

SENATE BILL No. 921

November 27, 2007, Introduced by Senator KAHN and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16345, 18301, 18303, 18305, 18307, and 18309 (MCL 333.16345, 333.18301, 333.18303, 333.18305, 333.18307, and 333.18309), section 16345 as added by 1993 PA 79, sections 18301, 18303, 18307, and 18309 as added by 1988 PA 473, and section 18305 as amended by 2006 PA 394, and by adding sections 18313 and 18315.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16345. Fees for ~~a person registered or seeking~~
2 ~~registration as a certified occupational therapist or a certified~~
3 ~~occupational therapist assistant~~ **AN INDIVIDUAL LICENSED OR SEEKING**
4 **LICENSURE TO ENGAGE IN THE PRACTICE OF OCCUPATIONAL THERAPY, OR TO**

1 **ENGAGE IN PRACTICE AS AN OCCUPATIONAL THERAPY ASSISTANT**, under part
2 183 are as follows:

- 3 (a) Application processing fee \$ 20.00
- 4 (b) ~~Registration~~**LICENSE** fee, per year 60.00

5 Sec. 18301. (1) As used in this part:

6 (a) ~~"Certified occupational"~~**OCCUPATIONAL** therapy assistant"
7 means an individual ~~registered as a certified~~**LICENSED UNDER THIS**
8 **ARTICLE TO ENGAGE IN PRACTICE AS AN** occupational therapy assistant.
9 ~~in accordance with this article.~~

10 (b) ~~"Certified occupational"~~**OCCUPATIONAL** therapist" means an
11 individual ~~who diminishes or corrects pathology in order to promote~~
12 ~~and maintain health through application of the art and science of~~
13 ~~directing purposeful activity designed to restore, reinforce, and~~
14 ~~enhance the performance of individuals and who is registered in~~
15 ~~accordance with this article~~**LICENSED UNDER THIS ARTICLE TO ENGAGE**
16 **IN THE PRACTICE OF OCCUPATIONAL THERAPY.**

17 (c) **"OCCUPATIONAL THERAPY SERVICES" MEANS THOSE SERVICES**
18 **PROVIDED TO PROMOTE HEALTH AND WELLNESS, PREVENT DISABILITY,**
19 **PRESERVE FUNCTIONAL CAPABILITIES, PREVENT BARRIERS, AND ENABLE OR**
20 **IMPROVE PERFORMANCE IN EVERYDAY ACTIVITIES, INCLUDING, BUT NOT**
21 **LIMITED TO, THE FOLLOWING:**

22 (i) **ESTABLISHMENT, REMEDIATION, OR RESTORATION OF A SKILL OR**
23 **ABILITY THAT IS IMPAIRED OR NOT YET DEVELOPED.**

24 (ii) **COMPENSATION, MODIFICATION, OR ADAPTATION OF A PERSON,**
25 **ACTIVITY, OR ENVIRONMENT.**

26 (iii) **EVALUATION OF FACTORS THAT AFFECT ACTIVITIES OF DAILY**
27 **LIVING, INSTRUMENTAL ACTIVITIES OF DAILY LIVING, AND OTHER**

1 ACTIVITIES RELATING TO EDUCATION, WORK, PLAY, LEISURE, AND SOCIAL
2 PARTICIPATION. THOSE FACTORS INCLUDE, BUT ARE NOT LIMITED TO, BODY
3 FUNCTIONS, BODY STRUCTURE, HABITS, ROUTINES, ROLE PERFORMANCE,
4 BEHAVIOR PATTERNS, SENSORY MOTOR SKILLS, COGNITIVE SKILLS,
5 COMMUNICATION AND INTERACTION SKILLS, AND CULTURAL, PHYSICAL,
6 PSYCHOSOCIAL, SPIRITUAL, DEVELOPMENTAL, ENVIRONMENTAL, AND
7 SOCIOECONOMIC CONTEXTS AND ACTIVITIES THAT AFFECT PERFORMANCE.

8 (iv) INTERVENTIONS AND PROCEDURES, INCLUDING, BUT NOT LIMITED
9 TO, ANY OF THE FOLLOWING:

10 (A) TASK ANALYSIS AND THERAPEUTIC USE OF OCCUPATIONS,
11 EXERCISES, AND ACTIVITIES.

12 (B) TRAINING IN SELF-CARE, SELF-MANAGEMENT, HOME MANAGEMENT,
13 AND COMMUNITY OR WORK REINTEGRATION.

14 (C) DEVELOPMENT REMEDIATION, OR COMPENSATION OF CLIENT FACTORS
15 SUCH AS BODY FUNCTIONS AND BODY STRUCTURE.

16 (D) EDUCATION AND TRAINING.

17 (E) CARE COORDINATION, CASE MANAGEMENT, TRANSITION, AND
18 CONSULTATIVE SERVICES.

19 (F) MODIFICATION OF ENVIRONMENTS AND ADAPTATION PROCESSES SUCH
20 AS THE APPLICATION OF ERGONOMIC AND SAFETY PRINCIPLES.

21 (G) ASSESSMENT, DESIGN, FABRICATION, APPLICATION, FITTING, AND
22 TRAINING IN REHABILITATIVE AND ASSISTIVE TECHNOLOGY, ADAPTIVE
23 DEVICES, AND ORTHOTIC DEVICES, AND TRAINING IN THE USE OF
24 PROSTHETIC DEVICES.

25 (H) ASSESSMENT, RECOMMENDATION, AND TRAINING IN TECHNIQUES TO
26 ENHANCE SAFETY, FUNCTIONAL MOBILITY, AND COMMUNITY MOBILITY SUCH AS
27 WHEELCHAIR MANAGEMENT AND MOBILITY.

1 (I) MANAGEMENT OF FEEDING, EATING, AND SWALLOWING.

2 (J) APPLICATION OF PHYSICAL AGENT MODALITIES AND USE OF A
3 RANGE OF SPECIFIC THERAPEUTIC PROCEDURES, INCLUDING, BUT NOT
4 LIMITED TO, TECHNIQUES TO ENHANCE SENSORY-MOTOR, PERCEPTUAL, AND
5 COGNITIVE PROCESSING, MANUAL THERAPY TECHNIQUES, AND ADJUNCTIVE AND
6 PREPARATORY ACTIVITIES.

7 (D) "PRACTICE AS AN OCCUPATIONAL THERAPY ASSISTANT" MEANS THE
8 PRACTICE OF OCCUPATIONAL THERAPY UNDER THE SUPERVISION OF AN
9 OCCUPATIONAL THERAPIST LICENSED UNDER THIS ARTICLE.

10 (E) "PRACTICE OF OCCUPATIONAL THERAPY" MEANS THE THERAPEUTIC
11 USE OF EVERYDAY LIFE OCCUPATIONS AND OCCUPATIONAL THERAPY SERVICES
12 TO AID INDIVIDUALS OR GROUPS TO PARTICIPATE IN MEANINGFUL ROLES AND
13 SITUATIONS IN THE HOME, SCHOOL, WORKPLACE, COMMUNITY, AND OTHER
14 SETTINGS, TO PROMOTE HEALTH AND WELLNESS THROUGH RESEARCH AND
15 PRACTICE, AND TO SERVE THOSE INDIVIDUALS OR GROUPS WHO HAVE OR ARE
16 AT RISK FOR DEVELOPING AN ILLNESS, INJURY, DISEASE, DISORDER,
17 CONDITION, IMPAIRMENT, DISABILITY, ACTIVITY LIMITATION, OR
18 PARTICIPATION RESTRICTION. THE PRACTICE OF OCCUPATIONAL THERAPY
19 ADDRESSES THE PHYSICAL, COGNITIVE, PSYCHOSOCIAL, SENSORY, AND OTHER
20 ASPECTS OF PERFORMANCE IN A VARIETY OF CONTEXTS TO SUPPORT
21 ENGAGEMENT IN EVERYDAY LIFE ACTIVITIES THAT AFFECT A PERSON'S
22 HEALTH, WELL-BEING, AND QUALITY OF LIFE THROUGHOUT HIS OR HER LIFE
23 SPAN. THE PRACTICE OF OCCUPATIONAL THERAPY DOES NOT INCLUDE THE
24 PRACTICE OF MEDICINE OR OSTEOPATHIC MEDICINE AND SURGERY OR MEDICAL
25 DIAGNOSIS OR TREATMENT.

26 (2) In addition to the definitions in this part, article 1
27 contains general definitions and principles of construction

1 applicable to all articles in this code and part 161 contains
2 definitions applicable to this part.

3 Sec. 18303. (1) After the rules described in sections 18307
4 and 18309 are promulgated ~~, a person~~ **FOR LICENSURE UNDER THIS**
5 **ARTICLE, AN INDIVIDUAL** shall not use the titles "occupational
6 therapist", "o.t.", "**OCCUPATIONAL THERAPIST LICENSED**", "**O.T.L.**",
7 "occupational therapist registered", "o.t.r.", "~~certified~~
8 ~~occupational therapist~~", "~~c.o.t.~~" "**OCCUPATIONAL THERAPIST**
9 **REGISTERED LICENSED**", "**O.T.R.L.**", "certified occupational therapy
10 assistant", "c.o.t.a.", "**CERTIFIED OCCUPATIONAL THERAPY ASSISTANT**
11 **LICENSED**", "**C.O.T.A.L.**", "occupational therapy assistant",
12 "**O.T.A.**", "**OCCUPATIONAL THERAPY ASSISTANT LICENSED**", "**O.T.A.L.**", or
13 similar words which indicate that ~~the person~~ **HE OR SHE** is a
14 ~~certified~~ **LICENSED AS AN** occupational therapist or a ~~certified~~
15 occupational therapy assistant unless the ~~person is registered in~~
16 ~~accordance with~~ **INDIVIDUAL IS LICENSED UNDER** this article.

17 (2) **AFTER THE RULES DESCRIBED IN SECTIONS 18307 AND 18309 ARE**
18 **PROMULGATED FOR LICENSURE UNDER THIS PART, AN INDIVIDUAL SHALL NOT**
19 **ENGAGE IN THE PRACTICE OF OCCUPATIONAL THERAPY OR THE PRACTICE AS**
20 **AN OCCUPATIONAL THERAPY ASSISTANT UNLESS LICENSED OR OTHERWISE**
21 **AUTHORIZED BY THIS ARTICLE.**

22 (3) **SUBSECTION (2) DOES NOT PREVENT ANY OF THE FOLLOWING:**

23 (A) **SELF-CARE BY A PATIENT OR UNCOMPENSATED CARE BY A FRIEND**
24 **OR FAMILY MEMBER WHO DOES NOT REPRESENT OR HOLD HIMSELF OR HERSELF**
25 **OUT TO BE A LICENSED OCCUPATIONAL THERAPIST OR OCCUPATIONAL THERAPY**
26 **ASSISTANT.**

27 (B) **AN INDIVIDUAL LICENSED UNDER ANY OTHER PART OR ACT FROM**

1 PERFORMING ACTIVITIES THAT ARE CONSIDERED OCCUPATIONAL THERAPY
2 SERVICES IF THOSE ACTIVITIES ARE WITHIN THE INDIVIDUAL'S SCOPE OF
3 PRACTICE AND IF THE INDIVIDUAL DOES NOT USE THE TITLES PROTECTED
4 UNDER SUBSECTION (1).

5 Sec. 18305. (1) The Michigan board of occupational therapists
6 is created in the department and shall consist of the following 9
7 voting members who shall meet the requirements of part 161: 5
8 ~~certified~~**LICENSED** occupational therapists and 4 public members.

9 (2) The terms of office of individual members of the board
10 created under this section, except those appointed to fill
11 vacancies, expire 4 years after the appointment on December 31 of
12 the year in which the term expires.

13 Sec. 18307. The board, in consultation with the department,
14 shall promulgate rules **UNDER SECTION 16145** setting forth the
15 minimum standards for ~~registration as a certified~~**LICENSURE AS AN**
16 occupational therapist. For purposes of this section, the
17 professional standards issued by the American occupational therapy
18 association or any other recognized trade association may be
19 adopted by the board. The board shall not promulgate rules under
20 this section ~~which~~**THAT** diminish competition or exceed the minimum
21 level of regulation necessary to protect the public.

22 Sec. 18309. The board, in consultation with the department,
23 shall promulgate rules **UNDER SECTION 16145** setting forth the
24 minimum standards for ~~registration as a certified~~**LICENSURE AS AN**
25 occupational therapy assistant. For purposes of this section, the
26 professional standards issued by the American occupational therapy
27 association or any other recognized trade association may be

1 adopted by the board. The board shall not promulgate rules under
2 this section ~~which~~ **THAT** diminish competition or exceed the minimum
3 level of regulation necessary to protect the public.

4 **SEC. 18313. (1) BEGINNING THE LICENSE RENEWAL CYCLE AFTER THE**
5 **EFFECTIVE DATE OF THE RULES PROMULGATED UNDER THIS PART, AN**
6 **INDIVIDUAL LICENSED UNDER THIS ARTICLE SHALL MEET THE CONTINUING**
7 **EDUCATION OR COMPETENCE REQUIREMENTS OF THIS SECTION WHEN RENEWING**
8 **HIS OR HER LICENSE.**

9 **(2) IN ADDITION TO THE REQUIREMENTS OF PART 161, THE BOARD, IN**
10 **CONSULTATION WITH THE DEPARTMENT, MAY PROMULGATE RULES TO REQUIRE A**
11 **LICENSEE SEEKING RENEWAL TO FURNISH EVIDENCE THAT, DURING THE**
12 **LICENSING PERIOD IMMEDIATELY PRECEDING THE APPLICATION FOR RENEWAL,**
13 **THE LICENSEE COMPLETED AN APPROPRIATE NUMBER OF HOURS OF CONTINUING**
14 **EDUCATION COURSES OR CONTINUING COMPETENCE ACTIVITIES RELATED TO**
15 **THE PRACTICE OF OCCUPATIONAL THERAPY AND DESIGNED TO FURTHER**
16 **EDUCATE AND MAINTAIN COMPETENCE.**

17 **(3) AS REQUIRED UNDER SECTION 16204, THE BOARD SHALL**
18 **PROMULGATE RULES REQUIRING EACH APPLICANT FOR LICENSE RENEWAL TO**
19 **COMPLETE AS PART OF THE CONTINUING EDUCATION OR COMPETENCE**
20 **REQUIREMENTS OF THIS SECTION AN APPROPRIATE NUMBER OF HOURS OR**
21 **COURSES IN PAIN AND SYMPTOM MANAGEMENT.**

22 **SEC. 18315. THIS PART DOES NOT REQUIRE NEW OR ADDITIONAL THIRD**
23 **PARTY REIMBURSEMENT OR MANDATED WORKER'S COMPENSATION BENEFITS FOR**
24 **SERVICES RENDERED BY AN INDIVIDUAL LICENSED AS AN OCCUPATIONAL**
25 **THERAPIST OR AN OCCUPATIONAL THERAPIST ASSISTANT UNDER THIS**
26 **ARTICLE.**