



# HOUSE BILL No. 4938

June 7, 1995, Introduced by Reps. Profit, Wetters and Middaugh and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend section 14a of Act No. 256 of the Public Acts of 1988, entitled "Wildlife conservation act," as added by Act No. 193 of the Public Acts of 1993, being section 300.264a of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 14a of Act No. 256 of the Public Acts of  
2 1988, as added by Act No. 193 of the Public Acts of 1993, being  
3 section 300.264a of the Michigan Compiled Laws, is amended to  
4 read as follows:

5 Sec. 14a. (1) As used in this section:

6 (a) "Crossbow" means a weapon consisting of a bow mounted  
7 transversely on a stock or frame and designed to fire an arrow,  
8 bolt, or quarrel by the release of a bow string which is

1 controlled by a mechanical or electric trigger and has a working  
2 safety and with a draw weight of 100 pounds or greater.

3 (b) "Physical therapist" means a person licensed to engage  
4 in the practice of physical therapy under article 15 of the  
5 public health code, Act No. 368 of the Public Acts of 1978, being  
6 sections 333.16101 to 333.18838 of the Michigan Compiled Laws.

7 (c) "Physician" means a person licensed by the state to  
8 engage in the practice of medicine or the practice of osteopathic  
9 medicine and surgery OR THE PRACTICE OF CHIROPRACTIC under  
10 article 15 of the public health code, Act No. 368 of the Public  
11 Acts of 1978.

12 (2) The ~~director or an authorized representative of the~~  
13 ~~director~~ DEPARTMENT may issue a permit to a person who is certi-  
14 fied as being permanently disabled ~~by a physician~~ as provided  
15 in this section. That permit shall be issued without cost to the  
16 applicant and shall authorize that person to take game with a  
17 crossbow during the open season for that game if that person  
18 holds a license to take that game issued pursuant to ~~the hunting~~  
19 ~~and fishing license act, Act No. 86 of the Public Acts of 1980,~~  
20 ~~being sections 316.101 to 316.902~~ PART 435 OF THE NATURAL  
21 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, ACT NO. 451 OF THE  
22 PUBLIC ACTS OF 1994, BEING SECTIONS 324.43501 TO 324.43561 of the  
23 Michigan Compiled Laws, and complies with all other laws and  
24 rules for the taking of game.

25 (3) An applicant for a permit under this section shall  
26 submit to the ~~director or an authorized representative of the~~  
27 ~~director~~ DEPARTMENT a signed certification from a physician.

1 ~~indicating that the physician received from a physical therapist~~  
2 ~~and reviewed and confirmed objective test findings indicating the~~  
3 ~~percentage of disability determined to be present in the permit~~  
4 ~~applicant by the physical therapist.~~ A PHYSICIAN MAY BASE HIS OR  
5 HER CERTIFICATION UNDER THIS SECTION ON THE REPORT OF A PHYSICAL  
6 THERAPIST. Based on the test findings, the physician may certify  
7 that the applicant is permanently disabled as required by this  
8 section if the physician finds that the permit applicant has at  
9 least 80%, in combination or individual impairment, of a hand,  
10 elbow, or shoulder. In support of such a determination, ~~the~~  
11 ~~physician and the physical therapist shall utilize~~ the following  
12 standards and criteria SHALL BE UTILIZED:

13 (a) If applicable, PERIPHERAL NERVE INVOLVEMENT OR muscle  
14 weaknesses with a grade of fair or below for involved upper  
15 extremity muscle groups OR A REDUCTION IN FUNCTION will be used  
16 to determine if a person is eligible for a permit under this  
17 section. ~~Testing by the physical therapist will use as a guide-~~  
18 ~~line, "Techniques of Manual Muscle Testing", by Daniels and~~  
19 ~~Worthingham, or other guidelines accepted by the American medical~~  
20 ~~association.~~

21 (b) ~~Impaired range of motion. Goniometric measurements~~  
22 ~~using the "American medical association guide to evaluation and~~  
23 ~~permanent impairment rating", or other guidelines accepted by the~~  
24 ~~American medical association.~~

25 (c) ~~Peripheral nerve involvement, using the "American medi-~~  
26 ~~cal association guide to evaluation and permanent impairment~~

1 ~~rating", or other guidelines accepted by the American medical~~  
2 ~~association.~~

3 (B) ~~(d)~~ Amputations involving 4 fingers at the proximal  
4 interphalangeal joint, wrist, elbow, and shoulder do not require  
5 objective test findings. However, the applicant is required to  
6 present a physician's diagnosis to be qualified for a permit.

7 (C) ~~(e) Unilateral hand weakness disabilities.~~ In addition  
8 to manual muscle testing WITH REGARD TO UNILATERAL HAND WEAKNESS  
9 DISABILITIES, a grip dynamometer, pinch grip, and lateral grip  
10 measurements will be used to compare dominant to nondominant  
11 hand. A 5% deficit is standard acceptance for the nondominant  
12 hand. Bilateral hand weaknesses or bilateral upper extremity  
13 weaknesses, or both, are subject to manual muscle testing only.

14 (D) ~~(f)~~ Any spinal cord injury above the level of C-8,  
15 resulting in permanent disability to the lower extremities, leav-  
16 ing the applicant permanently nonambulatory, as diagnosed by a  
17 physician do not require objective test findings. However, the  
18 applicant is required to present a physician's diagnosis to be  
19 qualified for a permit.

20 (E) ~~(g) Coordination assessment. Coordination is the abil-~~  
21 ~~ity to execute smooth, accurate, controlled movement.~~

22 Incoordination or coordination deficit describes abnormal motor  
23 function characterized by awkward, extraneous, uneven, or inaccu-  
24 rate movements, caused by central nervous disorders, including,  
25 but not limited to, Parkinson's disease, cerebral palsy, hemiple-  
26 gia, hemiparesis, ~~and~~ closed head trauma, ARTHRITIS, OR CARPAL  
27 TUNNEL SYNDROME; or by progressive neuromuscular diseases, such

1 as muscular dystrophy, multiple sclerosis, and amyotrophic  
2 lateral sclerosis. Purpose: to assess the ability of muscles or  
3 groups of muscles to work together to perform a task. For safety  
4 considerations, this ~~test~~ COORDINATION ASSESSMENT will elimi-  
5 nate severely involved applicants from qualifying for a permit.  
6 AS USED IN THIS SUBDIVISION, "COORDINATION" MEANS THE ABILITY TO  
7 EXECUTE SMOOTH, ACCURATE, CONTROLLED MOVEMENT.

8 (4) A person shall not seek diagnosis from a physical thera-  
9 pist or a physician for purposes of meeting the requirements of  
10 this section on more than 2 occasions within a 6-month period.

11 ~~A~~ IF A person ~~who~~ seeks a diagnosis from a PHYSICIAN OR phys-  
12 ical therapist and the results of the testing do not meet the  
13 requirements of this section for eligibility for a permit, THE  
14 PERSON may do either of the following:

15 (a) Within 30 days of obtaining the test results seek  
16 another opinion from the same or a different PHYSICIAN OR physi-  
17 cal therapist.

18 (b) After 180 days or more seek another opinion from the  
19 same or a different PHYSICIAN OR physical therapist.

20 (5) A permit issued under this section to a person who is  
21 eligible for that permit because he or she has a progressive neu-  
22 romuscular disease or a central nervous disorder shall be issued  
23 for 2 years and then is renewable only upon reapplication pursu-  
24 ant to this section. All other crossbow permits issued pursuant  
25 to this section are valid unless revoked pursuant to the adminis-  
26 trative procedures act of 1969, Act No. 306 of the Public Acts of

1 1969, being sections 24.201 to 24.328 of the Michigan Compiled-  
2 Laws.

3 (6) Arrows, bolts, and quarrels used for taking deer, bear,  
4 elk, and turkey with a crossbow under a permit issued under this  
5 section are required to have a broadhead hunting type of point  
6 not less than 7/8 inch wide and must be a minimum of 14 inches in  
7 length.

8 (7) A person who falsely obtains or uses a permit authorized  
9 in this section is guilty of a misdemeanor, punishable by impris-  
10 onment for not more than 90 days, or a fine of not less than  
11 \$200.00 or more than \$1,000.00, or both, and the cost of  
12 prosecution.