

Act No. 524
Public Acts of 2008
Approved by the Governor
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**STATE OF MICHIGAN
94TH LEGISLATURE
REGULAR SESSION OF 2008**

Introduced by Senators Jacobs, Gleason and Hunter

ENROLLED SENATE BILL No. 493

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," (MCL 333.1101 to 333.25211) by adding section 16342 and part 176.

The People of the State of Michigan enact:

Sec. 16342. Fees for an individual licensed or seeking licensure as a speech-language 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", subject to subsection (2), means the application of principles, methods, and procedures related to the development of disorders of human communication including the following:

(i) Identifying by history or nonmedical physical examination, assessing, treating with therapy, rehabilitating, and preventing disorders of speech, voice, and language.

(ii) Identifying by history or nonmedical physical examination, assessing, treating with therapy, rehabilitating, and preventing disorders of oral-pharyngeal function and disorders related to swallowing dysfunction.

(iii) Identifying by history or nonmedical physical examination, assessing, treating with therapy, rehabilitating, and preventing cognitive-communicative disorders.

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

(v) Providing speech-language treatment or therapy and related counseling services to hearing impaired individuals and their families.

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

(vii) Screening of hearing for the purpose of speech-language assessment provided that judgments and descriptive statements about results of that screening are limited to pass-fail determinations.

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

(2) Practice of speech-language pathology does not include either of the following:

(a) The practice of medicine or osteopathic medicine and surgery or medical diagnosis, medical management with medication, surgical interventions, ordering medical testing, or medical treatment.

(b) The fitting and dispensing of hearing aids as provided by article 13 of the occupational code, 1980 PA 299, MCL 339.1301 to 339.1309.

(3) In addition to the definitions in this part, article 1 contains general definitions and principles of construction applicable to all articles in this act and part 161 contains definitions applicable to this part.

Sec. 17603. Beginning the effective date of this part, an individual shall not use the titles "speech-language pathologist", "speech pathologist", "speech therapist", "speech correctionist", "speech clinician", "language therapist", "language pathologist", "logopedist", "communicologist", "aphasiologist", "phoniatrist", "voice therapist", and "voice pathologist", or similar words that indicate that the individual is a speech-language pathologist, unless the individual is licensed under this part as a speech-language pathologist.

Sec. 17605. (1) The Michigan board of speech-language pathology is created in the department and consists of the following 11 members who meet the requirements of part 161:

(a) Six individuals who meet the requirements of section 16135(2), at least 1 of whom represents each professional area described in section 17609.

(b) Three public members.

(c) Two physicians, 1 of whom is a board-certified otolaryngologist.

(2) The terms of office of individual members of the board created under this part, except those appointed to fill vacancies and as otherwise provided in this subsection, expire 4 years after appointment on December 31 of the year in which the term expires. However, for the members first appointed, 2 shall serve for 1 year, 3 shall serve for 2 years, 3 shall serve for 3 years, and 3 shall serve for 4 years.

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

(2) A licensee shall not perform an act, task, or function within the practice of speech-language pathology unless he or she is trained to perform the act, task, or function and the performance of that act, task, or function is consistent with the rules promulgated under section 17610(3). A speech-language pathologist shall refer a patient to a person licensed in the practice of medicine or osteopathic medicine and surgery if signs or symptoms identified during the practice of speech-language pathology cause the speech-language pathologist to suspect that the patient has an underlying medical condition.

(3) A licensee shall perform assessment, treatment or therapy, and procedures related to swallowing disorders and medically related communication disorders only on patients who have been referred to him or her by a person licensed in the practice of medicine or osteopathic medicine and surgery.

(4) Limited diagnostic testing, such as endoscopic videolaryngostroboscopy, shall only be performed by a licensee in collaboration with or under the supervision of a person licensed in the practice of medicine or osteopathic medicine and surgery.

(5) A licensee shall follow procedures in which collaboration among the licensee and a person licensed in the practice of medicine or osteopathic medicine and surgery and other licensed health care professionals is regarded to be in the best interests of the patient.

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

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

(b) The practice of speech-language pathology that is an integral part of a program of study by students enrolled in an accredited speech-language pathology educational program approved by the board, provided that those individuals are identified as students and provide speech-language pathology services only while under the supervision of a licensed speech-language pathologist.

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

Sec. 17609. (1) The department shall, upon submission of a completed application and payment of the appropriate application processing and license fee, issue a license under this part to the following:

(a) An individual who meets the requirements of subsection (2) or (3).

(b) An individual who possesses a master's or doctor of science or doctor of philosophy degree in speech-language pathology acceptable to the board, who has successfully completed an accredited speech-language pathology training program approved by the department and the board that has at least 9 months, or the equivalent, of full-time supervised postgraduate clinical experience in speech-language pathology, and who passes an examination acceptable to the board.

(2) A certified teacher who, on the day before the effective date of this part, was endorsed in the area of speech and language impairment for the sole purpose of providing services as a part of employment or contract with a school district, intermediate school district, nonpublic school, or state department that provides educational services is eligible for a license under this part. An individual who meets the requirements of this subsection shall first apply for a license on or before the expiration of 2 years after the effective date of this part. An individual who obtains a license under this subsection is eligible for renewal of that license under this part if he or she continues to meet the requirements of this subsection.

(3) An individual who, on the day before the effective date of this part, has the credential conferred by the American speech-language-hearing association as a certified speech-language pathologist is eligible for a license under this part. An individual who meets the requirements of this subsection and who maintains the credential conferred by the American speech-language-hearing association or a successor credential conferred by its successor organization shall first apply for a license on or before the expiration of 2 years after the effective date of this part. An individual who obtains a license under this subsection is eligible for renewal of that license under this part if he or she continues to meet the requirements of this subsection.

(4) An individual may apply for a temporary license under this subsection for the purpose of completing a supervised postgraduate clinical experience. The department shall issue a temporary license under this subsection for a period not to exceed 12 months. An individual seeking a temporary license under this subsection shall obtain a temporary license before beginning the supervised postgraduate clinical experience. At the conclusion of the postgraduate clinical experience, the individual's supervisor shall sign and submit to the department a report that documents the individual's satisfactory completion of the supervised postgraduate clinical experience. To be eligible for a temporary license under this subsection, an applicant shall meet all of the following requirements:

(a) Possess a master's or doctor of science or doctor of philosophy degree in speech-language pathology acceptable to the board. An applicant shall have his or her academic transcripts provided directly to the department by the academic institution.

(b) Submit a plan for supervised postgraduate clinical experience on a form approved by the board and signed by a licensed professional who will provide supervision.

Sec. 17610. (1) The department, in consultation with the board, may promulgate rules under section 16145 as necessary or appropriate to fulfill its functions under this article and to supplement the requirements for licensure under this part, including adopting updated standards of that organization or standards of any successor organization of the American speech-language-hearing association.

(2) Subject to section 16204, the department shall by rule prescribe continuous professional development as a condition for licensure renewal.

(3) The department, in consultation with the board, shall promulgate rules regarding the performance of speech-language pathology that includes, but is not limited to, the performance of procedures described in section 17601(1)(a)(ii). The rules shall recognize and incorporate the requirements described in section 17607(3) and (4) and the need for collaboration among a speech-language pathologist and a person licensed in the practice of medicine or osteopathic medicine and surgery and other licensed health care professionals.

Sec. 17611. The department may issue a license by endorsement to an applicant from another state that has licensure requirements substantially equivalent to this part, as determined by the board.

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

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Richard J. Brown

Clerk of the House of Representatives

Approved

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Governor