

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 4236**

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending sections 16131, 16186, and 16263 (MCL 333.16131,  
333.16186, and 333.16263), sections 16131 and 16263 as amended by  
2001 PA 139 and section 16186 as amended by 2002 PA 643, and by  
adding section 16344 and part 187.

**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       Nursing	June 30
5       Nursing home administrator	June 30
6       Optometry	June 30
7       Pharmacy	June 30

## House Bill No. 4236 (S-1) as amended January 22, 2004

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	<b>Respiratory care</b>	<b>December 31</b>
12	Social work	December 31
13	Veterinary medicine	December 31

14 [Sec. 16186. (1) An individual who is licensed to practice a  
15 health profession in another state or, until January 1, 2007, is  
16 licensed to practice a health profession in a province of Canada,  
17 who is registered in another state, or who holds a health  
18 profession specialty field license or specialty certification  
19 from another state and who applies for licensure, registration,  
20 specialty certification, or a health profession specialty field  
21 license in this state may be granted an appropriate license or  
22 registration or specialty certification or health profession  
23 specialty field license upon satisfying the board or task force  
24 to which the applicant applies as to all of the following:

25 (a) The applicant substantially meets the requirements of  
26 this article and rules promulgated under this article for  
27 licensure, registration, specialty certification, or a health

House Bill No. 4236 (S-1) as amended January 22, 2004

1 profession specialty field license.

2 (b) Subject to subsection (3), the applicant is licensed,  
3 registered, specialty certified, or specialty licensed in another  
4 state or, until January 1, 2007, is licensed in a province in  
5 Canada that maintains standards substantially equivalent to those  
6 of this state.

7 (c) Subject to subsection (3), until January 1, 2007, if the  
8 applicant is licensed to practice a health profession in a  
9 province in Canada, the applicant completed the educational  
10 requirements in Canada or in the United States for licensure in  
11 Canada or in the United States.

12 (d) Until January 1, 2007, if the applicant is licensed to  
13 practice a health profession in a province in Canada, that the  
14 applicant will perform the professional services for which he or  
15 she bills in this state, and that any resulting request for third  
16 party reimbursement will originate from the applicant's place of  
17 employment in this state.

18 (2) Before granting a license, registration, specialty  
19 certification, or a health profession specialty field license to  
20 the applicant, the board or task force to which the applicant  
21 applies may require the applicant to appear personally before it  
22 for an interview to evaluate the applicant's relevant  
23 qualifications.

24 (3) For purposes of the 2002 amendatory act that added this  
25 subsection, an applicant who is licensed in a province in Canada  
26 who meets the requirements of subsection (1)(c) and takes and  
27 passes a national examination in this country that is approved by

House Bill No. 4236 (S-1) as amended January 22, 2004

1 the appropriate Michigan licensing board, or who takes and passes  
 2 a Canadian national examination approved by the appropriate  
 3 Michigan licensing board, is considered to have met the  
 4 requirements of subsection (1)(b). This subsection does not  
 5 apply if the department, in consultation with the appropriate  
 6 licensing board, promulgates a rule disallowing the use of this  
 7 subsection for an applicant licensed in a province in Canada.

8 **(4) If the department receives an application for**  
 9 **licensure under part 187 from an individual who is licensed**  
 10 **as a respiratory therapist in the country of Canada, the**  
 11 **department shall consult the international reciprocity agreement**  
 12 **executed by the national board for respiratory care and the**  
 13 **Canadian society of respiratory therapists in effect on the**  
 14 **effective date of the amendatory act that added this subsection.]**

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

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

22 (b) "Dentist", "doctor of dental surgery", "oral and  
 23 maxillofacial surgeon", "orthodontist", "prosthodontist",  
 24 "periodontist", "endodontist", "oral pathologist", "pediatric  
 25 dentist", "dental hygienist", "registered dental hygienist",  
 26 "dental assistant", "registered dental assistant", "r.d.a.",  
 27 "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", "psychological  
20 assistant", "psychological examiner", "licensed psychologist",  
21 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) "Social worker", "certified social worker", "social work  
26 technician", "s.w.", "c.s.w.", and "s.w.t.".

27 (o) "Veterinary", "veterinarian", "veterinary doctor",

1 "veterinary surgeon", "doctor of veterinary medicine", "v.m.d.",  
 2 "d.v.m.", "animal technician", or "animal technologist".

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

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

18 (r) "Nursing home administrator".

19 (s) **"Respiratory therapist", "respiratory care practitioner",**  
 20 **"licensed respiratory therapist", "licensed respiratory care**  
 21 **practitioner", "r.t.", "r.c.p.", "l.r.t.", and "l.r.c.p."**.

22 (2) Notwithstanding section 16261, a person who was specially  
 23 trained at an institution of higher education in this state to  
 24 assist a physician in the field of orthopedics and upon  
 25 completion of training, received a 2-year associate of science  
 26 degree as an orthopedic physician's assistant before January 1,  
 27 1977, may use the title "orthopedic physician's assistant"

1 whether or not the person is licensed under this article.

2       Sec. 16344. Fees for an individual licensed or seeking  
3 licensure as a respiratory therapist under part 187 are as  
4 follows:

5       (a) Application processing fee.....\$ 20.00

6       (b) License fee, per year..... 75.00

7       (c) Temporary license fee, per year..... 75.00.

8                   PART 187. RESPIRATORY CARE

9       Sec. 18701. (1) As used in this part:

10       (a) "Health facility" means a health facility or agency  
11 licensed under article 17.

12       (b) "Medical director" means a physician who is responsible  
13 for the quality, safety, appropriateness, and effectiveness of  
14 the respiratory care services provided by a respiratory  
15 therapist, who assists in quality monitoring, protocol  
16 development, and competency validation, and who meets all of the  
17 following:

18       (i) Is the medical director of an inpatient or outpatient  
19 respiratory care service or department within a health facility,  
20 or of a home care agency, durable medical equipment company, or  
21 educational program.

22       (ii) Has special interest and knowledge in the diagnosis and  
23 treatment of cardiopulmonary disorders and diseases.

24       (iii) Is qualified by training or experience, or both, in the  
25 management of acute and chronic cardiopulmonary disorders and  
26 diseases.

27       (c) "Physician" means that term as defined in sections 17001

1 and 17501.

2 (d) "Practice of respiratory care" means the provision of  
3 respiratory care services. Practice of respiratory care may be  
4 provided by an inpatient or outpatient service or department  
5 within a health facility, by a home care agency or durable  
6 medical equipment company, or by an educational program.

7 (e) "Respiratory care services" means preventative services,  
8 diagnostic services, therapeutic services, and rehabilitative  
9 services under the written, verbal, or telecommunicated order of  
10 a physician to an individual with a disorder, disease, or  
11 abnormality of the cardiopulmonary system as diagnosed by a  
12 physician. Respiratory care services involve, but are not  
13 limited to, observing, assessing, and monitoring signs and  
14 symptoms, reactions, general behavior, and general physical  
15 response of individuals to respiratory care services, including  
16 determination of whether those signs, symptoms, reactions,  
17 behaviors, or general physical response exhibit abnormal  
18 characteristics; the administration of pharmacological,  
19 diagnostic, and therapeutic agents related to respiratory care  
20 services; the collection of blood specimens and other bodily  
21 fluids and tissues for, and the performance of, cardiopulmonary  
22 diagnostic testing procedures including, but not limited to,  
23 blood gas analysis; development, implementation, and modification  
24 of respiratory care treatment plans based on assessed  
25 abnormalities of the cardiopulmonary system, respiratory care  
26 protocols, clinical pathways, referrals, and written, verbal, or  
27 telecommunicated orders of a physician; application, operation,



1 and management of mechanical ventilatory support and other means  
2 of life support; and the initiation of emergency procedures under  
3 the rules promulgated by the board.

4 (f) "Respiratory therapist" and "respiratory care  
5 practitioner" mean an individual engaged in the practice of  
6 respiratory care and who is responsible for providing respiratory  
7 care services and who is licensed under this article as a  
8 respiratory therapist or respiratory care practitioner.

9 (2) In addition to the definitions in this part, article 1  
10 contains general definitions and principles of construction  
11 applicable to all articles in this code and part 161 contains  
12 definitions applicable to this part.

13 Sec. 18703. Beginning the effective date of the amendatory  
14 act that added this part, an individual shall not use the titles  
15 "respiratory therapist", "respiratory care practitioner",  
16 "licensed respiratory therapist", "licensed respiratory care  
17 practitioner", "r.t.", "r.c.p.", "l.r.t.", "l.r.c.p.", or similar  
18 words that indicate the individual is a respiratory therapist  
19 unless the individual is licensed under this article as a  
20 respiratory therapist or respiratory care practitioner.

21 Sec. 18705. The Michigan board of respiratory care is  
22 created in the department and consists of the following 7 members  
23 who meet the requirements of part 161:

24 (a) Four individuals who meet the requirements of section  
25 16135(2).

26 (b) One medical director.

27 (c) Two public members.

1           Sec. 18707. (1) An individual shall not engage in the  
2 practice of respiratory care or provide or offer to provide  
3 respiratory care services unless licensed under this part.

4           (2) Subsection (1) does not prevent any of the following:

5           (a) An individual licensed under any other part or act from  
6 performing activities that are considered respiratory care  
7 services if those activities are within the individual's scope of  
8 practice and if the individual does not use the titles protected  
9 under section 18703.

10          (b) An individual not licensed under this part from  
11 performing activities that are considered respiratory care  
12 services while under the supervision of an individual who is  
13 licensed under this part as a respiratory therapist or  
14 respiratory care practitioner, if the individual does not use the  
15 titles protected under section 18703.

16          (c) An individual not licensed under this part from  
17 performing activities that are considered diagnostic services if  
18 the individual possesses a level of training approved by the  
19 board, has successfully passed a credentialing examination  
20 approved by the board, and if the individual does not use the  
21 titles protected under section 18703.

22          (d) The practice of respiratory care which is an integral  
23 part of a program of study by students enrolled in an accredited  
24 respiratory therapist educational program approved by the board,  
25 provided that they are identified as a student and provide  
26 respiratory care services only while under the supervision of a  
27 licensed respiratory therapist or respiratory care practitioner.

House Bill No. 4236 as amended September 25, 2003  
as amended December 10, 2003

1 (e) Self-care by a patient or uncompensated care by a friend  
2 or family member who does not represent or hold himself or  
3 herself out to be a licensed respiratory therapist or respiratory  
4 care practitioner.

5 Sec. 18709. (1) The <<department>> shall promulgate rules under  
6 section 16145 as necessary or appropriate to fulfill its  
7 functions under this article. In promulgating rules to establish  
8 requirements for licensure under section 16145, the <<department>> shall  
9 adopt all of the following requirements:

10 (a) Successful completion of an accredited respiratory  
11 therapist training program approved by the department.

12 (b) Having at least a 2-year associate's degree from an  
13 accredited college or university approved by the department.

14 (c) Having the credential conferred by the national board for  
15 respiratory care or its successor organization as a respiratory  
16 therapist or its successor credential, as approved by the  
17 department.

18 (2) The department shall issue a license as a respiratory  
19 therapist to an individual who had either of the credentials as a  
20 registered respiratory therapist or certified respiratory  
21 therapist, or their predecessor credentials, conferred by the  
22 national board for respiratory care, or its predecessor  
23 organization, on or before the effective date of this part, and  
24 who applies for licensure as a respiratory therapist within 1  
25 year after the effective date of this part.

26 [(3) The department shall issue a license as a respiratory therapist  
27 to an individual who is a holder of a temporary license as a respiratory

1 therapist if a holder of a temporary license meets all of the following requirements:

(a) Applies for licensure as a respiratory therapist prior to the expiration of his or her temporary license as prescribed in section 18711 (2).

(b) Provides proof to the Department that he or she has successfully completed the national credentialing exam by the national board for respiratory care or its successor organization, as approved by the department.

2 (4) The department may utilize the standards contained in the  
3 clinical practice guidelines issued by the American association  
4 of respiratory care that are in effect on the effective date of  
5 this part as interim standards, which are adopted by reference,  
6 until rules are promulgated under subsection (1).

7 Sec. 18711. (1) The department may issue a temporary  
8 license as a respiratory therapist to an applicant who does not  
9 meet all of the requirements of section 18709, if the applicant  
10 does all of the following:

11 (a) Applies to the department for a temporary license within  
12 1 year after the effective date of the amendatory act that added  
13 this part.

14 (b) Provides satisfactory proof to the department that he or  
15 she has been employed full-time as a respiratory therapist for  
16 the 4 years immediately preceding the date of application in 1 of  
17 the following:

18 (i) An inpatient or outpatient respiratory care service or  
19 department within a licensed health facility.

20 (ii) A durable medical equipment company or home care  
21 agency.

22 (iii) A respiratory care educational program.

23 (c) Provides the department with a letter of recommendation  
24 from his or her medical director at the time of application  
25 attesting to the applicant's clinical competence as a respiratory

26 therapist.

27 (d) Pays the applicable fees prescribed by section 16344.

House Bill No. 4236 as amended September 25, 2003  
as amended December 10, 2003

1 (2) A temporary license issued by the department under this  
2 section expires within the same time period as a nontemporary  
3 license issued by the department under this part. The holder of  
4 a temporary license issued under this section may apply for 1 or  
5 more renewals of the temporary license a number of times, but an  
6 individual may not hold a temporary license for more than a total  
7 of 4 years.

8 (3) The holder of a temporary license issued under this  
9 section is subject to this part and the rules promulgated under  
10 this part, except for the requirements for licensure.

11 Sec. 18713. This part does not require new or additional  
12 third party reimbursement or mandated worker's compensation  
13 benefits for services rendered by an individual registered as a  
14 respiratory therapist under this article.

[Enacting section 1. This amendatory act takes effect July 1, 2004.  
]