

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 206

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 3, and by adding section 16323a
and part 168.

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

1	Podiatric medicine and surgery	June 30
2	Dentistry	June 30
3	Chiropractic	December 31
4	Counseling	June 30
5	Marriage and family therapy	June 30
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.".

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

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

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

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

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

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

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

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

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

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

24 (n) ~~"Social~~ **Until July 1, 2005, "social** worker", "certified
25 social worker", "social work technician", "s.w.", "c.s.w.", and
26 "s.w.t.". **Beginning July 1, 2005, "social worker", "licensed**
27 **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".

1 (2) Notwithstanding section 16261, a person who was specially
2 trained at an institution of higher education in this state to
3 assist a physician in the field of orthopedics and upon
4 completion of training, received a 2-year associate of science
5 degree as an orthopedic physician's assistant before January 1,
6 1977, may use the title "orthopedic physician's assistant"
7 whether or not the person is licensed under this article.

8 **Sec. 16323a. Fees for a person licensed or seeking**
9 **licensure as an audiologist under part 168 are as follows:**

- 10 (a) Application processing fee.....\$ 120.00
- 11 (b) License fee, per year..... 150.00

12 **PART 168. AUDIOLOGY**

13 **Sec. 16801. (1) As used in this part:**

14 (a) "Audiologist" means an individual licensed under this
15 article to engage in the practice of audiology.

16 (b) "Practice of audiology" means the nonmedical and
17 nonsurgical application of principles, methods, and procedures
18 related to disorders of hearing, including all of the following:

19 (i) Facilitating the conservation of auditory system
20 function.

21 (ii) Developing and implementing hearing conservation
22 programs.

23 (iii) Preventing, identifying, and assessing hearing
24 disorders of the peripheral and central auditory system.

25 (iv) Selecting, fitting, and dispensing of amplification
26 systems, including hearing aids and related devices, and
27 providing training for their use.

1 (v) Providing auditory training, consulting, education, and
2 speech reading to individuals with hearing disorders.

3 (vi) Administering and interpreting tests of vestibular
4 function and tinnitus in compliance with section 16809 and in
5 adherence to the mandate of subsection (2).

6 (vii) Routine cerumen removal from the cartilaginous portion
7 of the external ear in otherwise healthy ears except that if the
8 audiologist, while engaged in routine cerumen removal, discovers
9 any trauma, including, but not limited to, continuous
10 uncontrolled bleeding, lacerations, or other traumatic injuries,
11 he or she shall, as soon as practically possible, refer the
12 patient to a person licensed in the practice of medicine or
13 osteopathic medicine and surgery.

14 (viii) Speech and language screening limited to a pass-fail
15 determination for the purpose of identification of individuals
16 with disorders of communication.

17 (2) Practice of audiology does not include the practice of
18 medicine or osteopathic medicine and surgery or medical diagnosis
19 or treatment.

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

24 Sec. 16803. Beginning 120 days after the effective date of
25 this part and except as otherwise provided in section 16807, an
26 individual shall not engage in the practice of audiology unless
27 licensed or otherwise authorized by this article.

1 Sec. 16805. The Michigan board of audiology is created
2 within the department. The board consists of the following 9
3 voting members who meet the requirements of part 161:

4 (a) Five audiologists. The members initially appointed under
5 this subdivision shall meet the requirements of section 16135.

6 (b) Two members shall be persons licensed to practice
7 medicine or osteopathic medicine and surgery who hold a
8 certificate of qualification from the American board of
9 otolaryngology.

10 (c) Two public members, neither of whom is an audiologist or
11 physician or has family or financial ties to an audiologist or
12 physician.

13 Sec. 16807. This part does not limit any of the following:

14 (a) An individual employed by a regionally accredited college
15 or university and involved with research or the teaching of
16 communication disorders from performing those duties for which he
17 or she is employed by that institution, as long as the individual
18 does not engage in the practice of audiology or hold himself or
19 herself out as licensed or otherwise authorized under this
20 article as an audiologist.

21 (b) An individual who is employed by the department of
22 community health in 1 of its approved hearing screening training
23 programs from conducting screening of hearing sensitivity.

24 (c) An individual certified by an agency acceptable to the
25 occupational health standards commission from engaging in hearing
26 screening as part of a hearing conservation program in compliance
27 with standards adopted under the Michigan occupational safety and

1 health act, 1974 PA 154, MCL 408.1001 to 408.1094.

2 (d) A certified, licensed, registered, or otherwise
3 statutorily recognized member of another profession, including a
4 person licensed in the practice of medicine or osteopathic
5 medicine and surgery and an unlicensed or licensed person to whom
6 tasks have been delegated under his or her supervision, and
7 including a person licensed under article 13 of the occupational
8 code, 1980 PA 299, MCL 339.1301 to 339.1309, from practicing his
9 or her profession as authorized by law, so long as the individual
10 does not hold himself or herself out to the public as possessing
11 a license issued or title protected under this article.

12 Sec. 16809. (1) An audiologist shall administer tests of
13 vestibular function only to patients who have been referred to
14 him or her by a person licensed to practice medicine or
15 osteopathic medicine and surgery.

16 (2) If an audiologist administers an audiometric test for
17 tinnitus and his or her examination of the patient reflects the
18 presence of otologic or systemic diseases, the audiologist shall
19 promptly refer the patient to a person licensed to practice
20 medicine or osteopathic medicine and surgery.

21 (3) An audiologist shall comply with the federal food and
22 drug administration medical referral guidelines for fitting and
23 dispensing hearing instruments, 21 CFR 801.621, incorporated by
24 reference.

25 (4) A licensed audiologist may not sell a hearing instrument
26 to a person under 18 years of age unless the person or the parent
27 or guardian of the person presents to the audiologist a written

1 statement signed by a licensed physician who specializes in
2 diseases of the ear stating that both of the following exist:

3 (a) The person's hearing loss has been medically evaluated
4 during the 6-month period preceding the date the statement is
5 presented.

6 (b) The person may be considered a candidate for a hearing
7 instrument.

8 Sec. 16811. (1) The department shall require an individual
9 granted a license under this article as an audiologist to meet
10 either of the following requirements:

11 (a) Possess a master's degree in audiology from a regionally
12 accredited college or university approved by the board; have
13 completed at least 9 months of supervised clinical experience in
14 audiology; and have successfully completed an examination in
15 audiology as described in subsection (2) or (3).

16 (b) Possess a doctoral degree in audiology from a regionally
17 accredited college or university approved by the board; have
18 completed at least 9 months of supervised clinical experience in
19 audiology; and have successfully completed an examination in
20 audiology as described in subsection (2) or (3).

21 (2) The department, in consultation with the board, shall
22 provide that applicants pass an examination dealing with all
23 aspects of the practice of audiology before issuance of a license
24 under this part. The department, in consultation with the board,
25 may develop its own examination and may promulgate rules to
26 establish standards for that examination or for the adoption by
27 reference of an examination, or parts of an examination,

1 developed by an outside entity that it determines offers an
2 appropriate examination. If the department adopts all or part of
3 an examination developed by an outside entity, the department may
4 promulgate rules to adopt by reference any supplement or update
5 to the examination.

6 (3) Beginning on the effective date of this part and until 1
7 or more examinations are developed or adopted under subsection
8 (2), the PRAXIS examination in audiology, developed by
9 educational testing services, in existence on the effective date
10 of this part is adopted by reference and considered acceptable
11 for qualification of applicants under this part. Not later than
12 June 30, 2005, the department, in consultation with the board,
13 shall make a recommendation on whether to develop its own exam,
14 adopt an examination developed by an outside entity, or continue
15 to accept the PRAXIS examination and any update pursuant to rule
16 as further described in subsection (2). The department shall
17 notify the house and senate standing committees on health policy
18 matters of its recommendation.

19 (4) Notwithstanding subsections (2) and (3), the department
20 shall grant a license to a person who, on the effective date of
21 this part, has been engaged in the practice of audiology, who
22 meets the requirements of subsection (1), who applies for
23 licensure under this part, and who presents to the department
24 proof of passing any past or present version of the PRAXIS
25 examination in audiology or any past or present version of its
26 predecessor, the national teachers examination on speech and
27 language pathology and audiology, both of which were developed by

Senate Bill No. 206 (H-6) as amended March 18, 2004

1 educational testing services. Passage of those examinations is
2 considered fulfillment of the examination requirement of this
3 subsection. The past and present versions of the PRAXIS
4 examination in audiology and all versions of its predecessor, the
5 national teachers examination on speech and language pathology
6 and audiology, both of which were developed by educational
7 testing services, are adopted by reference for purposes of this
8 subsection.

9 (5) Beginning the license year after the effective date of
10 the rules promulgated under this subsection, an individual shall
11 meet the continuing education requirements of this subsection.
12 The department, in consultation with the board, shall promulgate
13 Rules to require licensees seeking renewal to furnish evidence
14 acceptable to the department and board of the successful
15 completion, during the preceding license year, of at least 10
16 clock hours of continuing education [courses or programs related to the
17 practice of audiology and designed to further educate licensees.]

18 (6) The [department] shall ensure that all approved continuing
19 education courses described in subsection (5) include defined
20 measurements of preknowledge and postknowledge or skill
21 improvements, or both, as a result of the continuing education
22 program. [
23
24
25
26
27

Senate Bill No. 206 (H-6) as amended March 18, 2004

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9

]