

Act No. 304  
Public Acts of 2010  
Approved by the Governor  
December 17, 2010  
Filed with the Secretary of State  
December 17, 2010  
EFFECTIVE DATE: December 17, 2010

**STATE OF MICHIGAN**  
**95TH LEGISLATURE**  
**REGULAR SESSION OF 2010**

Introduced by Reps. Donigan, Segal, Constan, Geiss, Valentine, Gregory and Slavens

# **ENROLLED HOUSE BILL No. 5684**

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," 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:*

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

(a) An individual who meets the requirements of subsection (2) or (3).

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

(2) A certified teacher who, on January 12, 2009, was endorsed in the area of speech and language impairment for the sole purpose of providing services as a part of employment or contract with a school district, intermediate school

district, nonpublic school, or state department that provides educational services is eligible for a license under this part. An individual who meets the requirements of this subsection shall first apply for a license on or before the expiration of 2 years after the effective date of the rules promulgated under this part. An individual who obtains a license under this subsection is eligible for renewal of that license under this part if he or she continues to meet the requirements of this subsection.

(3) An individual who, on January 12, 2009, has the credential conferred by the American speech-language-hearing association as a certified speech-language pathologist is eligible for a license under this part. An individual who meets the requirements of this subsection and who maintains the credential conferred by the American speech-language-hearing association or a successor credential conferred by its successor organization shall first apply for a license on or before the expiration of 2 years after the effective date of the rules promulgated under this part. An individual who obtains a license under this subsection is eligible for renewal of that license under this part if he or she continues to meet the requirements of this subsection.

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

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

(b) Submit a plan for supervised postgraduate clinical experience on a form approved by the board and signed by a licensed professional who will provide supervision.

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

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

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

(c) Is at least 18 years of age.

(d) Has successfully passed an examination meeting the requirements of section 17961. The passage of this examination may have occurred before January 9, 2009.

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

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

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

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

(3) Until 2 years after the effective date of the rules promulgated under this part, the board may issue a license to an applicant who meets the requirements of subsection (1)(a), (b), and (c) and presents proof acceptable to the board that he or she has fulfilled 1 of the following requirements:

(a) For at least 1 year before January 9, 2009, has been an active member, as a massage therapist, of a national professional massage therapy association that was established before the year 2000, that offers professional liability insurance as a benefit of membership, and that has an established code of professional ethics.

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

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

(d) Has successfully passed an examination meeting the requirements of section 17961. The passage of this examination may have occurred before January 9, 2009.

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

Sec. 18358. (1) Except as otherwise provided under subsection (2), an individual granted a license under this part shall meet 1 of the following requirements:

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

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

(c) Have a doctoral degree from a United States regionally accredited institution of higher education approved by the department with a major course of study in human nutrition, nutrition education, foods and nutrition, dietetics, or food systems management, or an equivalent course of study, as approved by the department, and have completed at least 900 hours of postdegree or planned continuous preprofessional experience supervised by a licensed health care professional who has experience and knowledge in the provision of dietetics and nutrition care services or by a licensed dietitian or nutritionist as prescribed in rules promulgated by the department.

(2) The department shall grant a license as a dietitian or nutritionist to an individual who is currently registered as a dietitian by the commission on dietetic registration and fulfills the standards of the commission as adopted by reference under section 18357(4). An individual granted a license under this subsection shall apply for licensure as a dietitian or nutritionist under this part on or before the expiration of 2 years after the effective date of the rules promulgated under this part.

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

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

(a) Applies to the department for a temporary license on or before the expiration of 1 year after the effective date of the rules promulgated under this part.

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

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

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

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

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

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

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

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

(b) Has illegally obtained, possessed, used, or distributed drugs.

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

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

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

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

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

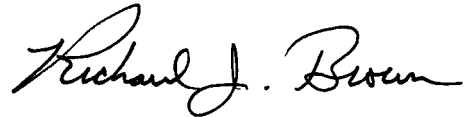
(h) Has been convicted of a misdemeanor or felony reasonably related to and adversely affecting the ability to practice in a safe and competent manner. A certified copy of the court record is conclusive evidence of the conviction.

(2) The department shall provide notice of intent to deny, revoke, or suspend an emergency services personnel license by certified mail or personal service. The notice of intent shall set forth the particular reasons for the proposed action and shall advise the applicant or licensee that he or she is entitled to the opportunity for a hearing before the director or the director's authorized representative. If the person to whom the notice is sent does not make a written request to the department for a hearing within 30 days of receiving the notice, the license is considered denied, revoked, or suspended as stated in the notice. If requested, the hearing shall be conducted pursuant to the administrative procedures act of 1969 and rules promulgated by the department. A full and complete record shall be kept of the proceeding and shall be transcribed when requested by an interested party, who shall pay the cost of preparing the transcript. On the basis of a hearing or on the default of the applicant or licensee, the department may issue, deny, suspend, or revoke a license.

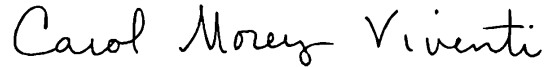
(3) The department may establish procedures, hold hearings, administer oaths, issue subpoenas, or order testimony to be taken at a hearing or by deposition in a proceeding pending at any stage of the proceeding. A person may be compelled to appear and testify and to produce books, papers, or documents in a proceeding.

(4) In case of disobedience of a subpoena, a party to a hearing may invoke the aid of the circuit court of the jurisdiction in which the hearing is held to require the attendance and testimony of witnesses. The circuit court may issue an order requiring an individual to appear and give testimony. Failure to obey the order of the circuit court may be punished by the court as a contempt.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor