

HOUSE BILL NO. 4170

March 02, 2023, Introduced by Reps. Wozniak, Fox, Rogers, Bezotte, Paiz, Glanville, Hill, Conlin, Morgan, Fitzgerald, Steckloff, Brabec, Roth, Thompson, Rheingans, Hood, Haadsma, Green, Bollin, Grant, Tsernoglou, Byrnes, Scott, Coffia, Kunse, Young, Farhat, McFall, Wilson, Outman, O'Neal, Neeley, Pohutsky, Whitsett and Aiyash and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 18301 (MCL 333.18301), as amended by 2008 PA
523, and by adding sections 18303a and 18303b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1** Sec. 18301. (1) As used in this part:
- 2** (a) "Occupational therapy assistant" means an individual **who**
- 3** **is** licensed under this article, **or authorized under section 18303b,**

1 to engage in practice as an occupational therapy assistant.

2 (b) "Occupational therapist" means an individual **who is**
3 licensed under this article, **or authorized under section 18303a**, to
4 engage in the practice of occupational therapy.

5 (c) "Occupational therapy services" means those services
6 provided to promote health and wellness, prevent disability,
7 preserve functional capabilities, prevent barriers, and enable or
8 improve performance in everyday activities, including, but not
9 limited to, the following:

10 (i) Establishment, remediation, or restoration of a skill or
11 ability that is impaired or not yet developed.

12 (ii) Compensation, modification, or adaptation of a person,
13 activity, or environment.

14 (iii) Evaluation of factors that affect activities of daily
15 living, instrumental activities of daily living, and other
16 activities relating to education, work, play, leisure, and social
17 participation. Those factors include, but are not limited to, body
18 functions, body structure, habits, routines, role performance,
19 behavior patterns, sensory motor skills, cognitive skills,
20 communication and interaction skills, and cultural, physical,
21 psychosocial, spiritual, developmental, environmental, and
22 socioeconomic contexts and activities that affect performance.

23 (iv) Interventions and procedures, including, but not limited
24 to, any of the following:

25 (A) Task analysis and therapeutic use of occupations,
26 exercises, and activities.

27 (B) Training in self-care, self-management, home management,
28 and community or work reintegration.

29 (C) Development remediation, or compensation of client factors

1 such as body functions and body structure.

2 (D) Education and training.

3 (E) Care coordination, case management, transition, and
4 consultative services.

5 (F) Modification of environments and adaptation processes such
6 as the application of ergonomic and safety principles.

7 (G) Assessment, design, fabrication, application, fitting, and
8 training in rehabilitative and assistive technology, adaptive
9 devices, and low temperature orthotic devices, and training in the
10 use of prosthetic devices. For the purposes of this sub-
11 subparagraph, the design and fabrication of low temperature
12 orthotic devices does not include permanent orthotics.

13 (H) Assessment, recommendation, and training in techniques to
14 enhance safety, functional mobility, and community mobility such as
15 wheelchair management and mobility.

16 (I) Management of feeding, eating, and swallowing.

17 (J) Application of physical agent modalities and use of a
18 range of specific therapeutic procedures, including, but not
19 limited to, techniques to enhance sensory-motor, perceptual, and
20 cognitive processing, manual therapy techniques, and adjunctive and
21 preparatory activities.

22 (K) Providing vision therapy services or low vision
23 rehabilitation services, if those services are provided pursuant to
24 a referral or prescription from, or under the supervision or
25 comanagement of, a physician licensed under part 170 or 175 or an
26 optometrist licensed under part 174.

27 (d) "Practice as an occupational therapy assistant" means the
28 practice of occupational therapy under the supervision of an
29 occupational therapist licensed under this article.

1 (e) "Practice of occupational therapy" means the therapeutic
2 use of everyday life occupations and occupational therapy services
3 to aid individuals or groups to participate in meaningful roles and
4 situations in the home, school, workplace, community, and other
5 settings, to promote health and wellness through research and
6 practice, and to serve those individuals or groups who have or are
7 at risk for developing an illness, injury, disease, disorder,
8 condition, impairment, disability, activity limitation, or
9 participation restriction. The practice of occupational therapy
10 addresses the physical, cognitive, psychosocial, sensory, and other
11 aspects of performance in a variety of contexts to support
12 engagement in everyday life activities that affect a person's
13 health, well-being, and quality of life throughout his or her life
14 span. The practice of occupational therapy does not include any of
15 the following:

16 (i) The practice of medicine or osteopathic medicine and
17 surgery or medical diagnosis or treatment.

18 (ii) The practice of physical therapy.

19 (iii) The practice of optometry.

20 (2) In addition to the definitions in this part, article 1
21 contains general definitions and principles of construction
22 applicable to all articles in this code and part 161 contains
23 definitions applicable to this part.

24 **Sec. 18303a. (1) An individual who holds a compact privilege**
25 **to practice occupational therapy as an occupational therapist under**
26 **the occupational therapy licensure compact is authorized to engage**
27 **in the practice of occupational therapy under this article.**

28 **(2) For purposes of this article, including the obligations of**
29 **an individual who is licensed as an occupational therapist, an**

1 individual who holds a compact privilege to practice occupational
2 therapy as an occupational therapist under the occupational therapy
3 licensure compact is considered an occupational therapist who is
4 licensed under this part.

5 Sec. 18303b. (1) An individual who holds a compact privilege
6 to practice occupational therapy under the occupational therapy
7 licensure compact as an occupational therapy assistant is
8 authorized to engage in the practice as an occupational therapy
9 assistant under this article.

10 (2) For purposes of this article, including the obligations of
11 an individual who is licensed as an occupational therapy assistant,
12 an individual who holds a compact privilege to practice
13 occupational therapy as an occupational therapy assistant under the
14 occupational therapy licensure compact is considered an
15 occupational therapy assistant who is licensed under this part.

16 Enacting section 1. This amendatory act does not take effect
17 unless Senate Bill No. ____ or House Bill No. 4169 (request no.
18 00376'23 *) of the 102nd Legislature is enacted into law.