

**SUBSTITUTE FOR
HOUSE BILL NO. 5308**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16131 and 16263 (MCL 333.16131 and
333.16263), as amended by 2004 PA 97, and by adding section 16346
and part 176.

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 Audiologists	June 30
5 Nursing	June 30
6 Nursing home administrator	June 30
7 Optometry	June 30
8 Pharmacy	June 30
9 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	Speech-language pathology	December 31
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. 16263. (1) Except as provided in subsection (2), the
15 following words, titles, or letters or a combination thereof,
16 with or without qualifying words or phrases, are restricted in
17 use only to those persons authorized under this article to use
18 the terms and in a way prescribed in this article:

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

21 (b) "Dentist", "doctor of dental surgery", "oral and
22 maxillofacial surgeon", "orthodontist", "prosthodontist",
23 "periodontist", "endodontist", "oral pathologist", "pediatric
24 dentist", "dental hygienist", "registered dental hygienist",
25 "dental assistant", "registered dental assistant", "r.d.a.",
26 "d.d.s.", "d.m.d.", and "r.d.h.".

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

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

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

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

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

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

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

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

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

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

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

(n) Until July 1, 2005, "social worker", "certified social worker", "social work technician", "s.w.", "c.s.w.", and "s.w.t.". Beginning July 1, 2005, "social worker", "licensed master's social worker", "licensed bachelor's social worker",

1 "registered social service technician", "social service
2 technician", "l.m.s.w.", "l.b.s.w.", and "r.s.s.t.".

3 (o) "Veterinary", "veterinarian", "veterinary doctor",
4 "veterinary surgeon", "doctor of veterinary medicine", "v.m.d.",
5 "d.v.m.", "animal technician", or "animal technologist".

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

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

21 (r) "Nursing home administrator".

22 (s) "Respiratory therapist", "respiratory care practitioner",
23 "licensed respiratory therapist", "licensed respiratory care
24 practitioner", "r.t.", "r.c.p.", "l.r.t.", and "l.r.c.p.".

25 (t) "Audiometrist", "audiologist", "hearing therapist",
26 "hearing aid audiologist", "educational audiologist", "industrial
27 audiologist", and "clinical audiologist".

(u) "Speech-language pathologist", "speech pathologist", "speech therapist", "speech correctionist", "speech clinician", "language therapist", "language pathologist", "logopedist", "communicologist", "aphasiologist", "phoniatriest", "voice therapist", and "voice pathologist".

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

Sec. 16346. Fees for an individual licensed or seeking licensure as a speech therapist or speech pathologist under part 176 are as follows:

(a) Application processing fee.....	\$ 20.00
(b) License fee, per year.....	75.00.

PART 176. SPEECH-LANGUAGE PATHOLOGY

Sec. 17601. (1) As used in this part:

(a) "Practice of speech-language pathology" means the application of principles, methods, and procedures related to the development of disorders of human communication including the following:

(i) Identifying, assessing, treating, rehabilitating, and preventing disorders of speech, voice, and language.

(ii) Identifying, assessing, treating, rehabilitating, and preventing disorders of oral-pharyngeal function, dysphagia, and

1 related disorders.

2 (iii) Identifying, assessing, treating, rehabilitating, and
3 preventing cognitive-communicative disorders.

4 (iv) Assessing, selecting, and developing augmentative and
5 alternative communication systems and providing training in their
6 use.

7 (v) Providing speech treatment and related counseling
8 services to hearing impaired individuals and their families.

9 (vi) Enhancing speech-language proficiency and communication
10 effectiveness.

11 (vii) Screening of hearing and other factors for the purpose
12 of speech-language assessment or the initial identification of
13 individuals with other communication disorders provided that
14 judgments and descriptive statements about results of that
15 screening are limited to pass-fail determinations.

16 (b) "Speech-language pathologist" means an individual engaged
17 in the practice of speech-language pathology.

18 (2) Practice of speech-language pathology does not include
19 the fitting and dispensing of hearing aids as provided by article
20 13 of the occupational code, 1980 PA 299, MCL 339.1301 to
21 339.1309.

22 (3) Practice of speech-language pathology does not include
23 the practice of medicine or osteopathic medicine and surgery or
24 medical diagnosis or treatment.

25 (4) In addition to the definitions in this part, article 1
26 contains general definitions and principles of construction
27 applicable to all articles in this code and part 161 contains

1 definitions applicable to this part.

2 Sec. 17603. Beginning the effective date of the amendatory
3 act that added this part, an individual shall not use the titles
4 "speech-language pathologist", "speech pathologist", "speech
5 therapist", "speech correctionist", "speech clinician", "language
6 therapist", "language pathologist", "logopedist",
7 "communicologist", "aphasiologist", "phoniatriest", "voice
8 therapist", and "voice pathologist", or similar words that
9 indicate that the individual is a speech-language pathologist,
10 unless the individual is licensed under this article as a
11 speech-language pathologist. This section does not apply to
12 individuals who meet the state board of education qualifications
13 for a teacher of the speech and language impaired while their
14 services are provided in school districts, intermediate school
15 districts, and nonpublic schools.

16 Sec. 17605. The Michigan board of speech-language pathology
17 is created in the department and consists of the following 7
18 members who meet the requirements of part 161:

19 (a) Four individuals who meet the requirements of section
20 16135(2).

21 (b) Three public members, 1 of whom shall be a
22 board-certified otolaryngologist.

23 Sec. 17607. (1) An individual shall not engage in the
24 practice of speech-language pathology unless licensed under this
25 part.

26 (2) A licensee shall not perform an act, task, or function
27 within the practice of speech-language pathology unless he or she

1 is trained to perform the act, task, or function and the
2 performance of that act, task, or function is consistent with the
3 rules regarding best practices for speech-language pathology
4 adopted under section 17609(3). A speech-language pathologist
5 shall refer a patient to a person licensed in the practice of
6 medicine or osteopathic medicine and surgery if signs or symptoms
7 identified during the practice of speech-language pathology cause
8 the speech-language pathologist to suspect that the patient has
9 an underlying medical condition.

10 (3) Subsection (1) does not prevent any of the following:

11 (a) An individual licensed or registered under any other part
12 or act from performing activities that are considered
13 speech-language pathology services if those activities are within
14 the individual's scope of practice and if the individual does not
15 use the titles protected under section 17603.

16 (b) An individual not licensed under this part from
17 performing activities that are considered speech-language
18 pathology services as long as he or she is engaged in clinical
19 fellowship, is under the supervision of an individual who is
20 licensed under this part, and does not hold himself or herself
21 out as an individual licensed under this part or use the titles
22 protected under section 17603.

23 (c) The practice of speech-language pathology that is an
24 integral part of a program of study by students enrolled in an
25 accredited speech-language pathology educational program approved
26 by the board, provided that they are identified as students and
27 provide speech-language pathology services only while under the

1 supervision of a licensed speech-language pathologist.

2 (d) An individual who meets the qualifications established by
3 the state board of education as a teacher of the speech and
4 language impaired and who is employed or contracted for
5 employment by a school district, intermediate school district,
6 nonpublic school, or department of state government that provides
7 educational services from engaging in his or her practice as part
8 of that employment. This part does not prevent a teacher of the
9 speech and language impaired who is employed or contracted for
10 employment by school districts, intermediate school districts,
11 nonpublic schools, or departments of state government that
12 provide educational services from obtaining a license under this
13 part.

14 (e) Self-care by a patient or uncompensated care by a friend
15 or family member who does not represent or hold himself or
16 herself out to be a licensed speech-language pathologist.

17 Sec. 17609. (1) The department shall, upon submission of a
18 completed application and payment of the appropriate application
19 processing and license fee, issue a license under this part to an
20 individual who possesses a master's or doctorate degree in
21 speech-language pathology acceptable to the board and who
22 fulfills either of the following:

23 (a) Successful completion of an accredited speech-language
24 pathology training program approved by the department and the
25 board having at least 9 months, or the equivalent, of full-time
26 supervised postgraduate clinical experience in speech-language
27 pathology and passing a national examination acceptable to the

1 board.

2 (b) Having the credential conferred by the American
3 speech-language-hearing association or its successor organization
4 as a certified speech-language-pathologist or its successor
5 credential, acceptable to the board. The credential conferred by
6 the American speech-language-hearing association as a certified
7 speech-language pathologist is considered the substantial
8 equivalent to the requirements of subdivision (a) and that
9 credential and the standards of qualification for that
10 credential, as they exist on the effective date of the amendatory
11 act that added this part, are adopted by reference.

12 (2) The department, in consultation with the board, may
13 promulgate rules under section 16145 as necessary or appropriate
14 to fulfill its functions under this article and to amend or
15 supplement the requirements for licensure under subsection (1),
16 including adopting updated standards of that organization or
17 standards of any successor organization of the American
18 speech-language-hearing association.

19 (3) A speech-language pathologist shall follow best practices
20 established by the department under this subsection. The
21 department, in consultation with the board, shall promulgate
22 rules to identify best practices that must be followed in the
23 performance of speech-language pathology that shall include, but
24 not be limited to, the performance of procedures described in
25 section 17601(1)(a)(ii), in which collaboration among a
26 speech-language pathologist and a person licensed in the practice
27 of medicine or osteopathic medicine and surgery and other health

1 care professionals is regarded to be in the best interests of the
2 patient.

3 (4) Subject to section 16204, the department shall by rule
4 prescribe continuing education requirements as a condition for
5 licensure renewal.

6 Sec. 17611. The department shall issue a license to an
7 applicant from another state that offers reciprocity to licensees
8 in Michigan and has licensure requirements substantially
9 equivalent to this part, as determined by the board.

10 Sec. 17613. This part does not require new or additional
11 third party reimbursement or mandated worker's compensation
12 benefits for services rendered by an individual licensed under
13 this part.