

# SENATE BILL No. 548

September 27, 1989, Introduced by Senators O'BRIEN and SCHWARZ and referred to the Committee on State Affairs, Tourism, and Transportation.

A bill to amend sections 16131 and 16263 of Act No. 368 of the Public Acts of 1978, entitled as amended

"Public health code,"

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 189.

## 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, as amended by Act No. 473 of the Public Acts  
3 of 1988, being sections 333.16131 and 333.16263 of the Michigan  
4 Compiled Laws, are amended and part 189 is added to read as  
5 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  | DIETETICS AND NUTRITION                                        | 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) "LICENSED DIETITIAN AND NUTRITIONIST", "L.D.N.",  
13 "DIETICIAN", "DIETITIAN", "NUTRITIONIST", "NUTRITION COUNSELOR",  
14 OR "DIETETICS COUNSELOR".

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

## 22 PART 189

23 SEC. 18901. (1) AS USED IN THIS PART:

24 (A) "LICENSED DIETITIAN AND NUTRITIONIST" MEANS AN INDIVID-  
25 UAL LICENSED UNDER THIS PART TO ENGAGE IN THE PRACTICE OF DIETET-  
26 ICS AND NUTRITION.

1 (B) "NUTRITION ASSESSMENT" MEANS THE EVALUATION OF THE  
2 NUTRITIONAL STATUS OF INDIVIDUALS OR GROUPS BASED UPON, BUT NOT  
3 LIMITED TO, 1 OR MORE OF THE FOLLOWING FACTORS:

4 (i) BIOCHEMICAL.

5 (ii) ANTHROPOMETRIC.

6 (iii) PHYSICAL.

7 (iv) DIETARY.

8 (v) ENVIRONMENTAL AND BEHAVIORAL.

9 (C) "NUTRITION CARE PLAN" MEANS THE DEVELOPMENT OF A COURSE  
10 OF ACTION BASED UPON A NUTRITION ASSESSMENT WHICH MAY INCLUDE,  
11 BUT IS NOT LIMITED TO, THE FOLLOWING:

12 (i) NUTRITION COUNSELING.

13 (ii) RECOMMENDATION OF FOOD OR SUPPLEMENTAL NUTRIENTS.

14 (iii) A PROGRAM OF NUTRITION ADMINISTRATION.

15 (D) "NUTRITION COUNSELING" MEANS GUIDANCE AND ADVICE PRO-  
16 VIDED FOR THE PURPOSE OF RESTORING, MAINTAINING, AND ENHANCING  
17 THE HEALTH AND NUTRITION STATUS OF AN INDIVIDUAL BASED UPON  
18 NUTRITION ASSESSMENT. NUTRITION COUNSELING INCLUDES, BUT IS NOT  
19 LIMITED TO, INTERVENTION WHICH IS CONSIDERED THE USUAL AND  
20 ACCEPTABLE NUTRITIONAL PRACTICE FOR THE TREATMENT OF A CONDITION,  
21 THE DEVELOPMENT OF GOALS AND BEHAVIORAL RECOMMENDATIONS FOR THE  
22 INDIVIDUAL BEING TREATED, EVALUATION OF CLIENT UNDERSTANDING, AND  
23 ANY NECESSARY FOLLOW-UP. NUTRITION COUNSELING DOES NOT INCLUDE  
24 THE ACTIVITIES AND SERVICES PERFORMED WITHIN THE COURSE OF  
25 EMPLOYMENT BY AN INDIVIDUAL EMPLOYED BY A FEDERAL, STATE, OR  
26 LOCAL GOVERNMENTAL UNIT; A SCHOOL DISTRICT; OR AN INSTITUTION OF  
27 HIGHER EDUCATION.

1 (E) "PRACTICE OF DIETETICS AND NUTRITION", EXCEPT AS  
2 OTHERWISE PROVIDED IN SUBSECTION (2), MEANS THAT DISCIPLINE WHICH  
3 HAS FOR ITS PURPOSE THE PROMOTION AND MAINTENANCE OF HEALTH  
4 ACCOMPLISHED THROUGH THE INTEGRATION OF THE KNOWLEDGE OF INDIVID-  
5 UAL AND GROUP NEEDS WITH KNOWLEDGE OF FOOD COMPOSITION AND ECO-  
6 NOMIC, PSYCHOLOGICAL, PHYSIOLOGICAL, AND SOCIAL FACTORS WHICH  
7 AFFECT NUTRIENT INTAKE. THE PRACTICE OF DIETETICS AND NUTRITION  
8 INCLUDES ALL OF THE FOLLOWING:

9 (i) NUTRITION ASSESSMENT.

10 (ii) THE DEVELOPMENT, IMPLEMENTATION, AND MONITORING OF A  
11 NUTRITION CARE PLAN.

12 (iii) NUTRITION COUNSELING.

13 (iv) MONITORING THE ADMINISTRATION OF FOOD AND NUTRIENTS IN  
14 HEALTH CARE INSTITUTIONS IN A MANNER CONSISTENT WITH AN INDIVID-  
15 UAL OR GROUP NUTRITION CARE PLAN.

16 (v) EVALUATING, MAKING CHANGES IN, AND MAINTAINING APPROPRI-  
17 ATE STANDARDS OF QUALITY IN FOOD AND NUTRITION CARE SERVICES.

18 (2) AS USED IN THIS PART, "PRACTICE OF DIETETICS AND  
19 NUTRITION" DOES NOT INCLUDE EITHER OF THE FOLLOWING:

20 (A) FURNISHING GENERAL INFORMATION ON FOODS, FOOD PRODUCTS,  
21 OR DIETARY SUPPLEMENTS IN CONNECTION WITH THEIR MARKETING OR  
22 DISTRIBUTION.

23 (B) PROVIDING WEIGHT CONTROL SERVICES IF AN INDIVIDUAL  
24 LICENSED UNDER THIS PART OR A REGISTERED DIETITIAN AS RECOGNIZED  
25 BY THE AMERICAN DIETETIC ASSOCIATION COMMISSION ON DIETETIC REG-  
26 ISTRATION DOES ALL OF THE FOLLOWING:

(i) REVIEWS THOSE SERVICES BEFORE THEY ARE INITIATED.

(ii) APPROVES ANY CHANGES IN THOSE SERVICES.

(iii) MAKES HIMSELF OR HERSELF AVAILABLE FOR CONSULTATION REGARDING THE ADMINISTRATION OF THOSE SERVICES.

SEC. 18903. A PERSON SHALL NOT ENGAGE IN THE PRACTICE OF DIETETICS AND NUTRITION UNLESS LICENSED OR OTHERWISE AUTHORIZED BY THIS PART.

SEC. 18905. (1) THE BOARD OF DIETETICS AND NUTRITION IS CREATED IN THE DEPARTMENT. THE BOARD SHALL CONSIST OF 7 VOTING MEMBERS MEETING THE REQUIREMENTS OF PART 161.

(2) NOTWITHSTANDING SECTION 16135(1)(D), 2 OF THE MEMBERS SHALL BE FROM THE GENERAL PUBLIC.

(3) IN ADDITION TO THE REQUIREMENTS OF SECTION 16135(2), THE MEMBERS OF THE INITIAL BOARD SHALL BE INDIVIDUALS WHO MEET BOTH OF THE FOLLOWING:

(A) POSSESS A BACCALAUREATE DEGREE FROM A UNITED STATES REGIONALLY ACCREDITED INSTITUTION OF HIGHER EDUCATION WITH A MAJOR COURSE OF STUDY IN HUMAN NUTRITION, FOODS AND NUTRITION, DIETETICS, FOOD SYSTEMS MANAGEMENT, OR AN EQUIVALENT COURSE OF STUDY.

(B) HAVE NOT LESS THAN 900 HOURS OF SUPERVISED POSTCOLLEGE OR PLANNED CONTINUOUS PREPROFESSIONAL EXPERIENCE.

SEC. 18907. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), THE BOARD SHALL ISSUE A LICENSE TO AN INDIVIDUAL WHO MEETS ALL OF THE FOLLOWING REQUIREMENTS:

(A) POSSESSES A BACCALAUREATE DEGREE FROM A UNITED STATES REGIONALLY ACCREDITED INSTITUTION OF HIGHER EDUCATION WITH A

1 MAJOR COURSE OF STUDY IN HUMAN NUTRITION, FOODS AND NUTRITION,  
2 DIETETICS, FOOD SYSTEMS MANAGEMENT, OR AN EQUIVALENT COURSE OF  
3 STUDY AS APPROVED BY THE BOARD.

4 (B) HAS NOT LESS THAN 900 HOURS OF SUPERVISED POSTCOLLEGE OR  
5 PLANNED CONTINUOUS PREPROFESSIONAL EXPERIENCE AS PRESCRIBED IN A  
6 RULE PROMULGATED BY THE BOARD.

7 (C) PASSES AN EXAMINATION THAT IS APPROVED BY THE BOARD.

8 (2) AN INDIVIDUAL WHO PROVIDES EVIDENCE OF REGISTRATION AS A  
9 DIETITIAN WITH THE AMERICAN DIETETIC ASSOCIATION COMMISSION ON  
10 DIETETIC REGISTRATION SHALL BE CONSIDERED TO HAVE MET THE EDUCA-  
11 TION, EXAMINATION, AND EXPERIENCE REQUIREMENTS OF THIS SECTION.

12 (3) A STUDENT ENROLLED IN AN ACADEMIC PROGRAM AT AN INSTITU-  
13 TION OF HIGHER EDUCATION MAY ENGAGE IN THE PRACTICE OF DIETETICS  
14 AND NUTRITION IF THAT PRACTICE IS PART OF A COURSE OF STUDY WHICH  
15 IS SUPERVISED BY AN INDIVIDUAL LICENSED UNDER THIS PART AND IF  
16 THE STUDENT IS DESIGNATED BY A TITLE WHICH CLEARLY INDICATES HIS  
17 OR HER STATUS AS A STUDENT.

18 (4) IN ADDITION TO THE CIRCUMSTANCES DESCRIBED IN  
19 SECTION 16182, THE BOARD SHALL ISSUE A LIMITED LICENSE FOR A  
20 PERIOD OF 1 YEAR TO AN INDIVIDUAL WHO MEETS THE EDUCATIONAL QUAL-  
21 IFICATIONS OF SUBSECTION (1). THE LIMITED LICENSE MAY ONLY BE  
22 RENEWED FOR AN ADDITIONAL 1-YEAR PERIOD UPON APPLICATION OF THE  
23 LICENSEE TO THE BOARD AND UPON THE DEMONSTRATION OF EXCEPTIONAL  
24 CIRCUMSTANCES AS PRESCRIBED IN A RULE PROMULGATED BY THE BOARD.

25 SEC. 18909. NOTWITHSTANDING THE REQUIREMENTS OF PART 161,  
26 THE BOARD MAY REQUIRE A LICENSEE SEEKING RENEWAL OF A LICENSE TO  
27 FURNISH THE BOARD WITH EITHER OR BOTH OF THE FOLLOWING:

1 (A) EVIDENCE THAT DURING THE 1 YEAR BEFORE AN APPLICATION  
2 FOR RENEWAL THE LICENSEE HAS ATTENDED CONTINUING EDUCATION  
3 COURSES OR PROGRAMS APPROVED BY THE BOARD AND TOTALING NOT LESS  
4 THAN 12 CLOCK-HOURS IN SUBJECTS RELATED TO THE PRACTICE OF  
5 DIETETICS AND NUTRITION WHICH ARE DESIGNED TO FURTHER EDUCATE  
6 LICENSEES.

7 (B) EVIDENCE OF CONTINUING COMPETENCE WHICH THE BOARD DETER-  
8 MINES BY RULE IS NECESSARY TO DEMONSTRATE THAT THE LICENSEE CON-  
9 TINUES TO MEET THE EDUCATIONAL AND PRACTICE STANDARDS OF THE  
10 PROFESSION.

11 SEC. 18911. AN INDIVIDUAL SHALL BE GRANTED A LICENSE WITH-  
12 OUT EXAMINATION IF THE INDIVIDUAL APPLIES WITHIN 1 YEAR AFTER THE  
13 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS PART AND  
14 FULFILLS EITHER OR BOTH OF THE FOLLOWING:

15 (A) THE INDIVIDUAL HAS BEEN ENGAGED IN, OR HAS WORKED AT,  
16 THE PRACTICE OF DIETETICS AND NUTRITION FOR 2 YEARS IMMEDIATELY  
17 PRECEDING THAT EFFECTIVE DATE AND IS A REGISTERED DIETITIAN AS  
18 RECOGNIZED BY THE AMERICAN DIETETIC ASSOCIATION COMMISSION ON  
19 DIETETIC REGISTRATION.

20 (B) THE INDIVIDUAL POSSESSES A MASTER'S OR DOCTORAL DEGREE  
21 FROM A UNITED STATES REGIONALLY ACCREDITED INSTITUTION OF HIGHER  
22 EDUCATION WITH A MAJOR COURSE OF STUDY IN HUMAN NUTRITION, PUBLIC  
23 HEALTH NUTRITION, CLINICAL NUTRITION, NUTRITION EDUCATION, COMMU-  
24 NITY NUTRITION, OR FOODS AND NUTRITION.