



HOUSE BILL No. 6097

September 18, 1996, Introduced by Reps. Law, Hammerstrom, Griffin, Palamara, Porreca, Bodem and McManus and referred to the Committee on Regulatory Affairs.

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. 126 of the Public Acts of 1995, being sections 333.16131 and 333.16263 of the Michigan Compiled Laws; and to add section 16338 and part 179.

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. 126 of the Public Acts
3 of 1995, being sections 333.16131 and 333.16263 of the Michigan
4 Compiled Laws, are amended and section 16338 and part 179 are
5 added to read as follows:

6 Sec. 16131. The terms of office of individual members of
7 the boards and task forces, except those appointed to fill
8 vacancies, ~~shall~~ expire 4 years after appointment as follows:

1	Nursing	June 30
2	Optometry	June 30
3	Pharmacy	June 30
4	Podiatric medicine and surgery	June 30
5	Dentistry	June 30
6	Chiropractic	December 31
7	Counseling	June 30
8	Marriage and family therapy	June 30
9	Medicine	December 31
10	Occupational therapists	December 31
11	Osteopathic medicine and surgery	December 31
12	Physical therapy	December 31
13	Psychology	December 31
14	RESPIRATORY CARE	DECEMBER 31
15	Sanitarians	December 31
16	Veterinary medicine	December 31

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

22 (a) "Chiropractic", "doctor of chiropractic",
23 "chiropractor", "d.c.", and "chiropractic physician".

24 (b) "Dentist", "doctor of dental surgery", "oral and maxil-
25 lofacial surgeon", "orthodontist", "prosthodontist",
26 "periodontist", "endodontist", "oral pathologist", "pediatric
27 dentist", "dental hygienist", "registered dental hygienist",

1 "dental assistant", "registered dental assistant", "R.D.A.",
2 "d.d.s.", "d.m.d.", and "r.d.h."

3 (c) "Doctor of medicine" and "m.d."

4 (d) "Physician's assistant" and "p.a."

5 (e) "Registered professional nurse", "registered nurse",
6 "r.n.", "licensed practical nurse", "l.p.n.", "nurse midwife",
7 "nurse anesthetist", "nurse practitioner", "trained attendant",
8 and "t.a."

9 (f) "Doctor of optometry", "optometrist", and "o.d."

10 (g) "Osteopath", "osteopathy", "osteopathic practitioner",
11 "doctor of osteopathy", "diplomate in osteopathy", and "d.o."

12 (h) "Pharmacy", "pharmacist", "apothecary", "drugstore",
13 "druggist", "medicine store", "prescriptions", and "r.ph."

14 (i) "Physical therapy", "physical therapist",
15 "physiotherapist", "registered physical therapist", "licensed
16 physical therapist", "physical therapy technician", "p.t.",
17 "r.p.t.", "l.p.t.", and "p.t.t."

18 (j) "Chiropodist", "chiropody", "chiropodical", "podiatry",
19 "podiatrist", "podiatric", "doctor of podiatric medicine", "foot
20 specialist", "podiatric physician and surgeon", and "d.p.m."

21 (k) "Consulting psychologist", "psychologist",
22 "psychological assistant", and "psychological examiner",
23 "licensed psychologist", and "limited licensed psychologist".

24 (l) "Licensed professional counselor", "licensed counselor",
25 "professional counselor", and "l.p.c."

26 (m) "Sanitarian", "registered sanitarian", and "r.s."

1 (n) "Veterinary", "veterinarian", "veterinary doctor",
2 "veterinary surgeon", "doctor of veterinary medicine", "v.m.d.",
3 "d.v.m.", "animal technician", or "animal technologist".

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

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

19 (Q) "RESPIRATORY THERAPIST", "LICENSED RESPIRATORY
20 THERAPIST", "R.T.", AND "L.R.T.".

21 (2) Notwithstanding section 16261, a person who was spe-
22 cially trained at an institution of higher education in this
23 state to assist a physician in the field of orthopedics and upon
24 completion of training, received a 2-year associate of science
25 degree as an orthopedic physician's assistant before January 1,
26 1977, may use the title "orthopedic physician's assistant"
27 whether or not the person is licensed under this article.

1 SEC. 16338. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE
2 TO ENGAGE IN THE PRACTICE OF RESPIRATORY CARE UNDER PART 179 ARE
3 AS FOLLOWS:

- 4 (A) APPLICATION PROCESSING FEE.....\$ 20.00
- 5 (B) LICENSE FEE, PER YEAR..... 75.00
- 6 (C) TEMPORARY LICENSE..... 20.00

7 PART 179. RESPIRATORY CARE

8 SEC. 17901. (1) AS USED IN THIS PART:

9 (A) "HEALTH FACILITY" MEANS A HEALTH FACILITY OR AGENCY
10 LICENSED UNDER ARTICLE 17.

11 (B) "MEDICAL DIRECTOR" MEANS A PHYSICIAN WHO IS RESPONSIBLE
12 FOR THE QUALITY, SAFETY, APPROPRIATENESS, AND EFFECTIVENESS OF
13 THE RESPIRATORY CARE PROVIDED, WHO ASSISTS IN QUALITY MONITORING,
14 PROTOCOL DEVELOPMENT, AND COMPETENCY VALIDATION, AND WHO MEETS
15 ALL OF THE FOLLOWING:

16 (i) IS THE MEDICAL DIRECTOR OF AN INPATIENT OR OUTPATIENT
17 RESPIRATORY CARE SERVICE OR DEPARTMENT WITHIN A HEALTH FACILITY,
18 OR OF A HOME CARE AGENCY, DURABLE MEDICAL EQUIPMENT COMPANY, OR
19 EDUCATIONAL PROGRAM.

20 (ii) HAS SPECIAL INTEREST AND KNOWLEDGE IN THE DIAGNOSIS AND
21 TREATMENT OF CARDIOPULMONARY DISORDERS AND DISEASES.

22 (iii) IS QUALIFIED BY TRAINING OR EXPERIENCE, OR BOTH, IN
23 THE MANAGEMENT OF ACUTE AND CHRONIC CARDIOPULMONARY DISORDERS AND
24 DISEASES.

25 (C) "PHYSICIAN" MEANS THAT TERM AS DEFINED IN SECTIONS 17001
26 AND 17501.

1 (D) "PRACTICE OF RESPIRATORY CARE" INCLUDES, BUT IS NOT
2 LIMITED TO, ALL OF THE FOLLOWING PERFORMED IN A HEALTH FACILITY
3 OR OTHER LOCATION CONSIDERED APPROPRIATE OR NECESSARY BY THE PRE-
4 SCRIBING PHYSICIAN:

5 (i) THE ADMINISTRATION OF PHARMACOLOGIC AGENTS, DIAGNOSTIC
6 AGENTS, AND THERAPEUTIC AGENTS RELATED TO RESPIRATORY CARE PROCE-
7 DURES AS NECESSARY TO IMPLEMENT PREVENTIVE, DIAGNOSTIC, THERAPEU-
8 TIC, AND REHABILITATIVE REGIMENS PRESCRIBED BY A PHYSICIAN.

9 (ii) THE TRANSCRIPTION AND IMPLEMENTATION OF WRITTEN, ORAL,
10 AND TELECOMMUNICATED ORDERS OF A PHYSICIAN PERTAINING TO RESPIRA-
11 TORY CARE PROCEDURES.

12 (iii) THE OBSERVATION, MONITORING, AND ASSESSMENT OF SIGNS
13 AND SYMPTOMS, REACTIONS, BEHAVIORS, AND PHYSICAL RESPONSES TO
14 RESPIRATORY CARE TREATMENT AND DIAGNOSTIC TESTING, INCLUDING THE
15 DETERMINATION OF WHETHER THE SIGNS AND SYMPTOMS, REACTIONS,
16 BEHAVIORS, AND PHYSICAL RESPONSES EXHIBIT ABNORMAL
17 CHARACTERISTICS.

18 (iv) THE DEVELOPMENT, IMPLEMENTATION, AND MODIFICATION OF
19 RESPIRATORY CARE TREATMENT PLANS BASED ON OBSERVED ABNORMALITIES,
20 REFERRALS, RESPIRATORY CARE PROTOCOLS, CLINICAL PATHWAYS, AND
21 CHANGES IN TREATMENT PLAN PURSUANT TO THE WRITTEN, ORAL, AND TEL-
22 ECOMMUNICATED ORDERS OF A PHYSICIAN.

23 (v) THE APPLICATION, OPERATION, AND MANAGEMENT OF MECHANICAL
24 VENTILATORY SUPPORT AND OTHER MEANS OF LIFE SUPPORT.

25 (vi) THE INITIATION OF EMERGENCY PROCEDURES UNDER RULES
26 PROMULGATED BY THE BOARD OR AS OTHERWISE PERMITTED UNDER THIS
27 PART.

1 (vii) THE COLLECTION OF BLOOD SPECIMENS FOR, AND THE
2 PERFORMANCE OF, CARDIOPULMONARY DIAGNOSTIC TESTING PROCEDURES
3 INCLUDING, BUT NOT LIMITED TO, BLOOD GAS ANALYSIS.

4 (E) "RESPIRATORY THERAPIST" MEANS AN INDIVIDUAL LICENSED
5 UNDER THIS ARTICLE TO ENGAGE IN THE PRACTICE OF RESPIRATORY
6 CARE.

7 (2) IN ADDITION TO THE DEFINITIONS IN THIS PART, ARTICLE 1
8 CONTAINS GENERAL DEFINITIONS AND PRINCIPLES OF CONSTRUCTION
9 APPLICABLE TO ALL ARTICLES IN THIS CODE AND PART 161 CONTAINS
10 DEFINITIONS APPLICABLE TO THIS PART.

11 SEC. 17903. (1) AFTER THE EFFECTIVE DATE OF THE RULES
12 PROMULGATED BY THE BOARD UNDER THIS ARTICLE, SUBJECT TO SUBSEC-
13 TION (2), AN INDIVIDUAL SHALL NOT ENGAGE IN THE PRACTICE OF RES-
14 PIRATORY CARE UNLESS LICENSED OR OTHERWISE AUTHORIZED UNDER THIS
15 ARTICLE.

16 (2) THIS PART DOES NOT PROHIBIT ANOTHER LICENSEE UNDER THIS
17 ARTICLE FROM ENGAGING IN ACTIVITIES THAT FALL UNDER THE DEFINI-
18 TION OF THE PRACTICE OF RESPIRATORY CARE IF THE ACTIVITIES ARE
19 AUTHORIZED UNDER THE LICENSE HELD BY THE LICENSEE.

20 SEC. 17905. THE MICHIGAN BOARD OF RESPIRATORY CARE IS CRE-
21 ATED IN THE DEPARTMENT AND SHALL CONSIST OF THE FOLLOWING 7 MEM-
22 BERS WHO MEET THE REQUIREMENTS OF PART 161:

23 (A) FOUR INDIVIDUALS WHO MEET THE REQUIREMENTS OF
24 SECTION 16135

25 (B) ONE MEDICAL DIRECTOR.

26 (C) TWO PUBLIC MEMBERS.

1 SEC. 17907. (1) IN PROMULGATING RULES TO ESTABLISH
2 REQUIREMENTS FOR LICENSURE UNDER SECTION 16145, THE BOARD SHALL
3 ADOPT ALL OF THE FOLLOWING REQUIREMENTS:

4 (A) SUCCESSFUL COMPLETION OF AN ACCREDITED RESPIRATORY THER-
5 APIST TRAINING PROGRAM APPROVED BY THE BOARD.

6 (B) HAVING AT LEAST A 2-YEAR ASSOCIATE'S DEGREE FROM AN
7 ACCREDITED COLLEGE OR UNIVERSITY APPROVED BY THE BOARD.

8 (C) HAVING THE CREDENTIAL CONFERRED BY THE NATIONAL BOARD
9 FOR RESPIRATORY CARE OR ITS SUCCESSOR ORGANIZATION AS A
10 REGISTERED RESPIRATORY THERAPIST OR ITS SUCCESSOR CREDENTIAL, AS
11 APPROVED BY THE BOARD.

12 (2) SUBJECT TO SECTION 16204, THE BOARD SHALL BY RULE PRE-
13 SCRIBE CONTINUING EDUCATION REQUIREMENTS AS A CONDITION FOR
14 LICENSE RENEWAL.