

HOUSE BILL No. 4236

February 18, 2003, Introduced by Rep. Ehardt and referred to the Committee on Health Policy.

[A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131, 16186, 16263 (MCL 333.16131, 333.16186, and 333.16263), sections 16131 and 16263 as amended by 2001 PA 139, 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 |
| 8 | Podiatric medicine and surgery | June 30 |

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

[Sec. 16186. (1) An individual who is licensed to practice a health profession in another state or, until January 1, 2004, is licensed to practice a health profession in a province of Canada, who is registered in another state, or who holds a health profession specialty field license or specialty certification from another state and who applies for licensure, registration, specialty certification, or a health profession specialty field license in this state may be granted an appropriate license or registration or specialty certification or health profession specialty field license upon satisfying the board or task force to which the applicant applies as to all of the following:

(a) The applicant substantially meets the requirements of this article and rules promulgated under this article for licensure, registration, specialty certification, or a health profession specialty field license.

(b) Subject to subsection (3), the applicant is licensed, registered, specialty certified, or specialty licensed in another state or, until January 1, 2004, is licensed in a province in Canada that maintains standards substantially equivalent to those of this state.

(c) Subject to subsection (3), until January 1, 2004, if the applicant is licensed to practice a health profession in a province in Canada, the applicant completed the educational requirements in Canada or in the United States for licensure in Canada or in the United States.

(d) Until January 1, 2004, if the applicant is licensed to practice a health profession in a province in Canada, that the applicant will perform the professional services for which he or she bills in this state, and that any resulting request for third party reimbursement will originate from the applicant's place of employment in this state.

(2) Before granting a license, registration, specialty

certification, or a health profession specialty field license to the applicant, the board or task force to which the applicant applies may require the applicant to appear personally before it for an interview to evaluate the applicant's relevant qualifications.

(3) For purposes of the 2002 amendatory act that added this subsection, an applicant who is licensed in a province in Canada who meets the requirements of subsection (1)(c) and takes and passes a national examination in this country that is approved by the appropriate Michigan licensing board, or who takes and passes a Canadian national examination approved by the appropriate Michigan licensing board, is considered to have met the requirements of subsection (1)(b). This subsection does not apply if the department, in consultation with the appropriate licensing board, promulgates a rule disallowing the use of this subsection for an applicant licensed in a province in Canada.

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

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) **"Respiratory therapist", "respiratory care practitioner",**
18 **"r.t.", and "r.c.p."**.

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

26 **Sec. 16344. Fees for an individual registered or seeking**
27 **registration as a respiratory therapist under part 187 are as**

1 follows:

- 2 (a) Application processing fee.....\$ 20.00
- 3 (b) Registration fee, per year..... 75.00
- 4 (c) Temporary registration fee, per year..... 75.00

5 PART 187. RESPIRATORY CARE

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

7 (a) "Health facility" means a health facility or agency
8 licensed under article 17.

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

14 (i) Is the medical director of an inpatient or outpatient
15 respiratory care service or department within a health facility,
16 or of a home care agency, durable medical equipment company, or
17 educational program.

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

20 (iii) Is qualified by training or experience, or both, in the
21 management of acute and chronic cardiopulmonary disorders and
22 diseases.

23 (c) "Physician" means that term as defined in sections 17001
24 and 17501.

[(d) "Respiratory care services" means the provision of preventative services, diagnostic services, therapeutic services, and rehabilitative services under the written, verbal, or telecommunicated order of a physician to an individual with a disorder, disease, or abnormality of the cardiopulmonary system as diagnosed by a physician. Respiratory care services may be provided by an inpatient or outpatient service or department within a health facility, by a home care agency or durable medical equipment company, or by an educational program.]

- 25 [(e)] "Respiratory therapist [and respiratory care practitioner]"
means an individual who is
- 26 responsible for providing [respiratory] care services under the
- 27 [written, verbal, or telecommunicated order] of a physician to
individuals with disorders and

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1 diseases of the cardiopulmonary system, including, but not
2 limited to, life support [,] cardiopulmonary resuscitation [, and
3 delivery of cardiopulmonary medications,] and
4 who is registered under this article as a respiratory therapist.

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

8 Sec. 18703. After the effective date of the rules
9 promulgated by the department under section 16145 for respiratory
10 therapists, an individual shall not use the titles "respiratory
11 therapist", "respiratory care practitioner", "r.t.", and
12 "r.c.p." or similar words that indicate the individual is a
13 respiratory therapist unless the individual is registered under
14 this article as a respiratory therapist.

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

18 (a) Four individuals who meet the requirements of section
19 16135(2).

20 (b) One medical director.

21 (c) Two public members.

22 Sec. 18707. (1) In promulgating rules to establish
23 requirements for registration under section 16145, the department
24 shall adopt all of the following requirements:

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

27 (b) Having at least a 2-year associate's degree from an

1 accredited college or university approved by the department.

2 (c) Having the credential conferred by the national board for
3 respiratory care or its successor organization as a respiratory
4 therapist or its successor credential, as approved by the
5 department.

[(2) The department shall issue a registration as a respiratory therapist to an individual who had either of the credentials as a registered respiratory therapist or certified respiratory therapist, or their predecessor credentials, conferred by the national board for respiratory care, or its predecessor organization, on or before the effective date of this part, and who applies for registration as a respiratory therapist within 1 year after the effective date of this part.]

6 [(3)] Subject to section 16204, the department shall by rule
7 prescribe continuing education requirements as a condition for
8 registration renewal.

9 Sec. 18709. (1) The department may issue a temporary
10 registration as a [] respiratory therapist to an
11 applicant who does not meet all of the requirements of section
12 18707, if the applicant does all of the following:

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

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

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

22 (ii) A durable medical equipment company [or home care agency].

23 (iii) A respiratory care educational program.

24 (c) Provides the department with a letter of recommendation

25 from his or her medical director at the time of application
26 attesting to the applicant's clinical competence as a respiratory
27 therapist.

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

2 (2) A temporary registration issued by the department under
3 this section expires within the same time period as a
4 nontemporary registration issued by the department under this
5 part. The holder of a temporary registration issued under this
6 section may apply for renewal of the temporary registration a
7 number of times so that the individual is not a holder of a
8 temporary registration for more than a total of 4 years.

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

12 Sec. 18711. This part does not require new or additional
13 third party reimbursement or mandated worker's compensation
14 benefits for services rendered by an individual registered as a
15 respiratory therapist under this article.