

HOUSE BILL No. 4893

June 7, 2005, Introduced by Rep. Gaffney and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 16263 (MCL 333.16263), as amended by 2004 PA
97, and by adding section 16336 and part 179.

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, with
3 or without qualifying words or phrases, are restricted in use only
4 to those persons authorized under this article to use the terms and
5 in a way prescribed in this article:

6 (a) "Chiropractic", "doctor of chiropractic", "chiropractor",
7 "d.c.", and "chiropractic physician".

8 (b) "Dentist", "doctor of dental surgery", "oral and

1 maxillofacial surgeon", "orthodontist", "prosthodontist",
2 "periodontist", "endodontist", "oral pathologist", "pediatric
3 dentist", "dental hygienist", "registered dental hygienist",
4 "dental assistant", "registered dental assistant", "r.d.a.",
5 "d.d.s.", "d.m.d.", and "r.d.h."

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

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

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

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

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

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

17 (i) "Physical therapy", "physical therapist",
18 "physiotherapist", "registered physical therapist", "licensed
19 physical therapist", "physical therapy technician", "p.t.",
20 "r.p.t.", "l.p.t.", and "p.t.t."

21 (j) "Chiropodist", "chiropody", "chiropodical", "podiatry",
22 "podiatrist", "podiatric", "doctor of podiatric medicine", "foot
23 specialist", "podiatric physician and surgeon", and "d.p.m."

24 (k) "Consulting psychologist", "psychologist", "psychological
25 assistant", "psychological examiner", "licensed psychologist", and
26 "limited licensed psychologist"

27 (l) "Licensed professional counselor", "licensed counselor",

1 "professional counselor", and "l.p.c.".

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

3 (n) Until July 1, 2005, "social worker", "certified social
4 worker", "social work technician", "s.w.", "c.s.w.", and "s.w.t.". Beginning July 1, 2005, "social worker", "licensed master's social
5 worker", "licensed bachelor's social worker", "registered social
6 service technician", "social service technician", "l.m.s.w.",
7 "l.b.s.w.", and "r.s.s.t.".

8 (o) "Veterinary", "veterinarian", "veterinary doctor",
9 "veterinary surgeon", "doctor of veterinary medicine", "v.m.d.",
10 "d.v.m.", "animal technician", or "animal technologist".

11 (p) "Occupational therapist", "occupational therapist
12 registered", "certified occupational therapist", "o.t.", "o.t.r.",
13 "c.o.t.", "certified occupational therapy assistant", "occupational
14 therapy assistant", or "c.o.t.a.".

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

26 (r) "Nursing home administrator".

1 (s) "Respiratory therapist", "respiratory care practitioner",
2 "licensed respiratory therapist", "licensed respiratory care
3 practitioner", "r.t.", "r.c.p.", "l.r.t.", and "l.r.c.p."

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

7 (U) "ATHLETIC TRAINER", "LICENSED ATHLETIC TRAINER",
8 "CERTIFIED ATHLETIC TRAINER", "ATHLETIC TRAINER CERTIFIED", "A.T.",
9 "A.T.L.", "C.A.T.", AND "A.T.C."

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

17 **SEC. 16336. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE AS**
18 **AN ATHLETIC TRAINER UNDER PART 179 ARE AS FOLLOWS:**

- 19 (A) APPLICATION PROCESSING FEE \$ 20.00.
- 20 (B) LICENSE FEE, PER YEAR \$ 60.00.

21 **PART 179.**

22 **ATHLETIC TRAINING**

23 **SEC. 17901. (1) AS USED IN THIS PART:**

24 (A) "ATHLETIC INJURY" MEANS AN INJURY SUSTAINED BY AN
25 INDIVIDUAL AS A RESULT OF THAT INDIVIDUAL'S PARTICIPATION IN
26 ACTIVITIES REQUIRING PHYSICAL STRENGTH, AGILITY, FLEXIBILITY, RANGE
27 OF MOTION, SPEED, AND STAMINA.

1 (B) "ATHLETIC TRAINER" MEANS AN INDIVIDUAL ENGAGED IN THE
2 PRACTICE OF ATHLETIC TRAINING.

3 (C) "PHYSICIAN" MEANS AN INDIVIDUAL LICENSED UNDER THIS
4 ARTICLE TO ENGAGE IN THE PRACTICE OF MEDICINE OR OSTEOPATHIC
5 MEDICINE AND SURGERY.

6 (D) "PRACTICE OF ATHLETIC TRAINING" MEANS THE PREVENTION,
7 ASSESSMENT, TREATMENT, AND REHABILITATION OF ATHLETIC INJURIES
8 UNDER THE DIRECTION AND SUPERVISION OF A PHYSICIAN.

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

13 SEC. 17902. (1) BEGINNING ON THE EFFECTIVE DATE OF THE RULES
14 PROMULGATED UNDER SECTION 17904, A PERSON SHALL NOT ENGAGE IN THE
15 PRACTICE OF ATHLETIC TRAINING UNLESS LICENSED UNDER THIS PART OR
16 NOT PROHIBITED FROM ENGAGING IN THE PRACTICE OF ATHLETIC TRAINING
17 UNDER SUBSECTION (2).

18 (2) SUBSECTION (1) DOES NOT PROHIBIT AN INDIVIDUAL LICENSED
19 UNDER ANY OTHER PART OR ANY OTHER ACT FROM PERFORMING ACTIVITIES
20 UNDER THE SCOPE OF PRACTICE OF ATHLETIC TRAINING SO LONG AS THE
21 INDIVIDUAL DOES NOT USE THE TITLES PROTECTED UNDER SUBSECTION (3).

22 (3) BEGINNING ON THE EFFECTIVE DATE OF THE RULES PROMULGATED
23 UNDER SECTION 17904, AN INDIVIDUAL SHALL NOT USE THE TITLES
24 "ATHLETIC TRAINER", "LICENSED ATHLETIC TRAINER", "CERTIFIED
25 ATHLETIC TRAINER", "ATHLETIC TRAINER CERTIFIED", "A.T.", "A.T.L.",
26 "C.A.T.", "A.T.C.", OR SIMILAR WORDS THAT INDICATE THAT THE PERSON
27 IS AN ATHLETIC TRAINER UNLESS THE INDIVIDUAL IS LICENSED UNDER THIS

1 ARTICLE AS AN ATHLETIC TRAINER.

2 SEC. 17903. THE MICHIGAN ATHLETIC TRAINER BOARD IS CREATED IN
3 THE DEPARTMENT AND SHALL CONSIST OF 7 MEMBERS MEETING THE
4 REQUIREMENTS OF PART 161, 3 OF WHOM ARE PUBLIC MEMBERS.

5 SEC. 17904. (1) THE DEPARTMENT SHALL PROMULGATE RULES
6 ESTABLISHING THE MINIMUM STANDARDS FOR LICENSURE AS AN ATHLETIC
7 TRAINER UNDER THIS PART.

8 (2) IN PROMULGATING THE RULES REQUIRED UNDER THIS SECTION, THE
9 DEPARTMENT MAY CONSULT THE PROFESSIONAL STANDARDS ISSUED BY THE
10 NATIONAL ATHLETIC TRAINER'S ASSOCIATION, BY THE NATIONAL ATHLETIC
11 TRAINER'S ASSOCIATION BOARD OF CERTIFICATION, OR BY ANOTHER
12 NATIONALLY RECOGNIZED PROFESSIONAL ASSOCIATION. THE DEPARTMENT MAY
13 INCORPORATE BY REFERENCE, IN WHOLE OR IN PART, EXISTING STANDARDS
14 IN THE RULES.

15 (3) AS NEEDED, THE DEPARTMENT MAY AMEND OR SUPPLEMENT ANY
16 STANDARDS BY PROMULGATION OF A RULE.

17 SEC. 17905. (1) THE DEPARTMENT SHALL ISSUE A LICENSE UNDER
18 THIS ARTICLE AS AN ATHLETIC TRAINER TO AN INDIVIDUAL WHO MEETS ALL
19 OF THE FOLLOWING REQUIREMENTS:

20 (A) APPLIES TO THE DEPARTMENT ON A FORM PROVIDED BY THE
21 DEPARTMENT.

22 (B) MEETS THE REQUIREMENTS FOR LICENSURE PROMULGATED PURSUANT
23 TO SECTION 17904.

24 (C) PAYS THE FEES PRESCRIBED IN SECTION 16336.

25 (2) THE DEPARTMENT SHALL PROMULGATE RULES TO PROVIDE FOR AT
26 LEAST 8 CLOCK HOURS OF CONTINUING EDUCATION WITHIN EACH 3-YEAR
27 LICENSE CYCLE IN SUBJECTS RELATED TO ATHLETIC TRAINING AND APPROVED

1 BY THE DEPARTMENT.

2 SEC. 17906. (1) A LICENSE ISSUED BY THE DEPARTMENT UNDER
3 SECTION 17905 SHALL BE FOR A 3-YEAR LICENSE CYCLE. THE LICENSE IS
4 RENEWABLE UPON PAYMENT OF THE PRESCRIBED LICENSE RENEWAL FEE AND,
5 BEGINNING WITH THE THIRD YEAR AFTER THE EFFECTIVE DATE OF THE RULES
6 PROMULGATED UNDER SECTION 17905(2), SUBMISSION TO THE DEPARTMENT OF
7 PROOF OF SATISFACTORY COMPLETION OF AT LEAST 8 CLOCK HOURS OF
8 CONTINUING EDUCATION WITHIN THE 3-YEAR LICENSE CYCLE IN SUBJECTS
9 RELATED TO ATHLETIC TRAINING AND APPROVED BY THE DEPARTMENT.

10 (2) IN ADDITION TO THE CONTINUING EDUCATION REQUIREMENTS OF
11 SUBSECTION (1), AN ATHLETIC TRAINER SHALL SUBMIT ALONG WITH HIS OR
12 HER APPLICATION FOR LICENSE RENEWAL PROOF SATISFACTORY TO THE
13 DEPARTMENT OF BOTH OF THE FOLLOWING:

14 (A) THAT HE OR SHE HAS SUCCESSFULLY COMPLETED A COURSE OF
15 TRAINING IN FIRST AID, CARDIOPULMONARY RESUSCITATION, AND FOREIGN
16 BODY OBSTRUCTION OF THE AIRWAY APPROVED BY THE DEPARTMENT AND
17 OFFERED OR APPROVED BY THE AMERICAN RED CROSS, THE AMERICAN HEART
18 ASSOCIATION, OR A COMPARABLE ORGANIZATION, AS DETERMINED BY THE
19 DEPARTMENT.

20 (B) THAT HE OR SHE HOLDS, AT THE TIME OF APPLICATION FOR
21 RENEWAL AND AT ALL TIMES DURING THE PREVIOUS LICENSE PERIOD, A
22 VALID CERTIFICATION IN FIRST AID AND CARDIOPULMONARY RESUSCITATION
23 ISSUED BY THE ORGANIZATION OFFERING THE TRAINING.

24 SEC. 17907. THIS PART DOES NOT REQUIRE NEW OR ADDITIONAL THIRD
25 PARTY REIMBURSEMENT FOR SERVICES RENDERED BY AN INDIVIDUAL LICENSED
26 UNDER THIS PART.