

**SUBSTITUTE FOR
SENATE BILL NO. 351**

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 16322
and part 165.

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 ACUPUNCTURE	JUNE 30
5 Audiologists	June 30
6 Nursing	June 30
7 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	Medicine	December 31
9	Occupational therapists	December 31
10	Osteopathic medicine and surgery	December 31
11	Physical therapy	December 31
12	Psychology	December 31
13	Respiratory care	December 31
14	Social work	December 31
15	Veterinary medicine	December 31

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

21 (a) "Chiropractic", "doctor of chiropractic",
 22 "chiropractor", "d.c.", and "chiropractic physician".

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

- 1 (c) "Doctor of medicine" and "m.d.".
- 2 (d) "Physician's assistant" and "p.a.".
- 3 (e) "Registered professional nurse", "registered nurse",
4 "r.n.", "licensed practical nurse", "l.p.n.", "nurse midwife",
5 "nurse anesthetist", "nurse practitioner", "trained attendant",
6 and "t.a.".
- 7 (f) "Doctor of optometry", "optometrist", and "o.d.".
- 8 (g) "Osteopath", "osteopathy", "osteopathic practitioner",
9 "doctor of osteopathy", "diplomate in osteopathy", and "d.o.".
- 10 (h) "Pharmacy", "pharmacist", "apothecary", "drugstore",
11 "druggist", "medicine store", "prescriptions", and "r.ph.".
- 12 (i) "Physical therapy", "physical therapist",
13 "physiotherapist", "registered physical therapist", "licensed
14 physical therapist", "physical therapy technician", "p.t.",
15 "r.p.t.", "l.p.t.", and "p.t.t.".
- 16 (j) "Chiropodist", "chiropody", "chiropodical", "podiatry",
17 "podiatrist", "podiatric", "doctor of podiatric medicine", "foot
18 specialist", "podiatric physician and surgeon", and "d.p.m.".
- 19 (k) "Consulting psychologist", "psychologist",
20 "psychological assistant", "psychological examiner", "licensed
21 psychologist", and "limited licensed psychologist".
- 22 (l) "Licensed professional counselor", "licensed counselor",
23 "professional counselor", and "l.p.c.".
- 24 (m) "Sanitarian", "registered sanitarian", and "r.s.".
- 25 (n) Until July 1, 2005, "social worker", "certified social
26 worker", "social work technician", "s.w.", "c.s.w.", and
27 "s.w.t.". Beginning July 1, 2005, "social worker", "licensed

1 master's social worker", "licensed bachelor's social worker",
2 "registered social service technician", "social service
3 technician", "l.m.s.w.", "l.b.s.w.", and "r.s.s.t."

4 (o) "Veterinary", "veterinarian", "veterinary doctor",
5 "veterinary surgeon", "doctor of veterinary medicine", "v.m.d.",
6 "d.v.m.", "animal technician", or "animal technologist".

7 (p) "Occupational therapist", "occupational therapist
8 registered", "certified occupational therapist", "o.t.",
9 "o.t.r.", "c.o.t.", "certified occupational therapy assistant",
10 "occupational therapy assistant", or "c.o.t.a."

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

22 (r) "Nursing home administrator".

23 (s) "Respiratory therapist", "respiratory care
24 practitioner", "licensed respiratory therapist", "licensed
25 respiratory care practitioner", "r.t.", "r.c.p.", "l.r.t.", and
26 "l.r.c.p."

27 (t) "Audiometrist", "audiologist", "hearing therapist",

1 "hearing aid audiologist", "educational audiologist", "industrial
2 audiologist", and "clinical audiologist".

3 (U) "ACUPUNCTURIST", "CERTIFIED ACUPUNCTURIST", AND
4 "REGISTERED ACUPUNCTURIST".

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

12 SEC. 16322. FEES FOR A PERSON REGISTERED OR SEEKING
13 REGISTRATION AS AN ACUPUNCTURIST UNDER PART 165 ARE AS FOLLOWS:

- 14 (A) APPLICATION PROCESSING FEE \$75.00
- 15 (B) REGISTRATION FEE, PER YEAR \$150.00

16 PART 165.

17 SEC. 16501. (1) AS USED IN THIS PART:

18 (A) "ACUPUNCTURE" MEANS THE INSERTION AND MANIPULATION OF
19 NEEDLES THROUGH THE SURFACE OF THE HUMAN BODY AT SPECIFIC
20 LOCATIONS ON THE HUMAN BODY FOR THE PREVENTION OR CORRECTION OF
21 DISEASE, INJURY, PAIN, OR OTHER CONDITION.

22 (B) "ACUPUNCTURIST" MEANS AN INDIVIDUAL WHO PRACTICES
23 ACUPUNCTURE AND IS REGISTERED, OR OTHERWISE AUTHORIZED, UNDER
24 THIS PART.

25 (2) IN ADDITION TO THE DEFINITIONS IN THIS PART, ARTICLE 1
26 CONTAINS GENERAL DEFINITIONS AND PRINCIPLES OF CONSTRUCTION
27 APPLICABLE TO ALL ARTICLES IN THE CODE AND PART 161 CONTAINS

1 DEFINITIONS APPLICABLE TO THIS PART.

2 SEC. 16511. (1) EXCEPT AS OTHERWISE PROVIDED UNDER
3 SUBSECTION (2), AFTER RULES ARE PROMULGATED UNDER SECTION 16145,
4 AN INDIVIDUAL SHALL NOT USE THE TITLE "ACUPUNCTURIST", "CERTIFIED
5 ACUPUNCTURIST", OR "REGISTERED ACUPUNCTURIST" UNLESS HE OR SHE IS
6 REGISTERED UNDER THIS PART.

7 (2) NEITHER OF THE FOLLOWING IS SUBJECT TO THE PROVISIONS OF
8 THIS PART:

9 (A) A PHYSICIAN WHO IS LICENSED UNDER PART 170 OR 175.

10 (B) AN INDIVIDUAL WHO IS CERTIFIED BY THE NATIONAL
11 ACUPUNCTURE DETOXIFICATION ASSOCIATION.

12 SEC. 16521. THE MICHIGAN BOARD OF ACUPUNCTURE IS CREATED IN
13 THE DEPARTMENT AND SHALL CONSIST OF THE FOLLOWING 8 VOTING
14 MEMBERS WHO MEET THE REQUIREMENTS OF PART 161:

15 (A) FOUR ACUPUNCTURISTS. THE MEMBERS INITIALLY APPOINTED
16 UNDER THIS SUBDIVISION SHALL MEET THE REQUIREMENTS OF SECTION
17 16135.

18 (B) THREE PHYSICIANS LICENSED UNDER PART 170 OR 175.

19 (C) ONE PUBLIC MEMBER.

20 SEC. 16525. (1) THE DEPARTMENT, IN CONSULTATION WITH THE
21 BOARD, SHALL PROMULGATE RULES SETTING FORTH THE MINIMUM STANDARDS
22 FOR REGISTRATION AS AN ACUPUNCTURIST. THE DEPARTMENT, IN
23 CONSULTATION WITH THE BOARD, MAY ADOPT BY REFERENCE THE
24 PROFESSIONAL STANDARDS ISSUED BY A CERTIFIED PROGRAM THAT IS
25 RECOGNIZED BY THE NATIONAL COMMISSION FOR CERTIFYING AGENCIES OR
26 BY A NATIONALLY RECOGNIZED TRADE ASSOCIATION.

27 (2) THE DEPARTMENT, IN CONSULTATION WITH THE BOARD, SHALL

1 NOT PROMULGATE RULES UNDER THIS SECTION THAT DIMINISH COMPETITION
2 OR EXCEED THE MINIMUM LEVEL OF REGULATION NECESSARY TO PROTECT
3 THE PUBLIC.

4 SEC. 16529. THIS PART DOES NOT REQUIRE NEW OR ADDITIONAL
5 THIRD PARTY REIMBURSEMENT OR MANDATED WORKER'S COMPENSATION
6 BENEFITS FOR SERVICES BY AN INDIVIDUAL REGISTERED AS AN
7 ACUPUNCTURIST UNDER THIS PART.

8 Enacting section 1. This amendatory act takes effect
9 January 1, 2006.