

# HOUSE BILL NO. 5794

June 06, 2024, Introduced by Reps. Xiong, Rogers, Roth, Rheingans, Grant, Glanville, McFall, Conlin, Wilson, Price, MacDonell, Tsernoglou, Farhat, Bezotte, Scott and Bruck and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16204, 16344, 18701, 18703, 18707, and 18709 (MCL 333.16204, 333.16344, 333.18701, 333.18703, 333.18707, and 333.18709), section 16204 as amended by 2005 PA 273 and sections 16344, 18701, 18703, 18707, and 18709 as added by 2004 PA 3, and by adding sections 18710 and 18712.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1** Sec. 16204. (1) Effective for the renewal of licenses or

1 registrations issued under this article and expiring after January  
2 1, 1997 if the completion of continuing education is a condition  
3 for renewal, the appropriate board shall by rule require an  
4 applicant for renewal to complete an appropriate number of hours or  
5 courses in pain and symptom management. Rules promulgated by a  
6 board under section 16205(2) for continuing education in pain and  
7 symptom management ~~shall~~**must** cover both course length and content  
8 and ~~shall~~**must** take into consideration the recommendation for that  
9 health care profession by the interdisciplinary advisory committee  
10 created in section 16204a. A board shall submit the notice of  
11 public hearing for the rules as required under section 42 of the  
12 administrative procedures act of 1969, ~~1969 PA 306,~~ MCL 24.242, not  
13 later than 90 days after the first interdisciplinary advisory  
14 committee makes its initial recommendations and shall promulgate  
15 the rules as expeditiously as possible.

16 (2) If a board proposes rules under section 16205(2) to  
17 institute a requirement that continuing education be a mandatory  
18 condition for the renewal of a license or registration issued under  
19 this article, the rules ~~shall~~**must** require, as part of the  
20 continuing education requirements, completion of an appropriate  
21 number of hours or courses in pain and symptom management, taking  
22 into consideration the recommendation for that health care  
23 profession by the interdisciplinary advisory committee created in  
24 section 16204a.

25 (3) This section does not apply to individuals licensed or  
26 registered under part 184, **187**, or 188.

27 Sec. 16344. Fees for an individual licensed or seeking  
28 licensure as a respiratory therapist under part 187 are as follows:

1	(a) Application processing fee.....	\$ 20.00	75
2		.00	
3	(b) License fee, per year.....	75.00	82
4		.70	
5	(c) Temporary license.....	75.00	
6	<b>(d) Limited license.....</b>	<b>27.50</b>	

7 Sec. 18701. (1) As used in this part:

8 (a) "Health facility" means a health facility or agency  
9 licensed under article 17.

10 (b) "Medical director" means a physician who is responsible  
11 for the quality, safety, appropriateness, and effectiveness of the  
12 respiratory care services provided by a respiratory therapist, who  
13 assists in quality monitoring, protocol development, and competency  
14 validation, and who meets all of the following:

15 (i) Is the medical director of an inpatient or outpatient  
16 respiratory care service or department within a health facility, or  
17 of a home care agency, durable medical equipment company, or  
18 educational program.

19 (ii) Has special interest and knowledge in the diagnosis and  
20 treatment of cardiopulmonary disorders and diseases.

21 (iii) Is qualified by training or experience, or both, in the  
22 management of acute and chronic cardiopulmonary disorders and  
23 diseases.

24 (c) "Physician" means that term as defined in sections 17001  
25 and 17501.

26 (d) "Practice of respiratory care" means the provision of  
27 respiratory care services. ~~Practice of respiratory care may be~~  
28 ~~provided by an inpatient or outpatient service or department within~~  
29 ~~a health facility, by a home care agency or durable medical~~

1 ~~equipment company, or by an educational program.~~

2       **(e) "Qualified licensed practitioner" means a licensee who is**  
 3 **responsible for the care of the patient, who is acting within the**  
 4 **licensee's scope of practice, and who is authorized to prescribe**  
 5 **respiratory care services in accordance with hospital policies and**  
 6 **procedures and the laws of this state.**

7       **(f) ~~(e)~~"Respiratory care services" means preventative**  
 8 **services, diagnostic services, therapeutic services, and**  
 9 **rehabilitative services under the written, verbal, or**  
 10 **telecommunicated order of a physician or other qualified licensed**  
 11 **practitioner to an individual with a disorder, disease, or**  
 12 **abnormality of the cardiopulmonary system as ~~diagnosed by a~~**  
 13 **physician. ~~Respiratory care services involve, but are not limited~~**  
 14 **to, ~~observing, and providing or offering to provide a service~~**  
 15 **involving the evaluation of cardiopulmonary function, the treatment**  
 16 **of cardiopulmonary impairment, the assessment of treatment**  
 17 **effectiveness, and the care of patients with deficiencies and**  
 18 **abnormalities associated with the cardiopulmonary system.**  
 19 **Respiratory care services include, but are not limited to, the**  
 20 **following:**

21       **(i) Observing, assessing, and monitoring signs and symptoms,**  
 22 **reactions, general behavior, and ~~general physical-clinical~~ response**  
 23 **of individuals to respiratory care, ~~services,~~ including**  
 24 **determination of whether those signs, symptoms, reactions,**  
 25 **behaviors, or ~~general physical-clinical~~ response exhibit abnormal**  
 26 **characteristics. ~~the~~**

27       **(ii) The administration, monitoring, documentation, and**  
 28 **instruction of pharmacological, diagnostic, and therapeutic agents**  
 29 **related to respiratory care. ~~services; the collection of blood~~**

1 ~~specimens and other bodily fluids and tissues for, and the~~  
2 ~~performance of, cardiopulmonary diagnostic testing procedures~~  
3 ~~including, but not limited to, blood gas analysis;~~

4 **(iii) Obtaining, analyzing, testing, measuring, and monitoring**  
5 **blood and gas samples in the determination of cardiopulmonary**  
6 **parameters and related physiologic data, including, but not limited**  
7 **to, flows, pressures, and volumes, and the use of equipment**  
8 **employed for the purposes described in this subparagraph.**

9 **(iv) The development, implementation, and modification of**  
10 **respiratory care treatment plans based on assessed abnormalities of**  
11 **the cardiopulmonary system, respiratory care protocols, clinical**  
12 **pathways, referrals, and written, verbal, or telecommunicated**  
13 **orders of a physician or other qualified licensed practitioner. †**  
14 **application,**

15 **(v) The application, operation, and management of mechanical**  
16 **ventilatory support and other means of life support. †**~~and the~~

17 **(vi) Performing cardiopulmonary resuscitation, inserting and**  
18 **maintaining artificial airways and arterial and venous lines, and**  
19 **hemodynamic monitoring.**

20 **(vii) The initiation of emergency procedures under the rules**  
21 **promulgated by the board under this part.**

22 **(viii) Performing therapeutic bronchoscopy, diagnostic**  
23 **bronchoscopy, hyperbaric oxygen therapy, electrophysiological**  
24 **monitoring, and extracorporeal membrane oxygenation.**

25 **(g) †(f) "Respiratory therapist" and "respiratory care**  
26 **practitioner" mean an individual engaged who is licensed under this**  
27 **article to engage in the practice of respiratory care. and who is**  
28 **responsible for providing respiratory care services and who is**  
29 **licensed under this article as a respiratory therapist or**

1 ~~respiratory care practitioner.~~

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

6 Sec. 18703. ~~Beginning the effective date of the amendatory act~~  
7 ~~that added this part, an~~ **An** individual shall not use the titles  
8 "respiratory therapist", "respiratory care practitioner", "licensed  
9 respiratory therapist", "licensed respiratory care practitioner",  
10 "r.t.", "r.c.p.", "l.r.t.", "l.r.c.p.", or similar words that  
11 indicate the individual is a respiratory therapist unless the  
12 individual is licensed under this article as a respiratory  
13 therapist or respiratory care practitioner.

14 Sec. 18707. (1) An individual shall not engage in the practice  
15 of respiratory care ~~or provide or offer to provide respiratory care~~  
16 ~~services~~ unless **the individual is** licensed under this part.

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

18 (a) An individual licensed under any other part or act from  
19 performing activities that are considered **the practice of**  
20 respiratory care ~~services~~ if those activities are within the  
21 individual's scope of practice and if the individual does not use  
22 the titles protected under section 18703.

23 (b) An individual not licensed under this part from performing  
24 activities that are considered **the practice of** respiratory care  
25 ~~services~~ while under the supervision of an individual who is  
26 licensed under this part as a respiratory therapist or respiratory  
27 care practitioner, if the individual does not use the titles  
28 protected under section 18703.

29 (c) An individual not licensed under this part from performing

1 activities that are considered diagnostic services if the  
2 individual possesses a level of training approved by the board, has  
3 successfully passed a credentialing examination approved by the  
4 **department, in consultation with the** board, and if the individual  
5 does not use the titles protected under section 18703.

6 (d) The practice of respiratory care which is an integral part  
7 of a program of study by ~~students~~ **a student** enrolled in an  
8 accredited respiratory therapist educational program approved by  
9 the board, ~~provided that they are~~ **if the student is** identified as a  
10 student and ~~provide~~ **provides** respiratory care services only while  
11 under the supervision of a ~~licensed~~ respiratory therapist or  
12 respiratory care practitioner.

13 (e) Self-care by a patient or uncompensated care by a friend  
14 or family member who does not represent or hold ~~himself or herself~~  
15 **themselves** out to be a ~~licensed~~ respiratory therapist or respiratory  
16 care practitioner.

17 Sec. 18709. (1) The department, **in consultation with the**  
18 **board**, shall promulgate rules under section 16145 as necessary or  
19 appropriate to fulfill its functions under this article. In  
20 promulgating rules to establish requirements for licensure, ~~under~~  
21 ~~section 16145,~~ the department, **in consultation with the board**,  
22 shall adopt all of the following requirements:

23 (a) Successful completion of an accredited respiratory  
24 therapist ~~training~~ **educational** program approved by the department  
25 **in consultation with the board.**

26 (b) Having at least a 2-year ~~associate's~~ **associate** degree from  
27 an accredited college or university approved by the department **in**  
28 **consultation with the board.**

29 (c) Having the credential conferred by the ~~national board~~

1 **National Board** for ~~respiratory care~~ **Respiratory Care** or its  
2 successor organization as a respiratory therapist or its successor  
3 credential, as approved by the department **in consultation with the**  
4 **board.**

5 (2) ~~The department shall issue~~ **An individual must be granted a**  
6 license as a respiratory therapist ~~to an individual who had either~~  
7 ~~of the credentials~~ **if the individual meets any of the following**  
8 **conditions:**

9 (a) **Until 1 year after the effective date of the amendatory**  
10 **act that added subdivision (b), the individual holds a current and**  
11 **active credential** as a ~~registered respiratory therapist or~~  
12 ~~certified respiratory therapist, or their predecessor credentials,~~  
13 ~~conferred by~~ **from the national board** **National Board** for ~~respiratory~~  
14 ~~care,~~ **Respiratory Care or its successor,** or its predecessor  
15 organization, ~~on or before the effective date of this part, and who~~  
16 ~~applies for licensure as a respiratory therapist within 1 year~~  
17 ~~after the effective date of this part.~~ **an equivalent credential as**  
18 **determined by the department in consultation with the board.**

19 (b) **Beginning on or after 1 year after the effective date of**  
20 **the amendatory act that added this subdivision, the individual**  
21 **holds a current and active credential as a registered respiratory**  
22 **therapist from the National Board for Respiratory Care or its**  
23 **successor, or an equivalent credential as determined by the**  
24 **department in consultation with the board.**

25 (3) ~~The department shall issue a license as a respiratory~~  
26 ~~therapist to an individual who is a holder of a temporary license~~  
27 ~~as a respiratory therapist if a holder of a temporary license meets~~  
28 ~~all of the following requirements:~~

29 (a) ~~Applies for licensure as a respiratory therapist prior to~~



1 ~~the expiration of his or her temporary license as prescribed in~~  
2 ~~section 18711(2).~~

3 ~~(b) Provides proof to the department that he or she has~~  
4 ~~successfully completed the national credentialing exam by the~~  
5 ~~national board for respiratory care or its successor organization,~~  
6 ~~as approved by the department.~~

7 ~~(4) The department may utilize the standards contained in the~~  
8 ~~clinical practice guidelines issued by the American association of~~  
9 ~~respiratory care that are in effect on the effective date of this~~  
10 ~~part as interim standards, which are adopted by reference, until~~  
11 ~~rules are promulgated under subsection (1).~~

12 **Sec. 18710. (1) An individual who, in addition to meeting the**  
13 **requirements of part 161, meets both of the following requirements**  
14 **must be granted a limited license:**

15 **(a) Is enrolled and in good standing in a respiratory**  
16 **therapist educational program that meets the requirements described**  
17 **in section 18709(1) or is a graduate of a respiratory therapist**  
18 **educational program that meets the requirements described in**  
19 **section 18709(1).**

20 **(b) Provides a verification of education form that is**  
21 **completed by the respiratory therapist educational program**  
22 **described in subdivision (a) to the department.**

23 **(2) An individual who is granted a limited license under this**  
24 **section may perform duties only while under the supervision of a**  
25 **respiratory therapist, in consultation with the health facility.**

26 **(3) A limited license granted under this section expires at**  
27 **the earliest of the following times:**

28 **(a) One year after the date the limited license is granted.**

29 **(b) The date the individual becomes licensed under section**

1 18709(2)(b).

2 (4) A limited license granted under this section may be  
3 renewed once.

4 (5) This section does not require a student meeting the  
5 requirements described in section 18707(2)(d) to obtain a limited  
6 license under this section.

7 Sec. 18712. (1) In addition to the requirements of part 161, a  
8 licensee seeking renewal of the licensee's license shall furnish  
9 the department with satisfactory evidence that, during the  
10 licensing period immediately preceding the licensee's application  
11 for renewal, the licensee has met 1 of the following conditions:

12 (a) Subject to subsection (2), if the licensee is licensed  
13 under section 18709, the licensee completed at least 15 clock hours  
14 of continuing education courses that are designed to further  
15 educate licensees, as approved by the board.

16 (b) The licensee has successfully passed 1 of the following:

17 (i) A written professional examination administered by the  
18 National Board for Respiratory Care, including, but not limited to,  
19 the registry examination for advanced respiratory therapists, the  
20 recredentialing examination for certified respiratory therapists,  
21 the pulmonary function technology examination, the neonatal or  
22 pediatric specialty examination, the sleep disorder specialty  
23 examination, or an equivalent written professional examination as  
24 determined by the board.

25 (ii) The registered polysomnographic technologist examination  
26 administered by the Board of Registered Polysomnographic  
27 Technologists, the certified asthma education examination  
28 administered by the National Asthma Educator Certification Board,  
29 or an equivalent examination as determined by the board.

1           (2) None of the following meet the continuing education  
2 requirement described in subsection (1):

3           (a) A course on basic life support or cardiopulmonary  
4 resuscitation.

5           (b) An educational activity if the educational activity has  
6 the identical objective and content as another educational activity  
7 used for continuing education during the same licensing period  
8 immediately preceding the licensee's application for renewal.

9           (c) An employer-specific orientation or in-service program  
10 that does not significantly enhance the practice of respiratory  
11 care.

12           (d) Self-directed independent study, including, but not  
13 limited to, reading a text or journal article that has not been  
14 approved by the board.

15           (e) Participation in clinical practice or research if it is  
16 not part of a continuing education activity approved by the board.

17           (f) A personal development activity that is not taken for the  
18 purposes of meeting a continuing education requirement.

19           (g) A professional meeting or convention unless the meeting or  
20 convention or a portion of the meeting or convention is a  
21 continuing education activity approved by the board.

22           (h) Community service and volunteer practice.

23           (i) Membership in a professional organization.

24           (j) A contact hour if the licensee is required to complete the  
25 contact hour by rule and the contact hour would result in the  
26 licensee exceeding the clock hours prescribed in this section.

27           (3) A licensee shall maintain evidence of the licensee's  
28 compliance with the requirements of this section for a period of 4  
29 years after the date of the licensee's application for renewal,

1 during which time the licensee may be required to submit the  
2 evidence for auditing purposes.

3 (4) As used in this section:

4 (a) "Clock hour" means a period of 50 to 60 minutes.

5 (b) "Contact hour" means a period of 50 to 60 minutes of  
6 planned classroom, clinical, or provider-directed independent  
7 study.

8 Enacting section 1. This amendatory act takes effect 90 days  
9 after the date it is enacted into law.