

SENATE BILL No. 1193

March 28, 2006, Introduced by Senators GOSCHKA, BRATER and BIRKHOLZ and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16263, 16345, 18301, 18303, 18305, 18307, and 18309 (MCL 333.16263, 333.16345, 333.18301, 333.18303, 333.18305, 333.18307, and 333.18309), section 16263 as amended by 2004 PA 97, section 16345 as added and section 18305 as amended by 1993 PA 79, and sections 18301, 18303, 18307, and 18309 as added by 1988 PA 473, and by adding sections 18313 and 18315.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16263. (1) Except as provided in subsection (2), the
2 following words, titles, or letters or a combination thereof, with
3 or without qualifying words or phrases, are restricted in use only
4 to those persons authorized under this article to use the terms and

1 in a way prescribed in this article:

2 (a) "Chiropractic", "doctor of chiropractic", "chiropractor",
3 "d.c.", and "chiropractic physician".

4 (b) "Dentist", "doctor of dental surgery", "oral and
5 maxillofacial surgeon", "orthodontist", "prosthodontist",
6 "periodontist", "endodontist", "oral pathologist", "pediatric
7 dentist", "dental hygienist", "registered dental hygienist",
8 "dental assistant", "registered dental assistant", "r.d.a.",
9 "d.d.s.", "d.m.d.", and "r.d.h.".

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

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

12 (e) "Registered professional nurse", "registered nurse",
13 "r.n.", "licensed practical nurse", "l.p.n.", "nurse midwife",
14 "nurse anesthetist", "nurse practitioner", "trained attendant", and
15 "t.a.".

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

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

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

21 (i) "Physical therapy", "physical therapist",
22 "physiotherapist", "registered physical therapist", "licensed
23 physical therapist", "physical therapy technician", "p.t.",
24 "r.p.t.", "l.p.t.", and "p.t.t.".

25 (j) "Chiropodist", "chiropody", "chiropodical", "podiatry",
26 "podiatrist", "podiatric", "doctor of podiatric medicine", "foot
27 specialist", "podiatric physician and surgeon", and "d.p.m.".

1 (k) "Consulting psychologist", "psychologist", "psychological
2 assistant", "psychological examiner", "licensed psychologist", and
3 "limited licensed psychologist".

4 (l) "Licensed professional counselor", "licensed counselor",
5 "professional counselor", and "l.p.c.".

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

7 (n) Until July 1, 2005, "social worker", "certified social
8 worker", "social work technician", "s.w.", "c.s.w.", and "s.w.t.".
9 Beginning July 1, 2005, "social worker", "licensed master's social
10 worker", "licensed bachelor's social worker", "registered social
11 service technician", "social service technician", "l.m.s.w.",
12 "l.b.s.w.", and "r.s.s.t.".

13 (o) "Veterinary", "veterinarian", "veterinary doctor",
14 "veterinary surgeon", "doctor of veterinary medicine", "v.m.d.",
15 "d.v.m.", "animal technician", or "animal technologist".

16 (p) "Occupational **THERAPY**", "**OCCUPATIONAL** therapist",
17 "**OCCUPATIONAL THERAPIST LICENSED**", "occupational therapist
18 registered", ~~"certified occupational therapist"~~ "**OCCUPATIONAL**
19 **THERAPIST REGISTERED LICENSED**", "o.t.", "**O.T.L.**", "o.t.r.",
20 ~~"c.o.t."~~ "**O.T.R.L.**", "certified occupational therapy assistant",
21 "**CERTIFIED OCCUPATIONAL THERAPY ASSISTANT LICENSED**", "occupational
22 therapy assistant", ~~or~~ "**OCCUPATIONAL THERAPY ASSISTANT LICENSED**",
23 "c.o.t.a.", "**C.O.T.A.L.**", "**O.T.A.**", OR "**O.T.A.L.**".

24 (q) "Marriage advisor" or "marriage consultant"; "family
25 counselor", "family advisor", "family therapist", or "family
26 consultant"; "family guidance counselor", "family guidance
27 advisor", or "family guidance consultant"; "marriage guidance

1 counselor", "marriage guidance advisor", or "marriage guidance
 2 consultant"; "family relations counselor"; "marriage relations
 3 counselor", "marriage relations advisor", or "marriage relations
 4 consultant"; "marital counselor" or "marital therapist"; "limited
 5 licensed marriage and family therapist" or "limited licensed
 6 marriage counselor"; "licensed marriage and family therapist" or
 7 "licensed marriage counselor"; and "l.m.f.t.".

8 (r) "Nursing home administrator".

9 (s) "Respiratory therapist", "respiratory care practitioner",
 10 "licensed respiratory therapist", "licensed respiratory care
 11 practitioner", "r.t.", "r.c.p.", "l.r.t.", and "l.r.c.p.".

12 (t) "Audiometrist", "audiologist", "hearing therapist",
 13 "hearing aid audiologist", "educational audiologist", "industrial
 14 audiologist", and "clinical audiologist".

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

22 Sec. 16345. Fees for ~~a person registered or seeking~~
 23 ~~registration as a certified occupational therapist or a certified~~
 24 ~~occupational therapist assistant~~ **AN INDIVIDUAL LICENSED OR SEEKING**
 25 **LICENSURE TO ENGAGE IN THE PRACTICE OF OCCUPATIONAL THERAPY, OR TO**
 26 **ENGAGE IN PRACTICE AS AN OCCUPATIONAL THERAPY ASSISTANT**, under part
 27 183 are as follows:

- 1 (a) Application processing fee \$ 20.00
- 2 (b) ~~Registration~~ LICENSE fee, per year 60.00

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

4 (a) ~~"Certified occupational"~~ **"OCCUPATIONAL** therapy assistant"
 5 means an individual ~~registered as a certified~~ **LICENSED UNDER THIS**
 6 **ARTICLE TO ENGAGE IN PRACTICE AS AN** occupational therapy assistant.
 7 ~~in accordance with this article.~~

8 (b) ~~"Certified occupational"~~ **"OCCUPATIONAL** therapist" means
 9 an individual ~~who diminishes or corrects pathology in order to~~
 10 ~~promote and maintain health through application of the art and~~
 11 ~~science of directing purposeful activity designed to restore,~~
 12 ~~reinforce, and enhance the performance of individuals and who is~~
 13 ~~registered in accordance with this article~~ **LICENSED UNDER THIS**
 14 **ARTICLE TO ENGAGE IN THE PRACTICE OF OCCUPATIONAL THERAPY.**

15 (c) **"OCCUPATIONAL THERAPY SERVICES" MEANS THOSE SERVICES**
 16 **PROVIDED TO PROMOTE HEALTH AND WELLNESS, PREVENT DISABILITY,**
 17 **PRESERVE FUNCTIONAL CAPABILITIES, PREVENT BARRIERS, AND ENABLE OR**
 18 **IMPROVE PERFORMANCE IN EVERYDAY ACTIVITIES, INCLUDING, BUT NOT**
 19 **LIMITED TO, THE FOLLOWING:**

20 (i) **ESTABLISHMENT, REMEDIATION, OR RESTORATION OF A SKILL OR**
 21 **ABILITY THAT IS IMPAIRED OR NOT YET DEVELOPED.**

22 (ii) **COMPENSATION, MODIFICATION, OR ADAPTATION OF A PERSON,**
 23 **ACTIVITY, OR ENVIRONMENT.**

24 (iii) **EVALUATION OF FACTORS THAT AFFECT ACTIVITIES OF DAILY**
 25 **LIVING, INSTRUMENTAL ACTIVITIES OF DAILY LIVING, AND OTHER**
 26 **ACTIVITIES RELATING TO EDUCATION, WORK, PLAY, LEISURE, AND SOCIAL**
 27 **PARTICIPATION. THOSE FACTORS INCLUDE, BUT ARE NOT LIMITED TO, BODY**

1 FUNCTIONS, BODY STRUCTURE, HABITS, ROUTINES, ROLE PERFORMANCE,
2 BEHAVIOR PATTERNS, SENSORY MOTOR SKILLS, COGNITIVE SKILLS,
3 COMMUNICATION AND INTERACTION SKILLS, AND CULTURAL, PHYSICAL,
4 PSYCHOSOCIAL, SPIRITUAL, DEVELOPMENTAL, ENVIRONMENTAL, AND
5 SOCIOECONOMIC CONTEXTS AND ACTIVITIES THAT AFFECT PERFORMANCE.

6 (iv) INTERVENTIONS AND PROCEDURES, INCLUDING, BUT NOT LIMITED
7 TO, ANY OF THE FOLLOWING:

8 (A) TASK ANALYSIS AND THERAPEUTIC USE OF OCCUPATIONS,
9 EXERCISES, AND ACTIVITIES.

10 (B) TRAINING IN SELF-CARE, SELF-MANAGEMENT, HOME MANAGEMENT,
11 AND COMMUNITY OR WORK REINTEGRATION.

12 (C) DEVELOPMENT REMEDIATION, OR COMPENSATION OF CLIENT FACTORS
13 SUCH AS BODY FUNCTIONS AND BODY STRUCTURE.

14 (D) EDUCATION AND TRAINING.

15 (E) CARE COORDINATION, CASE MANAGEMENT, TRANSITION, AND
16 CONSULTATIVE SERVICES.

17 (F) MODIFICATION OF ENVIRONMENTS AND ADAPTATION PROCESSES SUCH
18 AS THE APPLICATION OF ERGONOMIC AND SAFETY PRINCIPLES.

19 (G) ASSESSMENT, DESIGN, FABRICATION, APPLICATION, FITTING, AND
20 TRAINING IN REHABILITATIVE AND ASSISTIVE TECHNOLOGY, ADAPTIVE
21 DEVICES, AND ORTHOTIC DEVICES, AND TRAINING IN THE USE OF
22 PROSTHETIC DEVICES.

23 (H) ASSESSMENT, RECOMMENDATION, AND TRAINING IN TECHNIQUES TO
24 ENHANCE SAFETY, FUNCTIONAL MOBILITY, AND COMMUNITY MOBILITY SUCH AS
25 WHEELCHAIR MANAGEMENT AND MOBILITY.

26 (I) MANAGEMENT OF FEEDING, EATING, AND SWALLOWING.

27 (J) APPLICATION OF PHYSICAL AGENT MODALITIES AND USE OF A

1 RANGE OF SPECIFIC THERAPEUTIC PROCEDURES, INCLUDING, BUT NOT
2 LIMITED TO, TECHNIQUES TO ENHANCE SENSORY-MOTOR, PERCEPTUAL, AND
3 COGNITIVE PROCESSING, MANUAL THERAPY TECHNIQUES, AND ADJUNCTIVE AND
4 PREPARATORY ACTIVITIES.

5 (D) "PRACTICE AS AN OCCUPATIONAL THERAPY ASSISTANT" MEANS THE
6 PRACTICE OF OCCUPATIONAL THERAPY UNDER THE SUPERVISION OF AN
7 OCCUPATIONAL THERAPIST LICENSED UNDER THIS PART.

8 (E) "PRACTICE OF OCCUPATIONAL THERAPY" MEANS THE THERAPEUTIC
9 USE OF EVERYDAY LIFE OCCUPATIONS AND OCCUPATIONAL THERAPY SERVICES
10 TO AID INDIVIDUALS OR GROUPS TO PARTICIPATE IN MEANINGFUL ROLES AND
11 SITUATIONS IN THE HOME, SCHOOL, WORKPLACE, COMMUNITY, AND OTHER
12 SETTINGS, TO PROMOTE HEALTH AND WELLNESS THROUGH RESEARCH AND
13 PRACTICE, AND TO SERVE THOSE INDIVIDUALS OR GROUPS WHO HAVE OR ARE
14 AT RISK FOR DEVELOPING AN ILLNESS, INJURY, DISEASE, DISORDER,
15 CONDITION, IMPAIRMENT, DISABILITY, ACTIVITY LIMITATION, OR
16 PARTICIPATION RESTRICTION. THE PRACTICE OF OCCUPATIONAL THERAPY
17 ADDRESSES THE PHYSICAL, COGNITIVE, PSYCHOSOCIAL, SENSORY, AND OTHER
18 ASPECTS OF PERFORMANCE IN A VARIETY OF CONTEXTS TO SUPPORT
19 ENGAGEMENT IN EVERYDAY LIFE ACTIVITIES THAT AFFECT A PERSON'S
20 HEALTH, WELL-BEING, AND QUALITY OF LIFE THROUGHOUT HIS OR HER LIFE
21 SPAN.

22 (2) PRACTICE OF OCCUPATIONAL THERAPY DOES NOT INCLUDE THE
23 PRACTICE OF MEDICINE OR OSTEOPATHIC MEDICINE AND SURGERY OR MEDICAL
24 DIAGNOSIS OR TREATMENT.

25 (3) ~~—(2)—~~ In addition to the definitions in this part, article
26 1 contains general definitions and principles of construction
27 applicable to all articles in this code and part 161 contains

1 definitions applicable to this part.

2 Sec. 18303. (1) After the rules described in sections 18307
3 and 18309 are promulgated ~~—a person—~~ **FOR LICENSURE UNDER THIS**
4 **PART, AN INDIVIDUAL** shall not use the titles "occupational
5 therapist", "o.t.", "OCCUPATIONAL THERAPIST LICENSED", "O.T.L.",
6 "occupational therapist registered", "o.t.r.", ~~"certified~~
7 ~~occupational therapist", "c.o.t."~~ **OCCUPATIONAL THERAPIST**
8 **REGISTERED LICENSED**", "O.T.R.L.", "certified occupational therapy
9 assistant", "c.o.t.a.", "CERTIFIED OCCUPATIONAL THERAPY ASSISTANT
10 LICENSED", "C.O.T.A.L.", "occupational therapy assistant",
11 "O.T.A.", "OCCUPATIONAL THERAPY ASSISTANT LICENSED", "O.T.A.L.", or
12 similar words which indicate that ~~the person~~ HE OR SHE is ~~a~~
13 ~~certified~~ **LICENSED AS AN** occupational therapist or ~~a certified~~
14 occupational therapy assistant unless the ~~person is registered in~~
15 ~~accordance with~~ **INDIVIDUAL IS LICENSED UNDER** this article.

16 (2) **AFTER THE RULES DESCRIBED IN SECTIONS 18307 AND 18309 ARE**
17 **PROMULGATED FOR LICENSURE UNDER THIS PART, AN INDIVIDUAL SHALL NOT**
18 **ENGAGE IN THE PRACTICE OF OCCUPATIONAL THERAPY OR THE PRACTICE AS**
19 **AN OCCUPATIONAL THERAPY ASSISTANT UNLESS LICENSED OR OTHERWISE**
20 **AUTHORIZED BY THIS ARTICLE.**

21 (3) **SUBSECTION (2) DOES NOT PREVENT ANY OF THE FOLLOWING:**

22 (A) **SELF-CARE BY A PATIENT OR UNCOMPENSATED CARE BY A FRIEND**
23 **OR FAMILY MEMBER WHO DOES NOT REPRESENT OR HOLD HIMSELF OR HERSELF**
24 **OUT TO BE A LICENSED OCCUPATIONAL THERAPIST OR OCCUPATIONAL THERAPY**
25 **ASSISTANT.**

26 (B) **AN INDIVIDUAL LICENSED UNDER ANY OTHER PART OR ACT FROM**
27 **PERFORMING ACTIVITIES THAT ARE CONSIDERED OCCUPATIONAL THERAPY**

1 SERVICES IF THOSE ACTIVITIES ARE WITHIN THE INDIVIDUAL'S SCOPE OF
2 PRACTICE AND IF THE INDIVIDUAL DOES NOT USE THE TITLES PROTECTED
3 UNDER SECTION 18303.

4 Sec. 18305. The Michigan board of occupational therapists is
5 created in the department and shall consist of the following 9
6 voting members who shall meet the requirements of part 161: 5
7 ~~certified~~ **LICENSED** occupational therapists and 4 public members.

8 Sec. 18307. The ~~board~~ **DEPARTMENT**, in consultation with the
9 ~~department~~ **BOARD**, shall promulgate rules **UNDER SECTION 16145**
10 setting forth the minimum standards for ~~registration as a~~
11 ~~certified~~ **LICENSURE AS AN** occupational therapist. For purposes of
12 this section, the professional standards issued by the American
13 occupational therapy association or any other recognized trade
14 association may be adopted by the ~~board~~ **DEPARTMENT**. The ~~board~~
15 **DEPARTMENT** shall not promulgate rules under this section which
16 diminish competition or exceed the minimum level of regulation
17 necessary to protect the public.

18 Sec. 18309. The ~~board~~ **DEPARTMENT**, in consultation with the
19 ~~department~~ **BOARD**, shall promulgate rules **UNDER SECTION 16145**
20 setting forth the minimum standards for ~~registration as a~~
21 ~~certified~~ **LICENSURE AS AN** occupational therapy assistant. For
22 purposes of this section, the professional standards issued by the
23 American occupational therapy association or any other recognized
24 trade association may be adopted by the ~~board~~ **DEPARTMENT**. The
25 ~~board~~ **DEPARTMENT** shall not promulgate rules under this section
26 which diminish competition or exceed the minimum level of
27 regulation necessary to protect the public.

1 SEC. 18313. (1) BEGINNING THE LICENSE RENEWAL CYCLE AFTER THE
2 EFFECTIVE DATE OF THE RULES PROMULGATED UNDER THIS SECTION, AN
3 INDIVIDUAL LICENSED UNDER THIS PART SHALL MEET THE CONTINUING
4 EDUCATION REQUIREMENTS OF THIS SECTION WHEN RENEWING HIS OR HER
5 LICENSE.

6 (2) IN ADDITION TO THE REQUIREMENTS OF PART 161, THE
7 DEPARTMENT, IN CONSULTATION WITH THE BOARD, MAY PROMULGATE RULES TO
8 REQUIRE A LICENSEE SEEKING RENEWAL TO FURNISH EVIDENCE THAT, DURING
9 THE LICENSING PERIOD IMMEDIATELY PRECEDING THE APPLICATION FOR
10 RENEWAL, THE LICENSEE COMPLETED AN APPROPRIATE NUMBER OF HOURS OF
11 CONTINUING EDUCATION COURSES OR CONTINUING COMPETENCE ACTIVITIES
12 RELATED TO THE PRACTICE OF OCCUPATIONAL THERAPY AND DESIGNED TO
13 FURTHER EDUCATE AND MAINTAIN COMPETENCE.

14 (3) AS REQUIRED UNDER SECTION 16204, THE BOARD SHALL
15 PROMULGATE RULES REQUIRING EACH APPLICANT FOR LICENSE RENEWAL TO
16 COMPLETE AS PART OF THE CONTINUING EDUCATION REQUIREMENT OF THIS
17 SECTION AN APPROPRIATE NUMBER OF HOURS OR COURSES IN PAIN AND
18 SYMPTOM MANAGEMENT.

19 SEC. 18315. THIS PART DOES NOT REQUIRE NEW OR ADDITIONAL THIRD
20 PARTY REIMBURSEMENT OR MANDATED WORKER'S COMPENSATION BENEFITS FOR
21 SERVICES RENDERED BY AN INDIVIDUAL LICENSED AS AN OCCUPATIONAL
22 THERAPIST OR AN OCCUPATIONAL THERAPIST ASSISTANT UNDER THIS
23 ARTICLE.