

HOUSE BILL No. 4810

May 17, 2007, Introduced by Reps. Donigan, Bieda, Vagnozzi, Gaffney, Valentine, Alma Smith, Polidori and Brown and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 16342 and part 176.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 16342. FEES FOR AN INDIVIDUAL LICENSED OR SEEKING
2 LICENSURE AS A SPEECH THERAPIST OR SPEECH PATHOLOGIST UNDER PART
3 176 ARE AS FOLLOWS:

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

6 PART 176. SPEECH-LANGUAGE PATHOLOGY

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

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

5 (i) IDENTIFYING, ASSESSING, TREATING, REHABILITATING, AND
6 PREVENTING DISORDERS OF SPEECH, VOICE, AND LANGUAGE.

7 (ii) IDENTIFYING, ASSESSING, TREATING, REHABILITATING, AND
8 PREVENTING DISORDERS OF ORAL-PHARYNGEAL FUNCTION, DYSPHAGIA, AND
9 RELATED DISORDERS.

10 (iii) IDENTIFYING, ASSESSING, TREATING, REHABILITATING, AND
11 PREVENTING COGNITIVE-COMMUNICATIVE DISORDERS.

12 (iv) ASSESSING, SELECTING, AND DEVELOPING AUGMENTATIVE AND
13 ALTERNATIVE COMMUNICATION SYSTEMS AND PROVIDING TRAINING IN THEIR
14 USE.

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

17 (vi) ENHANCING SPEECH-LANGUAGE PROFICIENCY AND COMMUNICATION
18 EFFECTIVENESS.

19 (vii) SCREENING OF HEARING AND OTHER FACTORS FOR THE PURPOSE
20 OF SPEECH-LANGUAGE ASSESSMENT OR THE INITIAL IDENTIFICATION OF
21 INDIVIDUALS WITH OTHER COMMUNICATION DISORDERS PROVIDED THAT
22 JUDGMENTS AND DESCRIPTIVE STATEMENTS ABOUT RESULTS OF THAT
23 SCREENING ARE LIMITED TO PASS-FAIL DETERMINATIONS.

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

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

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

4 (B) THE PRACTICE OF MEDICINE OR OSTEOPATHIC MEDICINE AND
5 SURGERY OR MEDICAL DIAGNOSIS OR TREATMENT.

6 (3) IN ADDITION TO THE DEFINITIONS IN THIS PART, ARTICLE 1
7 CONTAINS GENERAL DEFINITIONS AND PRINCIPLES OF CONSTRUCTION
8 APPLICABLE TO ALL ARTICLES IN THIS CODE AND PART 161 CONTAINS
9 DEFINITIONS APPLICABLE TO THIS PART.

10 SEC. 17603. BEGINNING THE EFFECTIVE DATE OF THE AMENDATORY
11 ACT THAT ADDED THIS PART, AN INDIVIDUAL SHALL NOT USE THE TITLES
12 "SPEECH-LANGUAGE PATHOLOGIST", "SPEECH PATHOLOGIST", "SPEECH
13 THERAPIST", "SPEECH CORRECTIONIST", "SPEECH CLINICIAN", "LANGUAGE
14 THERAPIST", "LANGUAGE PATHOLOGIST", "LOGOPEDIST",
15 "COMMUNICOLOGIST", "APHASIOLOGIST", "PHONIATRIST", "VOICE
16 THERAPIST", AND "VOICE PATHOLOGIST", OR SIMILAR WORDS THAT
17 INDICATE THAT THE INDIVIDUAL IS A SPEECH-LANGUAGE PATHOLOGIST,
18 UNLESS THE INDIVIDUAL IS LICENSED UNDER THIS ARTICLE AS A SPEECH-
19 LANGUAGE PATHOLOGIST. THIS SECTION DOES NOT APPLY TO INDIVIDUALS
20 WHO MEET THE STATE BOARD OF EDUCATION QUALIFICATIONS FOR A
21 TEACHER OF THE SPEECH AND LANGUAGE IMPAIRED WHILE THEIR SERVICES
22 ARE PROVIDED IN SCHOOL DISTRICTS, INTERMEDIATE SCHOOL DISTRICTS,
23 AND NONPUBLIC SCHOOLS.

24 SEC. 17605. (1) THE MICHIGAN BOARD OF SPEECH-LANGUAGE
25 PATHOLOGY IS CREATED IN THE DEPARTMENT AND CONSISTS OF THE
26 FOLLOWING 7 MEMBERS WHO MEET THE REQUIREMENTS OF PART 161:

27 (A) FOUR INDIVIDUALS WHO MEET THE REQUIREMENTS OF SECTION

1 16135(2) .

2 (B) THREE PUBLIC MEMBERS, 1 OF WHOM SHALL BE A BOARD-
3 CERTIFIED OTOLARYNGOLOGIST.

4 (2) THE TERMS OF OFFICE OF INDIVIDUAL MEMBERS OF THE BOARD
5 CREATED UNDER THIS PART, EXCEPT THOSE APPOINTED TO FILL
6 VACANCIES, EXPIRE 4 YEARS AFTER APPOINTMENT ON DECEMBER 31 OF THE
7 YEAR IN WHICH THE TERM EXPIRES.

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

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

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

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

1 (B) AN INDIVIDUAL NOT LICENSED UNDER THIS PART FROM
2 PERFORMING ACTIVITIES THAT ARE CONSIDERED SPEECH-LANGUAGE
3 PATHOLOGY SERVICES AS LONG AS HE OR SHE IS ENGAGED IN CLINICAL
4 FELLOWSHIP, IS UNDER THE SUPERVISION OF AN INDIVIDUAL WHO IS
5 LICENSED UNDER THIS PART, AND DOES NOT HOLD HIMSELF OR HERSELF
6 OUT AS AN INDIVIDUAL LICENSED UNDER THIS PART OR USE THE TITLES
7 PROTECTED UNDER SECTION 17603.

8 (C) THE PRACTICE OF SPEECH-LANGUAGE PATHOLOGY THAT IS AN
9 INTEGRAL PART OF A PROGRAM OF STUDY BY STUDENTS ENROLLED IN AN
10 ACCREDITED SPEECH-LANGUAGE PATHOLOGY EDUCATIONAL PROGRAM APPROVED
11 BY THE BOARD, PROVIDED THAT THEY ARE IDENTIFIED AS STUDENTS AND
12 PROVIDE SPEECH-LANGUAGE PATHOLOGY SERVICES ONLY WHILE UNDER THE
13 SUPERVISION OF A LICENSED SPEECH-LANGUAGE PATHOLOGIST.

14 (D) AN INDIVIDUAL WHO MEETS THE QUALIFICATIONS ESTABLISHED
15 BY THE STATE BOARD OF EDUCATION AS A TEACHER OF THE SPEECH AND
16 LANGUAGE IMPAIRED AND WHO IS EMPLOYED OR CONTRACTED FOR
17 EMPLOYMENT BY A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT,
18 NONPUBLIC SCHOOL, OR DEPARTMENT OF STATE GOVERNMENT THAT PROVIDES
19 EDUCATIONAL SERVICES FROM ENGAGING IN HIS OR HER PRACTICE AS PART
20 OF THAT EMPLOYMENT. THIS PART DOES NOT PREVENT A TEACHER OF THE
21 SPEECH AND LANGUAGE IMPAIRED WHO IS EMPLOYED OR CONTRACTED FOR
22 EMPLOYMENT BY SCHOOL DISTRICTS, INTERMEDIATE SCHOOL DISTRICTS,
23 NONPUBLIC SCHOOLS, OR DEPARTMENTS OF STATE GOVERNMENT THAT
24 PROVIDE EDUCATIONAL SERVICES FROM OBTAINING A LICENSE UNDER THIS
25 PART.

26 (E) SELF-CARE BY A PATIENT OR UNCOMPENSATED CARE BY A FRIEND
27 OR FAMILY MEMBER WHO DOES NOT REPRESENT OR HOLD HIMSELF OR

1 HERSELF OUT TO BE A LICENSED SPEECH-LANGUAGE PATHOLOGIST.

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

8 (A) SUCCESSFUL COMPLETION OF AN ACCREDITED SPEECH-LANGUAGE
9 PATHOLOGY TRAINING PROGRAM APPROVED BY THE DEPARTMENT AND THE
10 BOARD HAVING AT LEAST 9 MONTHS, OR THE EQUIVALENT, OF FULL-TIME
11 SUPERVISED POSTGRADUATE CLINICAL EXPERIENCE IN SPEECH-LANGUAGE
12 PATHOLOGY AND PASSING A NATIONAL EXAMINATION ACCEPTABLE TO THE
13 BOARD.

14 (B) HAVING THE CREDENTIAL CONFERRED BY THE AMERICAN SPEECH-
15 LANGUAGE-HEARING ASSOCIATION OR ITS SUCCESSOR ORGANIZATION AS A
16 CERTIFIED SPEECH-LANGUAGE-PATHOLOGIST OR ITS SUCCESSOR
17 CREDENTIAL, ACCEPTABLE TO THE BOARD. THE CREDENTIAL CONFERRED BY
18 THE AMERICAN SPEECH-LANGUAGE-HEARING ASSOCIATION AS A CERTIFIED
19 SPEECH-LANGUAGE PATHOLOGIST IS CONSIDERED THE SUBSTANTIAL
20 EQUIVALENT TO THE REQUIREMENTS OF SUBDIVISION (A) AND THAT
21 CREDENTIAL AND THE STANDARDS OF QUALIFICATION FOR THAT
22 CREDENTIAL, AS THEY EXIST ON THE EFFECTIVE DATE OF THE AMENDATORY
23 ACT THAT ADDED THIS PART, ARE ADOPTED BY REFERENCE.

24 (2) THE DEPARTMENT, IN CONSULTATION WITH THE BOARD, MAY
25 PROMULGATE RULES UNDER SECTION 16145 AS NECESSARY OR APPROPRIATE
26 TO FULFILL ITS FUNCTIONS UNDER THIS ARTICLE AND TO AMEND OR
27 SUPPLEMENT THE REQUIREMENTS FOR LICENSURE UNDER SUBSECTION (1),

1 INCLUDING ADOPTING UPDATED STANDARDS OF THAT ORGANIZATION OR
2 STANDARDS OF ANY SUCCESSOR ORGANIZATION OF THE AMERICAN SPEECH-
3 LANGUAGE-HEARING ASSOCIATION.

4 (3) A SPEECH-LANGUAGE PATHOLOGIST SHALL FOLLOW BEST
5 PRACTICES ESTABLISHED BY THE DEPARTMENT UNDER THIS SUBSECTION.
6 THE DEPARTMENT, IN CONSULTATION WITH THE BOARD, SHALL PROMULGATE
7 RULES TO IDENTIFY BEST PRACTICES THAT MUST BE FOLLOWED IN THE
8 PERFORMANCE OF SPEECH-LANGUAGE PATHOLOGY THAT SHALL INCLUDE, BUT
9 NOT BE LIMITED TO, THE PERFORMANCE OF PROCEDURES DESCRIBED IN
10 SECTION 17601(1)(A)(ii), IN WHICH COLLABORATION AMONG A SPEECH-
11 LANGUAGE PATHOLOGIST AND A PERSON LICENSED IN THE PRACTICE OF
12 MEDICINE OR OSTEOPATHIC MEDICINE AND SURGERY AND OTHER HEALTH
13 CARE PROFESSIONALS IS REGARDED TO BE IN THE BEST INTERESTS OF THE
14 PATIENT.

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

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

22 SEC. 17613. THIS PART DOES NOT REQUIRE NEW OR ADDITIONAL
23 THIRD PARTY REIMBURSEMENT OR MANDATED WORKER'S COMPENSATION
24 BENEFITS FOR SERVICES RENDERED BY AN INDIVIDUAL LICENSED UNDER
25 THIS PART.