

HOUSE BILL No. 4832

May 16, 1989, Introduced by Reps. Hart, Weeks, Owen, Scott, Harrison, Knight, Bartnik, DeMars and Dutko and referred to the Committee on Public Health.

A bill to amend sections 16131 and 16263 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," sections 16131 and 16263 as amended by Act No. 473 of the Public Acts of 1988, being sections 333.16131 and 333.16263 of the Michigan Compiled Laws; and to add part 165.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 16131 and 16263 of Act No. 368 of the
2 Public Acts of 1978, sections 16131 and 16263 as amended by Act
3 No. 473 of the Public Acts of 1988, being sections 333.16131 and
4 333.16263 of the Michigan Compiled Laws, are amended and part 165
5 is added to read as follows:

6 Sec. 16131. The terms of office of individual members of
7 the council or the boards and task forces, except those appointed

1 to fill vacancies, shall expire 4 years after appointment as
2 follows:

3	ACUPUNCTURE	JUNE 30
4	Nursing	June 30
5	Optometry	June 30
6	Pharmacy	June 30
7	Podiatric medicine and surgery	June 30
8	Dentistry	June 30
9	Chiropractic	December 31
10	Counseling	June 30
11	Health occupations council	December 31
12	Medicine	December 31
13	Occupational therapists	December 31
14	Osteopathic medicine and surgery	December 31
15	Physical therapy	December 31
16	Psychology	December 31
17	Sanitarians	December 31
18	Veterinary medicine	December 31
19	Sec. 16263. (1) Except as provided in subsection (2), the	
20	following words, titles, or letters or a combination thereof,	
21	with or without qualifying words or phrases, are restricted in	
22	use only to those persons authorized under this article to the	
23	terms and in a way prescribed in this article:	
24	(a) "Chiropractic", "doctor of chiropractic",	
25	"chiropractor", "d.c.", and "chiropractic physician".	

1 (b) "Dentist", "doctor of dental surgery", "oral and
2 maxillofacial surgeon", "orthodontist", ~~"prosthodontist"~~
3 "PROSTHODONTIST", "periodontist", "endodontist", "pediatric
4 dentist", "dental hygienist", "registered dental hygienist",
5 "dental assistant", "registered dental assistant", "R.D.A.",
6 "d.d.s.", "d.m.d.", and "r.d.h.".

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

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

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

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

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

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

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

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

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

1 (l) "Licensed professional counselor", "licensed counselor",
2 "professional counselor", and "l.p.c.".

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

4 (n) "Veterinary", "veterinarian", "veterinary doctor",
5 "veterinary surgeon", "doctor of veterinary medicine", "v.m.d.",
6 "d.v.m.", and after July 1, 1979, "animal technician", or "animal
7 technologist".

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

12 (P) "ACUPUNCTURIST", "LICENSED ACUPUNCTURIST".

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

20 PART 165.

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

22 (A) "ACUPUNCTURIST" MEANS A PERSON WHO IS LICENSED UNDER
23 THIS ARTICLE TO ENGAGE IN THE PRACTICE OF ACUPUNCTURE.

24 (B) "LIMITED LICENSE ACUPUNCTURIST" MEANS AN INDIVIDUAL WHO
25 HAS MET THE REQUIREMENTS OF SECTION 16524(1)(A) AND (B) AND WHO
26 HAS BEEN GRANTED A LIMITED LICENSE TO ENGAGE IN THE PRACTICE OF

1 ACUPUNCTURE IN ORDER TO FULFILL THE REQUIREMENTS OF
2 SECTION 16524(1)(C).

3 (C) "PRACTICE OF ACUPUNCTURE" MEANS THE STIMULATION OF A
4 CERTAIN POINT OR POINTS ON OR NEAR THE SURFACE OF THE HUMAN BODY
5 BY THE INSERTION OF NEEDLES, APPLICATION OF PROBE TIPS, OR NONIN-
6 VASIVE MEANS TO PREVENT OR MODIFY THE PERCEPTION OF PAIN OR TO
7 NORMALIZE PHYSIOLOGICAL FUNCTIONS, INCLUDING PAIN CONTROL, FOR
8 THE TREATMENT OF CERTAIN DISEASES OR DYSFUNCTIONS OF THE HUMAN
9 BODY AND MAY INCLUDE THE EMPLOYMENT OF SUPPLEMENTARY TECHNIQUES
10 SUCH AS THE USE OF HEAT, ELECTRICAL STIMULATION, OR HERBAL
11 REMEDIES.

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

16 SEC. 16511. BEGINNING 18 MONTHS AFTER THE EFFECTIVE DATE OF
17 THIS PART, AN INDIVIDUAL SHALL NOT ENGAGE IN THE PRACTICE OF ACU-
18 PUNCTURE UNLESS LICENSED OR OTHERWISE AUTHORIZED BY THIS
19 ARTICLE.

20 SEC. 16521. THE MICHIGAN BOARD OF ACUPUNCTURE IS CREATED IN
21 THE DEPARTMENT AND SHALL CONSIST OF THE FOLLOWING 5 VOTING MEM-
22 BERS WHO SHALL MEET THE REQUIREMENTS OF PART 161:

23 (A) THREE INDIVIDUALS WHO MEET THE REQUIREMENTS OF
24 SECTION 16135(2) AND WHO ARE NOT LICENSED UNDER PART 170 OR 175.

25 (B) ONE PHYSICIAN LICENSED UNDER PART 170 OR 175.

26 (C) ONE PUBLIC MEMBER.

1 SEC. 16524. (1) IN ESTABLISHING REQUIREMENTS FOR LICENSURE
2 UNDER SECTION 16145, THE BOARD MAY ADOPT BY REFERENCE
3 REQUIREMENTS SET BY A NATIONAL ORGANIZATION THAT CERTIFIES OR
4 OTHERWISE APPROVES INDIVIDUALS ENGAGING IN THE PRACTICE OF ACU-
5 PUNCTURE AND SHALL, EXCEPT AS PROVIDED IN SUBSECTION (2), ADOPT
6 ALL OF THE FOLLOWING AS REQUIREMENTS FOR LICENSURE UNDER THIS
7 PART:

8 (A) SUCCESSFULLY COMPLETING AN ACUPUNCTURE TRAINING PROGRAM
9 ACCREDITED BY THE BOARD UNDER SECTION 16148.

10 (B) PASSING AN EXAMINATION ADMINISTERED BY THE BOARD THAT
11 TESTS THE APPLICANT'S ABILITY, COMPETENCY, AND KNOWLEDGE IN THE
12 PRACTICE OF ACUPUNCTURE.

13 (C) AFTER COMPLETION OF THE REQUIREMENTS UNDER SUBDIVISIONS
14 (A) AND (B), SUCCESSFULLY COMPLETING 1 YEAR OF SUPERVISED
15 EXPERIENCE IN AN ORGANIZED HEALTH CARE SETTING OR OTHER ARRANGE-
16 MENT, AS ESTABLISHED BY THE BOARD. THE INDIVIDUAL SHALL BE
17 SUPERVISED BY AN ACUPUNCTURIST WHO MEETS THE REQUIREMENTS SET
18 FORTH IN SECTION 16527. THE BOARD SHALL PROMULGATE RULES TO PRO-
19 VIDE FOR THE ISSUANCE OF A LIMITED LICENSE TO AN INDIVIDUAL WHO
20 MEETS THE REQUIREMENTS SET FORTH IN SUBDIVISIONS (A) AND (B) FOR
21 THE PURPOSE OF OBTAINING THE 1 YEAR OF SUPERVISED EXPERIENCE
22 REQUIRED UNDER THIS SUBDIVISION.

23 (2) FOR A PERIOD NOT TO EXCEED 2 YEARS AFTER THE BOARD
24 PROMULGATES RULES UNDER SECTION 16145 TO SPECIFY REQUIREMENTS FOR
25 A LICENSE UNDER THIS PART, THE BOARD SHALL GRANT A LICENSE TO AN
26 INDIVIDUAL WHO HAS BEEN EMPLOYED IN THE PRACTICE OF ACUPUNCTURE
27 IN THIS STATE FOR A MINIMUM OF 3 OUT OF THE 5 YEARS IMMEDIATELY

1 PRECEDING THE DATE OF THE INDIVIDUAL'S APPLICATION FOR A LICENSE
2 AND WHO PASSES THE LICENSURE EXAMINATION REQUIRED BY THE BOARD
3 UNDER SUBSECTION (1)(B).

4 SEC. 16527. (1) THE BOARD SHALL APPROVE AN ACUPUNCTURIST
5 WHO MEETS ALL OF THE FOLLOWING REQUIREMENTS TO SUPERVISE A
6 LIMITED LICENSE ACUPUNCTURIST FOR THE 1 YEAR OF SUPERVISED
7 EXPERIENCE REQUIRED UNDER SECTION 16524(1)(C):

8 (A) HAS A LICENSE OTHER THAN A LIMITED LICENSE.

9 (B) HAS FILED AN APPLICATION WITH THE BOARD.

10 (C) DOES NOT SUPERVISE MORE THAN 2 LIMITED LICENSE ACUPUN-
11 CTURISTS AT ANY 1 TIME.

12 (D) HAS AT LEAST 3 CONSECUTIVE YEARS OF EXPERIENCE IN THE
13 PRACTICE OF ACUPUNCTURE IN THIS STATE IMMEDIATELY PRECEDING THE
14 DATE OF APPLICATION.

15 (E) IS FOUND BY THE BOARD TO HAVE THE QUALIFICATIONS ESTAB-
16 LISHED BY BOARD RULES AS NECESSARY FOR SUPERVISING, EDUCATING,
17 AND TRAINING A LIMITED LICENSE ACUPUNCTURIST IN THE PRACTICE OF
18 ACUPUNCTURE.

19 (2) AN ACUPUNCTURIST WHO IS APPROVED TO SUPERVISE A LIMITED
20 LICENSE ACUPUNCTURIST UNDER SUBSECTION (1) SHALL AT LEAST ANNU-
21 ALLY AND UPON COMMENCEMENT OF THE 1 YEAR PERIOD SUBMIT TO THE
22 BOARD THE NAME OF EACH LIMITED LICENSE ACUPUNCTURIST THAT HE OR
23 SHE IS SUPERVISING IN THE PRACTICE OF ACUPUNCTURE.

24 Section 2. This amendatory act shall not take effect unless
25 Senate Bill No. _____ or House Bill No. 4833 (request
26 no. 01622'89 a) of the 85th Legislature is enacted into law.