

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4104**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16345, 18301, and 18305 (MCL 333.16345,
333.18301, and 333.18305), as amended by 2008 PA 523, and by adding
sections 18303a and 18303b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16345. **(1)** Fees for an individual licensed or seeking
2 licensure to engage in the practice of occupational therapy, or to
3 engage in practice as an occupational therapy assistant, under part
4 183 are as follows:

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

7 **(2) The fee for an individual seeking to hold a compact**



1 **privilege under the occupational therapy licensure compact enacted**
2 **in section 16188 is \$75.00 per year.**

3 Sec. 18301. (1) As used in this part:

4 (a) "Occupational therapy assistant" means an individual **who**
5 **is** licensed under this article, **or authorized under section 18303b,**
6 to engage in practice as an occupational therapy assistant.

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

10 (c) "Occupational therapy services" means those services
11 provided to promote health and wellness, prevent disability,
12 preserve functional capabilities, prevent barriers, and enable or
13 improve performance in everyday activities, including, but not
14 limited to, the following:

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

17 (ii) Compensation, modification, or adaptation of a person,
18 activity, or environment.

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

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



1 (A) Task analysis and therapeutic use of occupations,
2 exercises, and activities.

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

5 (C) Development remediation, or compensation of client factors
6 such as body functions and body structure.

7 (D) Education and training.

8 (E) Care coordination, case management, transition, and
9 consultative services.

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

12 (G) Assessment, design, fabrication, application, fitting, and
13 training in rehabilitative and assistive technology, adaptive
14 devices, and low temperature orthotic devices, and training in the
15 use of prosthetic devices. For the purposes of this sub-
16 subparagraph, the design and fabrication of low temperature
17 orthotic devices does not include permanent orthotics.

18 (H) Assessment, recommendation, and training in techniques to
19 enhance safety, functional mobility, and community mobility such as
20 wheelchair management and mobility.

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

22 (J) Application of physical agent modalities and use of a
23 range of specific therapeutic procedures, including, but not
24 limited to, techniques to enhance sensory-motor, perceptual, and
25 cognitive processing, manual therapy techniques, and adjunctive and
26 preparatory activities.

27 (K) Providing vision therapy services or low vision
28 rehabilitation services, if those services are provided pursuant to
29 a referral or prescription from, or under the supervision or



comanagement of, a physician licensed under part 170 or 175 or an optometrist licensed under part 174.

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

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

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

(ii) The practice of physical therapy.

(iii) The practice of optometry.

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

Sec. 18303a. (1) An individual who holds a compact privilege



1 to practice occupational therapy as an occupational therapist under
2 the occupational therapy licensure compact is authorized to engage
3 in the practice of occupational therapy under this article.

4 (2) For purposes of this article, including the obligations of
5 an individual who is licensed as an occupational therapist, an
6 individual who holds a compact privilege to practice occupational
7 therapy as an occupational therapist under the occupational therapy
8 licensure compact is considered an occupational therapist who is
9 licensed under this part.

10 Sec. 18303b. (1) An individual who holds a compact privilege
11 to practice occupational therapy under the occupational therapy
12 licensure compact as an occupational therapy assistant is
13 authorized to engage in the practice as an occupational therapy
14 assistant under this article.

15 (2) For purposes of this article, including the obligations of
16 an individual who is licensed as an occupational therapy assistant,
17 an individual who holds a compact privilege to practice
18 occupational therapy as an occupational therapy assistant under the
19 occupational therapy licensure compact is considered an
20 occupational therapy assistant who is licensed under this part.

21 Sec. 18305. (1) The Michigan board of occupational therapists
22 is created in the department and shall consist of the following 9
23 voting members who ~~shall~~**must** meet the requirements of part 161: 5
24 licensed occupational therapists and 4 public members, 1 of whom
25 ~~shall be~~**is** a physician licensed under part 170 or 175.

26 (2) The terms of office of individual members of the board
27 created under this section, except those appointed to fill
28 vacancies, expire 4 years after the appointment on December 31 of
29 the year in which the term expires.



1 (3) The board shall select the director to act as this state's
2 delegate for purposes of the occupational therapy licensure
3 compact.

4 Enacting section 1. This amendatory act takes effect 18 months
5 after the date it is enacted into law.

6 Enacting section 2. This amendatory act does not take effect
7 unless House Bill No. 4103 of the 103rd Legislature is enacted into
8 law.