

**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 2001 PA 139, 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	Social work	December 31
12	Veterinary medicine	December 31

13 Sec. 16263. (1) Except as provided in subsection (2), the
14 following words, titles, or letters or a combination thereof,
15 with or without qualifying words or phrases, are restricted in
16 use only to those persons authorized under this article to use
17 the terms and in a way prescribed in this article:

18 (a) "Chiropractic", "doctor of chiropractic", "chiropractor",
19 "d.c.", and "chiropractic physician".

20 (b) "Dentist", "doctor of dental surgery", "oral and
21 maxillofacial surgeon", "orthodontist", "prosthodontist",
22 "periodontist", "endodontist", "oral pathologist", "pediatric
23 dentist", "dental hygienist", "registered dental hygienist",
24 "dental assistant", "registered dental assistant", "r.d.a.",
25 "d.d.s.", "d.m.d.", and "r.d.h.".

26 (c) "Doctor of medicine" and "m.d.".

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

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

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

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

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

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

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

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

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

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

23 (n) "Social worker", "certified social worker", "social work
24 technician", "s.w.", "c.s.w.", and "s.w.t.".

25 (o) "Veterinary", "veterinarian", "veterinary doctor",
26 "veterinary surgeon", "doctor of veterinary medicine", "v.m.d.",
27 "d.v.m.", "animal technician", or "animal technologist".

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1 (p) "Occupational therapist", "occupational therapist
 2 registered", "certified occupational therapist", "o.t.",
 3 "o.t.r.", "c.o.t.", "certified occupational therapy assistant",
 4 "occupational therapy assistant", or "c.o.t.a.".

5 (q) "Marriage advisor" or "marriage consultant"; "family
 6 counselor", "family advisor", "family therapist", or "family
 7 consultant"; "family guidance counselor", "family guidance
 8 advisor", or "family guidance consultant"; "marriage guidance
 9 counselor", "marriage guidance advisor", or "marriage guidance
 10 consultant"; "family relations counselor"; "marriage relations
 11 counselor", "marriage relations advisor", or "marriage relations
 12 consultant"; "marital counselor" or "marital therapist"; "limited
 13 licensed marriage and family therapist" or "limited licensed
 14 marriage counselor"; "licensed marriage and family therapist" or
 15 "licensed marriage counselor"; and "l.m.f.t.".

16 (r) "Nursing home administrator".

17 (s) "Audiometrist", "audiologist", "hearing therapist",
 18 "hearing aid audiologist", "educational audiologist", "industrial
 19 audiologist", <<"audioprosthologist",>>and "clinical audiologist"<<
 20 Any>> other similar
 21 title conveying the practice of audiology <<shall not be used by an
 22 individual not regulated by this article>>.

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

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

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

5 PART 168. AUDIOLOGY

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

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

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

12 (i) Facilitating the conservation of auditory system
13 function.

14 (ii) Developing and implementing hearing conservation
15 programs.

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

18 (iv) Selecting, fitting, and dispensing of amplification
19 systems, including hearing aids and related devices, and
20 providing training for their use.

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

23 (vi) Administering and interpreting tests of vestibular
24 function and tinnitus in compliance with section 16809 and in
25 adherence to the mandate of subsection (2).

26 (vii) Routine cerumen removal from the cartilaginous portion
27 of the external ear in otherwise healthy ears except that if the

1 audiologist, while engaged in routine cerumen removal, discovers
2 any trauma, including continuous uncontrolled bleeding,
3 lacerations, or other traumatic injuries, he or she shall, as
4 soon as practically possible, refer the patient to a person
5 licensed in the practice of medicine or osteopathic medicine and
6 surgery.

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

10 (2) Practice of audiology does not include the practice of
11 medicine or osteopathic medicine and surgery or medical diagnosis
12 or treatment.

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

17 Sec. 16803. Except as otherwise provided in section 16807,
18 an individual shall not engage in the practice of audiology
19 unless licensed or otherwise authorized by this article.

20 Sec. 16805. (1) The Michigan board of audiology is created
21 within the department. The board consists of the following 9
22 voting members who meet the requirements of part 161:

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

25 (b) Two members shall be persons licensed to practice
26 medicine or osteopathic medicine and surgery who hold a
27 certificate of qualification from the American board of

1 otolaryngology.

2 (c) Two public members, neither of whom is an audiologist or
3 physician or has family or financial ties to an audiologist or
4 physician.

5 (2) The members shall be appointed as follows:

6 (a) The physician members shall be from a list of at least 2
7 individuals submitted to the governor by the Michigan
8 otolaryngological society or its successor organization.

9 (b) The audiologist members shall be from a list of at least
10 3 times the number of vacancies submitted jointly to the governor
11 by the Michigan speech-language and hearing association and the
12 Michigan academy of audiology or its successor organization.

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, from
7 practicing his or her profession as authorized by law, so long as
8 the individual does not hold himself or herself out to the public
9 as possessing a license issued or title protected under this
10 article.

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

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

20 (3) An audiologist shall comply with the federal food and
21 drug administration medical referral guidelines for fitting and
22 dispensing hearing instruments, as incorporated by reference in
23 its entirety under rules adopted by the board.

24 (4) A licensed audiologist may not sell a hearing instrument
25 to a person under 18 years of age unless the person or the parent
26 or guardian of the person presents to the audiologist a written
27 statement signed by a licensed physician who specializes in

1 diseases of the ear stating that both of the following exists:

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

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

7 Sec. 16811. The board shall by rule require an individual
8 granted a license under this article as an audiologist to meet
9 either of the following requirements:

10 (a) Possess a master's degree in audiology from a regionally
11 accredited college or university approved by the board; have
12 completed at least 9 months of supervised clinical experience in
13 audiology; and have successfully completed, as determined by the
14 board, a national examination in audiology or an examination
15 determined by the board to be equivalent to the national
16 examination.

17 (b) Possess a doctoral degree in audiology from a regionally
18 accredited college or university approved by the board and have
19 successfully completed, as determined by the board, a national
20 examination in audiology or an examination determined by the
21 board to be equivalent to the national examination.