

**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

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	Respiratory care	December 31
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, 2004, 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

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, 2004, 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, 2004, 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, 2004, 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

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 **registration under part 187 from an individual who is registered**
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

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) Subject to section 16204, the department shall by rule
27 prescribe continuing education requirements as a condition for

House Bill No. 4236 as amended September 25, 2003

1 <<licensure>> renewal.

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

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 January 1,
2004.>>