

**SUBSTITUTE FOR  
SENATE BILL NO. 921**

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending sections 16345, 18301, 18303, 18305, 18307, and 18309  
(MCL 333.16345, 333.18301, 333.18303, 333.18305, 333.18307, and  
333.18309), section 16345 as added by 1993 PA 79, sections 18301,  
18303, 18307, and 18309 as added by 1988 PA 473, and section  
18305 as amended by 2006 PA 394, and by adding sections 18313 and  
18315.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 16345. Fees for a ~~person registered or seeking~~  
2 ~~registration as a certified occupational therapist or a certified~~  
3 ~~occupational therapist assistant~~ **AN INDIVIDUAL LICENSED OR**  
4 **SEEKING LICENSURE TO ENGAGE IN THE PRACTICE OF OCCUPATIONAL**

1 THERAPY, OR TO ENGAGE IN PRACTICE AS AN OCCUPATIONAL THERAPY  
2 ASSISTANT, under part 183 are as follows:

- 3 (a) Application processing fee..... \$ 20.00
- 4 (b) ~~Registration~~-LICENSE fee, per year..... ~~60.00~~75.00.

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

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

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

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

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

24 (ii) **COMPENSATION, MODIFICATION, OR ADAPTATION OF A PERSON,**  
25 **ACTIVITY, OR ENVIRONMENT.**

26 (iii) **EVALUATION OF FACTORS THAT AFFECT ACTIVITIES OF DAILY**

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1 LIVING, INSTRUMENTAL ACTIVITIES OF DAILY LIVING, AND OTHER  
2 ACTIVITIES RELATING TO EDUCATION, WORK, PLAY, LEISURE, AND SOCIAL  
3 PARTICIPATION. THOSE FACTORS INCLUDE, BUT ARE NOT LIMITED TO,  
4 BODY FUNCTIONS, BODY STRUCTURE, HABITS, ROUTINES, ROLE  
5 PERFORMANCE, BEHAVIOR PATTERNS, SENSORY MOTOR SKILLS, COGNITIVE  
6 SKILLS, COMMUNICATION AND INTERACTION SKILLS, AND CULTURAL,  
7 PHYSICAL, PSYCHOSOCIAL, SPIRITUAL, DEVELOPMENTAL, ENVIRONMENTAL,  
8 AND SOCIOECONOMIC CONTEXTS AND ACTIVITIES THAT AFFECT  
9 PERFORMANCE.

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

12 (A) TASK ANALYSIS AND THERAPEUTIC USE OF OCCUPATIONS,  
13 EXERCISES, AND ACTIVITIES.

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

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

18 (D) EDUCATION AND TRAINING.

19 (E) CARE COORDINATION, CASE MANAGEMENT, TRANSITION, AND  
20 CONSULTATIVE SERVICES.

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

23 (G) ASSESSMENT, DESIGN, FABRICATION, APPLICATION, FITTING,  
24 AND TRAINING IN REHABILITATIVE AND ASSISTIVE TECHNOLOGY, ADAPTIVE  
25 DEVICES, AND <<LOW TEMPERATURE>> ORTHOTIC DEVICES, AND TRAINING IN THE  
26 USE OF PROSTHETIC DEVICES. <<FOR THE PURPOSES OF THIS SUB-SUBPARAGRAPH, THE  
27 DESIGN AND FABRICATION OF LOW TEMPERATURE ORTHOTIC DEVICES DOES NOT  
INCLUDE PERMANENT ORTHOTICS.>>

(H) ASSESSMENT, RECOMMENDATION, AND TRAINING IN TECHNIQUES

1 TO ENHANCE SAFETY, FUNCTIONAL MOBILITY, AND COMMUNITY MOBILITY  
2 SUCH AS WHEELCHAIR MANAGEMENT AND MOBILITY.

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

4 (J) APPLICATION OF PHYSICAL AGENT MODALITIES AND USE OF A  
5 RANGE OF SPECIFIC THERAPEUTIC PROCEDURES, INCLUDING, BUT NOT  
6 LIMITED TO, TECHNIQUES TO ENHANCE SENSORY-MOTOR, PERCEPTUAL, AND  
7 COGNITIVE PROCESSING, MANUAL THERAPY TECHNIQUES, AND ADJUNCTIVE  
8 AND PREPARATORY ACTIVITIES.

9 (D) "PRACTICE AS AN OCCUPATIONAL THERAPY ASSISTANT" MEANS  
10 THE PRACTICE OF OCCUPATIONAL THERAPY UNDER THE SUPERVISION OF AN  
11 OCCUPATIONAL THERAPIST LICENSED UNDER THIS ARTICLE.

12 (E) "PRACTICE OF OCCUPATIONAL THERAPY" MEANS THE THERAPEUTIC  
13 USE OF EVERYDAY LIFE OCCUPATIONS AND OCCUPATIONAL THERAPY  
14 SERVICES TO AID INDIVIDUALS OR GROUPS TO PARTICIPATE IN  
15 MEANINGFUL ROLES AND SITUATIONS IN THE HOME, SCHOOL, WORKPLACE,  
16 COMMUNITY, AND OTHER SETTINGS, TO PROMOTE HEALTH AND WELLNESS  
17 THROUGH RESEARCH AND PRACTICE, AND TO SERVE THOSE INDIVIDUALS OR  
18 GROUPS WHO HAVE OR ARE AT RISK FOR DEVELOPING AN ILLNESS, INJURY,  
19 DISEASE, DISORDER, CONDITION, IMPAIRMENT, DISABILITY, ACTIVITY  
20 LIMITATION, OR PARTICIPATION RESTRICTION. THE PRACTICE OF  
21 OCCUPATIONAL THERAPY ADDRESSES THE PHYSICAL, COGNITIVE,  
22 PSYCHOSOCIAL, SENSORY, AND OTHER ASPECTS OF PERFORMANCE IN A  
23 VARIETY OF CONTEXTS TO SUPPORT ENGAGEMENT IN EVERYDAY LIFE  
24 ACTIVITIES THAT AFFECT A PERSON'S HEALTH, WELL-BEING, AND QUALITY  
25 OF LIFE THROUGHOUT HIS OR HER LIFE SPAN. THE PRACTICE OF  
26 OCCUPATIONAL THERAPY DOES NOT INCLUDE ANY OF THE FOLLOWING:

27 (i) THE PRACTICE OF MEDICINE OR OSTEOPATHIC MEDICINE AND

1 SURGERY OR MEDICAL DIAGNOSIS OR TREATMENT.

2 (ii) THE PRACTICE OF PHYSICAL THERAPY.

3 (iii) THE PRACTICE OF OPTOMETRY.

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

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

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

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

1           (A) SELF-CARE BY A PATIENT OR UNCOMPENSATED CARE BY A FRIEND  
2 OR FAMILY MEMBER WHO DOES NOT REPRESENT OR HOLD HIMSELF OR  
3 HERSELF OUT TO BE A LICENSED OCCUPATIONAL THERAPIST OR  
4 OCCUPATIONAL THERAPY ASSISTANT.

5           (B) AN INDIVIDUAL LICENSED OR REGISTERED UNDER ANY OTHER  
6 PART OR ACT FROM PERFORMING ACTIVITIES THAT ARE CONSIDERED  
7 OCCUPATIONAL THERAPY SERVICES IF THOSE ACTIVITIES ARE WITHIN THE  
8 INDIVIDUAL'S SCOPE OF PRACTICE AND IF THE INDIVIDUAL DOES NOT USE  
9 THE TITLES PROTECTED UNDER SUBSECTION (1).

10           (C) AN ORTHOTIST OR PROSTHETIST FROM PROVIDING SERVICES  
11 CONSISTENT WITH HIS OR HER TRAINING IN ORTHOTICS OR PROSTHETICS  
12 IF HE OR SHE IS CERTIFIED BY THE AMERICAN BOARD FOR CERTIFICATION  
13 IN ORTHOTICS, PROSTHETICS AND PEDORTHICS AND HE OR SHE DOES NOT  
14 REPRESENT OR HOLD HIMSELF OR HERSELF OUT TO BE A LICENSED  
15 OCCUPATIONAL THERAPIST OR OCCUPATIONAL THERAPY ASSISTANT.

16           Sec. 18305. (1) The Michigan board of occupational  
17 therapists is created in the department and shall consist of the  
18 following 9 voting members who shall meet the requirements of  
19 part 161: 5 ~~certified~~-LICENSED occupational therapists and 4  
20 public members, 1 OF WHOM SHALL BE A PHYSICIAN LICENSED UNDER  
21 PART 170 OR 175.

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

26           Sec. 18307. The board, in consultation with the department,  
27 shall promulgate rules UNDER SECTION 16145 setting forth the

1 minimum standards for ~~registration as a certified~~ **LICENSURE AS AN**  
2 occupational therapist. For purposes of this section, the  
3 professional standards issued by the American occupational  
4 therapy association or any other recognized trade association may  
5 be adopted by the board. The board shall not promulgate rules  
6 under this section ~~which~~ **THAT** diminish competition or exceed the  
7 minimum level of regulation necessary to protect the public.

8       Sec. 18309. The board, in consultation with the department,  
9 shall promulgate rules **UNDER SECTION 16145** setting forth the  
10 minimum standards for ~~registration as a certified~~ **LICENSURE AS AN**  
11 occupational therapy assistant. For purposes of this section, the  
12 professional standards issued by the American occupational  
13 therapy association or any other recognized trade association may  
14 be adopted by the board. The board shall not promulgate rules  
15 under this section ~~which~~ **THAT** diminish competition or exceed the  
16 minimum level of regulation necessary to protect the public.

17       **SEC. 18313. (1) BEGINNING THE LICENSE RENEWAL CYCLE AFTER**  
18 **THE EFFECTIVE DATE OF THE RULES PROMULGATED UNDER THIS PART, AN**  
19 **INDIVIDUAL LICENSED UNDER THIS ARTICLE SHALL MEET THE CONTINUING**  
20 **EDUCATION OR COMPETENCE REQUIREMENTS OF THIS SECTION WHEN**  
21 **RENEWING HIS OR HER LICENSE.**

22       **(2) IN ADDITION TO THE REQUIREMENTS OF PART 161, THE BOARD,**  
23 **IN CONSULTATION WITH THE DEPARTMENT, MAY PROMULGATE RULES TO**  
24 **REQUIRE A LICENSEE SEEKING RENEWAL TO FURNISH EVIDENCE THAT,**  
25 **DURING THE LICENSING PERIOD IMMEDIATELY PRECEDING THE APPLICATION**  
26 **FOR RENEWAL, THE LICENSEE COMPLETED AN APPROPRIATE NUMBER OF**  
27 **HOURS OF CONTINUING EDUCATION COURSES OR CONTINUING COMPETENCE**

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1 ACTIVITIES RELATED TO THE PRACTICE OF OCCUPATIONAL THERAPY AND  
2 DESIGNED TO FURTHER EDUCATE AND MAINTAIN COMPETENCE.

3 SEC. 18315. THIS PART DOES NOT REQUIRE NEW OR ADDITIONAL  
4 THIRD PARTY REIMBURSEMENT OR MANDATED WORKER'S COMPENSATION  
5 BENEFITS FOR SERVICES RENDERED BY AN INDIVIDUAL LICENSED AS AN  
6 OCCUPATIONAL THERAPIST OR AN OCCUPATIONAL THERAPIST ASSISTANT  
7 UNDER THIS ARTICLE.

<<Enacting section 1. This amendatory act does not take effect  
unless Senate Bill No. 493 of the 94th Legislature is enacted into  
law.>>