

HOUSE BILL No. 5205

October 23, 2003, Introduced by Reps. Richardville, Bieda, Accavitti, Sak, Garfield, Jamnick, Huizenga, Murphy, Hopgood and Waters 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 2001 PA 139, and by adding section 16322 and part 165.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

4	Acupuncture	June 30
5	Nursing	June 30
6	Nursing home administrator	June 30
7	Optometry	June 30
8	Pharmacy	June 30

1	Podiatric medicine and surgery	June 30
2	Dentistry	June 30
3	Chiropractic	December 31
4	Counseling	June 30
5	Marriage and family therapy	June 30
6	Medicine	December 31
7	Occupational therapists	December 31
8	Osteopathic medicine and surgery	December 31
9	Physical therapy	December 31
10	Psychology	December 31
11	Social work	December 31
12	Veterinary medicine	December 31

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

18 (a) "Chiropractic", "doctor of chiropractic", "chiropractor",
19 "d.c.", and "chiropractic physician".

20 (b) "Dentist", "doctor of dental surgery", "oral and
21 maxillofacial surgeon", "orthodontist", "prosthodontist",
22 "periodontist", "endodontist", "oral pathologist", "pediatric
23 dentist", "dental hygienist", "registered dental hygienist",
24 "dental assistant", "registered dental assistant", "r.d.a.",
25 "d.d.s.", "d.m.d.", and "r.d.h.".

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

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

1 (e) "Registered professional nurse", "registered nurse",
2 "r.n.", "licensed practical nurse", "l.p.n.", "nurse midwife",
3 "nurse anesthetist", "nurse practitioner", "trained attendant",
4 and "t.a.".

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

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

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

10 (i) "Physical therapy", "physical therapist",
11 "physiotherapist", "registered physical therapist", "licensed
12 physical therapist", "physical therapy technician", "p.t.",
13 "r.p.t.", "l.p.t.", and "p.t.t.".

14 (j) "Chiropodist", "chiropody", "chiropodical", "podiatry",
15 "podiatrist", "podiatric", "doctor of podiatric medicine", "foot
16 specialist", "podiatric physician and surgeon", and "d.p.m.".

17 (k) "Consulting psychologist", "psychologist", "psychological
18 assistant", "psychological examiner", "licensed psychologist",
19 and "limited licensed psychologist".

20 (l) "Licensed professional counselor", "licensed counselor",
21 "professional counselor", and "l.p.c.".

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

23 (n) "Social worker", "certified social worker", "social work
24 technician", "s.w.", "c.s.w.", and "s.w.t.".

25 (o) "Veterinary", "veterinarian", "veterinary doctor",
26 "veterinary surgeon", "doctor of veterinary medicine", "v.m.d.",
27 "d.v.m.", "animal technician", or "animal technologist".

1 (p) "Occupational therapist", "occupational therapist
2 registered", "certified occupational therapist", "o.t.",
3 "o.t.r.", "c.o.t.", "certified occupational therapy assistant",
4 "occupational therapy assistant", or "c.o.t.a."

5 (q) "Marriage advisor" or "marriage consultant"; "family
6 counselor", "family advisor", "family therapist", or "family
7 consultant"; "family guidance counselor", "family guidance
8 advisor", or "family guidance consultant"; "marriage guidance
9 counselor", "marriage guidance advisor", or "marriage guidance
10 consultant"; "family relations counselor"; "marriage relations
11 counselor", "marriage relations advisor", or "marriage relations
12 consultant"; "marital counselor" or "marital therapist"; "limited
13 licensed marriage and family therapist" or "limited licensed
14 marriage counselor"; "licensed marriage and family therapist" or
15 "licensed marriage counselor"; and "l.m.f.t."

16 (r) "Nursing home administrator".

17 (s) **"Acupuncturist" or "licensed acupuncturist"**.

18 (2) Notwithstanding section 16261, a person who was specially
19 trained at an institution of higher education in this state to
20 assist a physician in the field of orthopedics and upon
21 completion of training, received a 2-year associate of science
22 degree as an orthopedic physician's assistant before January 1,
23 1977, may use the title "orthopedic physician's assistant"
24 whether or not the person is licensed under this article.

25 **Sec. 16322. Fees for a person licensed or seeking licensure**
26 **as an acupuncturist under part 165 are as follows:**

27 (a) **Application processing fee..... \$20.00**

1 (b) License fee, per year..... \$50.00

2 PART 165.

3 Sec. 16501. (1) As used in this part:

4 (a) "Acupuncture" means the insertion and manipulation of
5 needles on the surface of the human body and the use of oriental
6 medicine at specific locations on the human body for the
7 prevention or correction of disease, injury, pain, or other
8 condition.

9 (b) "Acupuncturist" means an individual who practices
10 acupuncture and oriental medicine and, except as otherwise
11 provided in section 16524(2), is licensed under this part.

12 (c) "Administration of herbal substances" means the
13 administration of herbs of animal, vegetable, or mineral origin
14 for health maintenance and the treatment of effects of disease.

15 (d) "Breathing and exercise techniques" means the use of
16 techniques of therapeutic breathing and exercise.

17 (e) "Cold packs" means the application of cold packs and ice
18 to specific locations on the human body to reduce heat conditions
19 or inflammation in surface tissues of the human body.

20 (f) "Cupping" means the heating of air or the mechanical
21 creation of suction in a cup and application to specific
22 locations on the human body to induce local vasodilation and
23 mechanical expansion of underlying tissue.

24 (g) "Dietary, nutritional, and lifestyle counseling" means
25 in-depth patient interviews and counseling to determine whether
26 poor dietary, nutritional, or lifestyle practices are a factor in
27 a patient's illness and to educate toward a healthier lifestyle.

1 (h) "Electroacupuncture including electrodermal assessment"
2 means the use of electronic biofeedback and electrostimulation
3 instruments.

4 (i) "Ion pumping cords" means the application of wires
5 containing diodes to acupuncture needles that have been placed on
6 the human body.

7 (j) "Magnets" means the application of magnets to specific
8 locations on the human body.

9 (k) "Meridian therapy" means an assessment or treatment
10 device for use with acupuncture meridians.

11 (l) "Moxibustion" means the use of heat at specific
12 locations on the human body for the prevention or correction of
13 disease, injury, pain, or other condition.

14 (m) "Oriental medicine" means the distinct system of primary
15 health care that uses all diagnostic and treatment techniques of
16 oriental medicine, both traditional and modern, for the
17 prevention or correction of disease, illness, injury, pain, or
18 any other condition. Oriental medicine includes, but is not
19 limited to, all of the following:

20 (i) Moxibustion.

21 (ii) Cupping.

22 (iii) Magnets.

23 (iv) Ion pumping cords.

24 (v) Electroacupuncture including electrodermal assessment.

25 (vi) Cold packs.

26 (vii) Dietary, nutritional, and lifestyle counseling.

27 (viii) Breathing and exercise techniques.

1 (ix) Administration of herb and nutritional supplements.

2 (x) Meridian therapy.

3 (2) In addition to the definitions in this part, article 1
4 contains general definitions and principles of construction
5 applicable to all articles in the code and part 161 contains
6 definitions applicable to this part.

7 Sec. 16503. This part does not apply to a certified,
8 licensed, or statutorily recognized member of another profession
9 who practices his or her profession as authorized by law so long
10 as the individual does not hold himself or herself out as an
11 acupuncturist licensed under this article.

12 Sec. 16511. After rules are promulgated under
13 section 16145, an individual shall not use the title
14 "acupuncturist" or "licensed acupuncturist" unless he or she is
15 licensed under this article.

16 Sec. 16512. (1) Except as otherwise provided in subsection
17 (2), an acupuncturist shall practice only upon the referral of a
18 physician licensed under part 170 or 175.

19 (2) An acupuncturist may treat an individual for weight
20 control or substance abuse, as that term is defined in section
21 6107, or for other addictions without a referral from a physician
22 licensed under part 170 or 175 and may treat an individual for a
23 physical condition without a referral from a physician licensed
24 under part 170 or 175 if the individual has been previously
25 diagnosed or treated, or both, for that physical condition by a
26 physician licensed under part 170 or 175.

27 (3) An acupuncturist shall not attempt to identify underlying

1 medical problems or etiologies or establish medical diagnoses.

2 Sec. 16521. The Michigan board of acupuncture is created in
3 the department and shall consist of the following 5 voting
4 members who meet the requirements of part 161:

5 (a) Three acupuncturists. The members initially appointed
6 under this subdivision shall meet the requirements of
7 section 16135.

8 (b) One physician licensed under part 170 or 175.

9 (c) One public member.

10 Sec. 16523. The board shall issue a license to an applicant
11 who meets the requirements prescribed in the rules promulgated as
12 described in section 16524 and passes an examination adopted and
13 certified by the national commission for the certification of
14 acupuncture and oriental medicine and acceptable to the board,
15 including the written and practical components and the clean
16 needle techniques or who is licensed in another state that
17 maintains standards substantially equivalent to those of this
18 state and has passed an equivalent examination.

19 Sec. 16524. (1) In promulgating rules that establish
20 requirements for licensure under section 16145, the board may
21 adopt by reference requirements set by the national commission
22 for the certification of acupuncture and oriental medicine or its
23 successor organization. The board shall not promulgate rules
24 that diminish competition or exceed the minimum level of
25 regulation necessary to protect the public.

26 (2) For a period not to exceed 2 years after the board
27 promulgates rules under section 16145 to establish requirements

1 for licensure under this part, the board shall grant a license
2 without examination to an individual who has been an
3 acupuncturist in this state for a minimum of 3 out of the 5 years
4 immediately preceding the date of the individual's application
5 for licensure. However, the board shall not renew a license
6 issued under this subsection unless the applicant meets all of
7 the requirements for licensure prescribed in the rules
8 promulgated under subsection (1) and passes the examination
9 required under section 16523.

10 Sec. 16527. (1) The board shall promulgate rules to
11 establish a system of assessing the continued competence of
12 licensees as a condition of license renewal.

13 (2) The board shall require, at a minimum, as part of the
14 rules promulgated under subsection (1), that each licensee
15 complete not less than 30 hours of continuing education each
16 renewal period. The board shall enforce the continuing education
17 requirement of this subsection beginning the second renewal
18 period after the effective date of this part.