINE AND
27 SURGERY OR MEDICAL DIAGNOSIS OR TREATMENT.

(3) 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. 17603. BEGINNING THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS PART, AN INDIVIDUAL SHALL NOT USE THE TITLES "SPEECH-LANGUAGE PATHOLOGIST", "SPEECH PATHOLOGIST", "SPEECH THERAPIST", "SPEECH CORRECTIONIST", "SPEECH CLINICIAN", "LANGUAGE THERAPIST", "LANGUAGE PATHOLOGIST", "LOGOPEDIST", "COMMUNICOLOGIST", "APHASIOLOGIST", "PHONIATRIST", "VOICE THERAPIST", AND "VOICE PATHOLOGIST", OR SIMILAR WORDS THAT INDICATE THAT THE INDIVIDUAL IS A SPEECH-LANGUAGE PATHOLOGIST, UNLESS THE INDIVIDUAL IS LICENSED UNDER THIS ARTICLE AS A SPEECH-LANGUAGE PATHOLOGIST. THIS SECTION DOES NOT APPLY TO INDIVIDUALS WHO MEET THE STATE BOARD OF EDUCATION QUALIFICATIONS FOR A TEACHER OF THE SPEECH AND LANGUAGE IMPAIRED WHILE THEIR SERVICES ARE PROVIDED IN SCHOOL DISTRICTS, INTERMEDIATE SCHOOL DISTRICTS, AND NONPUBLIC SCHOOLS.

SEC. 17605. THE MICHIGAN BOARD OF SPEECH-LANGUAGE PATHOLOGY 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) THREE PUBLIC MEMBERS, 1 OF WHOM SHALL BE A BOARD-CERTIFIED OTOLARYNGOLOGIST.

SEC. 17607. (1) AN INDIVIDUAL SHALL NOT ENGAGE IN THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY UNLESS LICENSED UNDER THIS

1 PART.

2 (2) A LICENSEE SHALL NOT PERFORM AN ACT, TASK, OR FUNCTION
3 WITHIN THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY UNLESS HE OR SHE
4 IS TRAINED TO PERFORM THE ACT, TASK, OR FUNCTION AND THE
5 PERFORMANCE OF THAT ACT, TASK, OR FUNCTION IS CONSISTENT WITH THE
6 RULES REGARDING BEST PRACTICES FOR SPEECH-LANGUAGE PATHOLOGY
7 ADOPTED UNDER SECTION 17609(3). A SPEECH-LANGUAGE PATHOLOGIST
8 SHALL REFER A PATIENT TO A PERSON LICENSED IN THE PRACTICE OF
9 MEDICINE OR OSTEOPATHIC MEDICINE AND SURGERY IF SIGNS OR SYMPTOMS
10 IDENTIFIED DURING THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY CAUSE
11 THE SPEECH-LANGUAGE PATHOLOGIST TO SUSPECT THAT THE PATIENT HAS
12 AN UNDERLYING MEDICAL CONDITION.

13 (3) SUBSECTION (1) DOES NOT PREVENT ANY OF THE FOLLOWING:

14 (A) AN INDIVIDUAL LICENSED OR REGISTERED UNDER ANY OTHER
15 PART OR ACT FROM PERFORMING ACTIVITIES THAT ARE CONSIDERED
16 SPEECH-LANGUAGE PATHOLOGY SERVICES IF THOSE ACTIVITIES ARE WITHIN
17 THE INDIVIDUAL'S SCOPE OF PRACTICE AND IF THE INDIVIDUAL DOES NOT
18 USE THE TITLES PROTECTED UNDER SECTION 17603.

19 (B) AN INDIVIDUAL NOT LICENSED UNDER THIS PART FROM
20 PERFORMING ACTIVITIES THAT ARE CONSIDERED SPEECH-LANGUAGE
21 PATHOLOGY SERVICES AS LONG AS HE OR SHE IS ENGAGED IN CLINICAL
22 FELLOWSHIP, IS UNDER THE SUPERVISION OF AN INDIVIDUAL WHO IS
23 LICENSED UNDER THIS PART, AND DOES NOT HOLD HIMSELF OR HERSELF
24 OUT AS AN INDIVIDUAL LICENSED UNDER THIS PART OR USE THE TITLES
25 PROTECTED UNDER SECTION 17603.

26 (C) THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY THAT IS AN
27 INTEGRAL PART OF A PROGRAM OF STUDY BY STUDENTS ENROLLED IN AN

1 ACCREDITED SPEECH-LANGUAGE PATHOLOGY EDUCATIONAL PROGRAM APPROVED
2 BY THE BOARD, PROVIDED THAT THEY ARE IDENTIFIED AS STUDENTS AND
3 PROVIDE SPEECH-LANGUAGE PATHOLOGY SERVICES ONLY WHILE UNDER THE
4 SUPERVISION OF A LICENSED SPEECH-LANGUAGE PATHOLOGIST.

5 (D) AN INDIVIDUAL WHO MEETS THE QUALIFICATIONS ESTABLISHED
6 BY THE STATE BOARD OF EDUCATION AS A TEACHER OF THE SPEECH AND
7 LANGUAGE IMPAIRED AND WHO IS EMPLOYED OR CONTRACTED FOR
8 EMPLOYMENT BY A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT,
9 NONPUBLIC SCHOOL, OR DEPARTMENT OF STATE GOVERNMENT THAT PROVIDES
10 EDUCATIONAL SERVICES FROM ENGAGING IN HIS OR HER PRACTICE AS PART
11 OF THAT EMPLOYMENT. THIS PART DOES NOT PREVENT A TEACHER OF THE
12 SPEECH AND LANGUAGE IMPAIRED WHO IS EMPLOYED OR CONTRACTED FOR
13 EMPLOYMENT BY SCHOOL DISTRICTS, INTERMEDIATE SCHOOL DISTRICTS,
14 NONPUBLIC SCHOOLS, OR DEPARTMENTS OF STATE GOVERNMENT THAT
15 PROVIDE EDUCATIONAL SERVICES FROM OBTAINING A LICENSE UNDER THIS
16 PART.

17 (E) SELF-CARE BY A PATIENT OR UNCOMPENSATED CARE BY A FRIEND
18 OR FAMILY MEMBER WHO DOES NOT REPRESENT OR HOLD HIMSELF OR
19 HERSELF OUT TO BE A LICENSED SPEECH-LANGUAGE PATHOLOGIST.

20 SEC. 17609. (1) THE DEPARTMENT SHALL, UPON SUBMISSION OF A
21 COMPLETED APPLICATION AND PAYMENT OF THE APPROPRIATE APPLICATION
22 PROCESSING AND LICENSE FEE, ISSUE A LICENSE UNDER THIS PART TO AN
23 INDIVIDUAL WHO POSSESSES A MASTER'S OR DOCTORATE DEGREE IN
24 SPEECH-LANGUAGE PATHOLOGY ACCEPTABLE TO THE BOARD AND WHO
25 FULFILLS EITHER OF THE FOLLOWING:

26 (A) SUCCESSFUL COMPLETION OF AN ACCREDITED SPEECH-LANGUAGE
27 PATHOLOGY TRAINING PROGRAM APPROVED BY THE DEPARTMENT AND THE

1 BOARD HAVING AT LEAST 9 MONTHS, OR THE EQUIVALENT, OF FULL-TIME
2 SUPERVISED POSTGRADUATE CLINICAL EXPERIENCE IN SPEECH-LANGUAGE
3 PATHOLOGY AND PASSING A NATIONAL EXAMINATION ACCEPTABLE TO THE
4 BOARD.

5 (B) HAVING THE CREDENTIAL CONFERRED BY THE AMERICAN SPEECH-
6 LANGUAGE-HEARING ASSOCIATION OR ITS SUCCESSOR ORGANIZATION AS A
7 CERTIFIED SPEECH-LANGUAGE-PATHOLOGIST OR ITS SUCCESSOR
8 CREDENTIAL, ACCEPTABLE TO THE BOARD. THE CREDENTIAL CONFERRED BY
9 THE AMERICAN SPEECH-LANGUAGE-HEARING ASSOCIATION AS A CERTIFIED
10 SPEECH-LANGUAGE PATHOLOGIST IS CONSIDERED THE SUBSTANTIAL
11 EQUIVALENT TO THE REQUIREMENTS OF SUBDIVISION (A) AND THAT
12 CREDENTIAL AND THE STANDARDS OF QUALIFICATION FOR THAT
13 CREDENTIAL, AS THEY EXIST ON THE EFFECTIVE DATE OF THE AMENDATORY
14 ACT THAT ADDED THIS PART, ARE ADOPTED BY REFERENCE.

15 (2) THE DEPARTMENT, IN CONSULTATION WITH THE BOARD, MAY
16 PROMULGATE RULES UNDER SECTION 16145 AS NECESSARY OR APPROPRIATE
17 TO FULFILL ITS FUNCTIONS UNDER THIS ARTICLE AND TO AMEND OR
18 SUPPLEMENT THE REQUIREMENTS FOR LICENSURE UNDER SUBSECTION (1),
19 INCLUDING ADOPTING UPDATED STANDARDS OF THAT ORGANIZATION OR
20 STANDARDS OF ANY SUCCESSOR ORGANIZATION OF THE AMERICAN SPEECH-
21 LANGUAGE-HEARING ASSOCIATION.

22 (3) A SPEECH-LANGUAGE PATHOLOGIST SHALL FOLLOW BEST
23 PRACTICES ESTABLISHED BY THE DEPARTMENT UNDER THIS SUBSECTION.
24 THE DEPARTMENT, IN CONSULTATION WITH THE BOARD, SHALL PROMULGATE
25 RULES TO IDENTIFY BEST PRACTICES THAT MUST BE FOLLOWED IN THE
26 PERFORMANCE OF SPEECH-LANGUAGE PATHOLOGY THAT SHALL INCLUDE, BUT
27 NOT BE LIMITED TO, THE PERFORMANCE OF PROCEDURES DESCRIBED IN

1 SECTION 17601(1)(A)(ii), IN WHICH COLLABORATION AMONG A SPEECH-
2 LANGUAGE PATHOLOGIST AND A PERSON LICENSED IN THE PRACTICE OF
3 MEDICINE OR OSTEOPATHIC MEDICINE AND SURGERY AND OTHER HEALTH
4 CARE PROFESSIONALS IS REGARDED TO BE IN THE BEST INTERESTS OF THE
5 PATIENT.

6 (4) SUBJECT TO SECTION 16204, THE DEPARTMENT SHALL BY RULE
7 PRESCRIBE CONTINUING EDUCATION REQUIREMENTS AS A CONDITION FOR
8 LICENSURE RENEWAL.

9 SEC. 17611. THE DEPARTMENT SHALL ISSUE A LICENSE TO AN
10 APPLICANT FROM ANOTHER STATE THAT OFFERS RECIPROCITY TO LICENSEES
11 IN MICHIGAN AND HAS LICENSURE REQUIREMENTS SUBSTANTIALLY
12 EQUIVALENT TO THIS PART, AS DETERMINED BY THE BOARD.

13 SEC. 17613. THIS PART DOES NOT REQUIRE NEW OR ADDITIONAL
14 THIRD PARTY REIMBURSEMENT OR MANDATED WORKER'S COMPENSATION
15 BENEFITS FOR SERVICES RENDERED BY AN INDIVIDUAL LICENSED UNDER
16 THIS PART.