

**SUBSTITUTE FOR
HOUSE BILL NO. 5684**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 17609, 17959, 18358, 18359, and 20958 (MCL
333.17609, 333.17959, 333.18358, 333.18359, and 333.20958), section
17609 as added by 2008 PA 524, section 17959 as added by 2008 PA
471, sections 18358 and 18359 as added by 2006 PA 333, and section
20958 as amended by 2000 PA 375.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17609. (1) The department shall, upon submission of a
2 completed application and payment of the appropriate application
3 processing and license fee, issue a license under this part to the
4 following:

5 (a) An individual who meets the requirements of subsection (2)

1 or (3).

2 (b) An individual who possesses a master's or doctor of
3 science or doctor of philosophy degree in speech-language pathology
4 acceptable to the board, who has successfully completed an
5 accredited speech-language pathology training program approved by
6 the department and the board that has at least 9 months, or the
7 equivalent, of full-time supervised postgraduate clinical
8 experience in speech-language pathology, and who passes an
9 examination acceptable to the board.

10 (2) A certified teacher who, on ~~the day before the effective~~
11 ~~date of this part~~ **JANUARY 12, 2009**, was endorsed in the area of
12 speech and language impairment for the sole purpose of providing
13 services as a part of employment or contract with a school
14 district, intermediate school district, nonpublic school, or state
15 department that provides educational services is eligible for a
16 license under this part. An individual who meets the requirements
17 of this subsection shall first apply for a license on or before the
18 expiration of 2 years after the effective date of **THE RULES**
19 **PROMULGATED UNDER** this part. An individual who obtains a license
20 under this subsection is eligible for renewal of that license under
21 this part if he or she continues to meet the requirements of this
22 subsection.

23 (3) An individual who, on ~~the day before the effective date of~~
24 ~~this part~~ **JANUARY 12, 2009**, has the credential conferred by the
25 American speech-language-hearing association as a certified speech-
26 language pathologist is eligible for a license under this part. An
27 individual who meets the requirements of this subsection and who

1 maintains the credential conferred by the American speech-language-
2 hearing association or a successor credential conferred by its
3 successor organization shall first apply for a license on or before
4 the expiration of 2 years after the effective date of **THE RULES**
5 **PROMULGATED UNDER** this part. An individual who obtains a license
6 under this subsection is eligible for renewal of that license under
7 this part if he or she continues to meet the requirements of this
8 subsection.

9 (4) An individual may apply for a temporary license under this
10 subsection for the purpose of completing a supervised postgraduate
11 clinical experience. The department shall issue a temporary license
12 under this subsection for a period not to exceed 12 months. An
13 individual seeking a temporary license under this subsection shall
14 obtain a temporary license before beginning the supervised
15 postgraduate clinical experience. At the conclusion of the
16 postgraduate clinical experience, the individual's supervisor shall
17 sign and submit to the department a report that documents the
18 individual's satisfactory completion of the supervised postgraduate
19 clinical experience. To be eligible for a temporary license under
20 this subsection, an applicant shall meet all of the following
21 requirements:

22 (a) Possess a master's or doctor of science or doctor of
23 philosophy degree in speech-language pathology acceptable to the
24 board. An applicant shall have his or her academic transcripts
25 provided directly to the department by the academic institution.

26 (b) Submit a plan for supervised postgraduate clinical
27 experience on a form approved by the board and signed by a licensed

1 professional who will provide supervision.

2 Sec. 17959. (1) The department shall, upon submission of a
3 completed application and payment of the appropriate application
4 processing and license fee, issue a license under this part to an
5 individual who fulfills all of the following requirements:

6 (a) Has a high school diploma or the equivalent as determined
7 by the board.

8 (b) Is of good moral character as defined in section 1 of 1974
9 PA 381, MCL 338.41.

10 (c) Is at least 18 years of age.

11 (d) Has successfully passed an examination meeting the
12 requirements of section 17961. The passage of this examination may
13 have occurred before ~~the effective date of this section~~ **JANUARY 9,**
14 **2009.**

15 (e) Has successfully completed at least 1 of the following:

16 (i) A supervised curriculum in a school that has not less than
17 500 hours of classroom instruction.

18 (ii) At least 500 hours of course and clinical massage
19 education in a substantially equivalent program in another state,
20 country, jurisdiction, territory, or province that, on a case-by-
21 case review, is found by the board to be sufficient.

22 (2) The department shall issue a license to an applicant who
23 meets the requirements of subsection (1)(a), (b), and (c) and who
24 is currently licensed as a massage therapist in another state,
25 country, jurisdiction, territory, or province that requires
26 standards for licensure that are substantially equivalent to the
27 requirements for licensure under this part, as determined by the

1 board.

2 (3) Until 2 years after the effective date of **THE RULES**
3 **PROMULGATED UNDER** this part, the board may issue a license to an
4 applicant who meets the requirements of subsection (1)(a), (b), and
5 (c) and presents proof acceptable to the board that he or she has
6 fulfilled 1 of the following requirements:

7 (a) For at least 1 year before ~~the effective date of this part~~
8 **JANUARY 9, 2009**, has been an active member, as a massage therapist,
9 of a national professional massage therapy association that was
10 established before the year 2000, that offers professional
11 liability insurance as a benefit of membership, and that has an
12 established code of professional ethics.

13 (b) Has practiced massage therapy for an average of at least
14 10 hours per week for 5 or more years, as established by affidavit
15 of the applicant.

16 (c) Has practiced massage therapy for an average of at least
17 10 hours per week for at least 3 years, as established by affidavit
18 of the applicant, and has successfully completed at least 300 hours
19 of formal training in massage therapy acceptable to the board, as
20 established by evidence from the school or schools attended.

21 (d) Has successfully passed an examination meeting the
22 requirements of section 17961. The passage of this examination may
23 have occurred before ~~the effective date of this section~~ **JANUARY 9,**
24 **2009.**

25 (e) Has fulfilled the requirement under subsection (1)(e).

26 Sec. 18358. (1) Except as otherwise provided under subsection
27 (2), an individual granted a license under this part shall meet 1

1 of the following requirements:

2 (a) Have a baccalaureate degree from a United States
3 regionally accredited institution of higher education approved by
4 the department with a major course of study in human nutrition,
5 nutrition education, foods and nutrition, dietetics, or food
6 systems management, or an equivalent course of study, as approved
7 by the department, have completed at least 900 hours of postdegree
8 or planned continuous preprofessional experience supervised by a
9 licensed dietitian or nutritionist as prescribed in rules
10 promulgated by the department, and have successfully completed an
11 examination that is approved by the department.

12 (b) Have a master's degree from a United States regionally
13 accredited institution of higher education approved by the
14 department with a major course of study in human nutrition,
15 nutrition education, foods and nutrition, dietetics, or food
16 systems management, or an equivalent course of study, as approved
17 by the department, have completed at least 900 hours of postdegree
18 or planned continuous preprofessional experience supervised by a
19 licensed health care professional who has experience and knowledge
20 in the provision of dietetics and nutrition care services or by a
21 licensed dietitian or nutritionist as prescribed in rules
22 promulgated by the department, and have successfully completed an
23 examination that is approved by the department.

24 (c) Have a doctoral degree from a United States regionally
25 accredited institution of higher education approved by the
26 department with a major course of study in human nutrition,
27 nutrition education, foods and nutrition, dietetics, or food

1 systems management, or an equivalent course of study, as approved
2 by the department, and have completed at least 900 hours of
3 postdegree or planned continuous preprofessional experience
4 supervised by a licensed health care professional who has
5 experience and knowledge in the provision of dietetics and
6 nutrition care services or by a licensed dietitian or nutritionist
7 as prescribed in rules promulgated by the department.

8 (2) The department shall grant a license as a dietitian or
9 nutritionist to an individual who is currently registered as a
10 dietitian by the commission on dietetic registration and fulfills
11 the standards of the commission as adopted by reference under
12 section 18357(4). An individual granted a license under this
13 subsection shall apply for licensure as a dietitian or nutritionist
14 under this part ~~by July 1, 2008~~ **ON OR BEFORE THE EXPIRATION OF 2**
15 **YEARS AFTER THE EFFECTIVE DATE OF THE RULES PROMULGATED UNDER THIS**
16 **PART.**

17 (3) The department may grant a limited license to engage in
18 the postdegree experience required under subsection (1) to an
19 individual who has completed all of the educational and the
20 examination, if applicable, requirements for licensure. A limited
21 license granted under this subsection is renewable for not more
22 than 5 years.

23 Sec. 18359. (1) The department may issue a temporary license
24 as a dietitian or nutritionist to an individual who does not meet
25 all of the requirements promulgated **IN RULES** pursuant to section
26 18357 or the requirements established under section 18358, if the
27 applicant does all of the following:

1 (a) Applies to the department for a temporary license ~~within~~
2 **ON OR BEFORE THE EXPIRATION OF** 1 year after ~~July 1, 2007~~ **THE**
3 **EFFECTIVE DATE OF THE RULES PROMULGATED UNDER THIS PART.**

4 (b) Provides evidence to the department that he or she is a
5 dietitian who is registered with the commission on dietetic
6 registration or who meets the educational requirements prescribed
7 under section 18358(1) and satisfies either of the following:

8 (i) Has experience as prescribed under section 18358(1).

9 (ii) Has been employed as a dietitian or nutritionist for at
10 least 3 of the last 10 years immediately preceding the date of the
11 application.

12 (c) Pays the applicable fees prescribed by section 16346.

13 (2) A temporary license issued by the department under this
14 section expires within the same time period as a nontemporary
15 license issued by the department under this part. The holder of a
16 temporary license issued under this section may apply for a renewal
17 of the temporary license, but an individual may not hold a
18 temporary license for more than a total of 2 years.

19 (3) The holder of a temporary license issued under this
20 section is subject to this part and the rules promulgated under
21 this part, except for the requirements for licensure.

22 Sec. 20958. (1) The department may deny, revoke, or suspend an
23 emergency medical services personnel license upon finding that an
24 applicant or licensee meets 1 or more of the following:

25 (a) Is guilty of fraud or deceit in procuring or attempting to
26 procure licensure.

27 (b) Has illegally obtained, possessed, used, or distributed

1 drugs.

2 (c) Has practiced after his or her license has expired or has
3 been suspended.

4 (d) Has knowingly violated, or aided or abetted others in the
5 violation of, this part or rules promulgated under this part.

6 (e) Is not performing in a manner consistent with his or her
7 education, licensure, or approved medical control authority
8 protocols.

9 (f) Is physically or mentally incapable of performing his or
10 her prescribed duties.

11 (g) Has been convicted of a criminal offense under sections
12 520a to 520l of the Michigan penal code, 1931 PA 328, MCL 750.520a
13 to 750.520l. A certified copy of the court record is conclusive
14 evidence of the conviction.

15 (h) Has been convicted of a misdemeanor or felony reasonably
16 related to and adversely affecting the ability to practice in a
17 safe and competent manner. A certified copy of the court record is
18 conclusive evidence of the conviction.

19 (2) The department shall provide notice of intent to deny,
20 revoke, or suspend an emergency services personnel license and
21 ~~opportunity for a hearing according to section 20166~~ **BY CERTIFIED**
22 **MAIL OR PERSONAL SERVICE. THE NOTICE OF INTENT SHALL SET FORTH THE**
23 **PARTICULAR REASONS FOR THE PROPOSED ACTION AND SHALL ADVISE THE**
24 **APPLICANT OR LICENSEE THAT HE OR SHE IS ENTITLED TO THE OPPORTUNITY**
25 **FOR A HEARING BEFORE THE DIRECTOR OR THE DIRECTOR'S AUTHORIZED**
26 **REPRESENTATIVE. IF THE PERSON TO WHOM THE NOTICE IS SENT DOES NOT**
27 **MAKE A WRITTEN REQUEST TO THE DEPARTMENT FOR A HEARING WITHIN 30**

1 DAYS OF RECEIVING THE NOTICE, THE LICENSE IS CONSIDERED DENIED,
2 REVOKED, OR SUSPENDED AS STATED IN THE NOTICE. IF REQUESTED, THE
3 HEARING SHALL BE CONDUCTED PURSUANT TO THE ADMINISTRATIVE
4 PROCEDURES ACT OF 1969 AND RULES PROMULGATED BY THE DEPARTMENT. A
5 FULL AND COMPLETE RECORD SHALL BE KEPT OF THE PROCEEDING AND SHALL
6 BE TRANSCRIBED WHEN REQUESTED BY AN INTERESTED PARTY, WHO SHALL PAY
7 THE COST OF PREPARING THE TRANSCRIPT. ON THE BASIS OF A HEARING OR
8 ON THE DEFAULT OF THE APPLICANT OR LICENSEE, THE DEPARTMENT MAY
9 ISSUE, DENY, SUSPEND, OR REVOKE A LICENSE.

10 (3) THE DEPARTMENT MAY ESTABLISH PROCEDURES, HOLD HEARINGS,
11 ADMINISTER OATHS, ISSUE SUBPOENAS, OR ORDER TESTIMONY TO BE TAKEN
12 AT A HEARING OR BY DEPOSITION IN A PROCEEDING PENDING AT ANY STAGE
13 OF THE PROCEEDING. A PERSON MAY BE COMPELLED TO APPEAR AND TESTIFY
14 AND TO PRODUCE BOOKS, PAPERS, OR DOCUMENTS IN A PROCEEDING.

15 (4) IN CASE OF DISOBEDIENCE OF A SUBPOENA, A PARTY TO A
16 HEARING MAY INVOKE THE AID OF THE CIRCUIT COURT OF THE JURISDICTION
17 IN WHICH THE HEARING IS HELD TO REQUIRE THE ATTENDANCE AND
18 TESTIMONY OF WITNESSES. THE CIRCUIT COURT MAY ISSUE AN ORDER
19 REQUIRING AN INDIVIDUAL TO APPEAR AND GIVE TESTIMONY. FAILURE TO
20 OBEY THE ORDER OF THE CIRCUIT COURT MAY BE PUNISHED BY THE COURT AS
21 A CONTEMPT.