

# HOUSE BILL No. 5228

November 4, 2003, Introduced by Reps. Caul, Pumford, Newell, Pappageorge, DeRoche, Hart, Pastor, Amos, Nofs, Ehardt, LaSata and Moolenaar and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending sections 16263 and 18303 (MCL 333.16263 and  
333.18303), section 16263 as amended by 2001 PA 139 and section  
18303 as added by 1988 PA 473.

## 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,  
3 with or without qualifying words or phrases, are restricted in  
4 use only to those persons authorized under this article to use  
5 the terms and in a way prescribed in this article:

6       (a) "Chiropractic", "doctor of chiropractic", "chiropractor",  
7 "d.c.", and "chiropractic physician".

8       (b) "Dentist", "doctor of dental surgery", "oral and  
9 maxillofacial surgeon", "orthodontist", "prosthodontist",

1 "periodontist", "endodontist", "oral pathologist", "pediatric  
2 dentist", "dental hygienist", "registered dental hygienist",  
3 "dental assistant", "registered dental assistant", "r.d.a.",  
4 "d.d.s.", "d.m.d.", and "r.d.h.".

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

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

7 (e) "Registered professional nurse", "registered nurse",  
8 "r.n.", "licensed practical nurse", "l.p.n.", "nurse midwife",  
9 "nurse anesthetist", "nurse practitioner", "trained attendant",  
10 and "t.a.".

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

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

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

16 (i) "Physical therapy", "physical therapist",  
17 "physiotherapist", "registered physical therapist", "licensed  
18 physical therapist", "physical therapy technician", "p.t.",  
19 "r.p.t.", "l.p.t.", and "p.t.t.".

20 (j) "Chiropodist", "chiropody", "chiropodical", "podiatry",  
21 "podiatrist", "podiatric", "doctor of podiatric medicine", "foot  
22 specialist", "podiatric physician and surgeon", and "d.p.m.".

23 (k) "Consulting psychologist", "psychologist", "psychological  
24 assistant", "psychological examiner", "licensed psychologist",  
25 and "limited licensed psychologist".

26 (l) "Licensed professional counselor", "licensed counselor",  
27 "professional counselor", and "l.p.c.".

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

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

4 (o) "Veterinary", "veterinarian", "veterinary doctor",  
5 "veterinary surgeon", "doctor of veterinary medicine", "v.m.d.",  
6 "d.v.m.", "animal technician", or "animal technologist".

7 (p) "Occupational therapist", **"occupational**  
8 **therapist/Michigan registered"**<sup>TM</sup>, **"o.t./m.r."**<sup>TM</sup>, "occupational  
9 therapist registered"<sup>TM</sup>, "certified occupational therapist",  
10 "o.t.", "o.t.r."<sup>TM</sup>, "c.o.t.", **"occupational therapy**  
11 **assistant/Michigan registered"**<sup>TM</sup>, **"o.t.a./m.r."**<sup>TM</sup>, "certified  
12 occupational therapy assistant", "occupational therapy  
13 assistant"<sup>TM</sup>, **"o.t.a."**, or "c.o.t.a."<sup>TM</sup>.

14 (q) "Marriage advisor" or "marriage consultant"; "family  
15 counselor", "family advisor", "family therapist", or "family  
16 consultant"; "family guidance counselor", "family guidance  
17 advisor", or "family guidance consultant"; "marriage guidance  
18 counselor", "marriage guidance advisor", or "marriage guidance  
19 consultant"; "family relations counselor"; "marriage relations  
20 counselor", "marriage relations advisor", or "marriage relations  
21 consultant"; "marital counselor" or "marital therapist"; "limited  
22 licensed marriage and family therapist" or "limited licensed  
23 marriage counselor"; "licensed marriage and family therapist" or  
24 "licensed marriage counselor"; and "l.m.f.t.".

25 (r) "Nursing home administrator".

26 (2) Notwithstanding section 16261, a person who was specially  
27 trained at an institution of higher education in this state to

1 assist a physician in the field of orthopedics and upon  
2 completion of training, received a 2-year associate of science  
3 degree as an orthopedic physician's assistant before January 1,  
4 1977, may use the title "orthopedic physician's assistant"  
5 whether or not the person is licensed under this article.

6       **(3) The use of a term in violation of a trademark is not**  
7 **considered false or misleading advertising under section 16221**  
8 **(d)(i) unless that determination is made by stipulation of the**  
9 **parties or by a state or federal court of competent jurisdiction.**

10       Sec. 18303. **(1) After the rules described in sections 18307**  
11 **and 18309 are promulgated, a person shall not use the titles**  
12 **"occupational therapist", "o.t.", "occupational**  
13 **therapist/Michigan registered"™, "o.t./m.r."™, "occupational**  
14 **therapist registered"™, "o.t.r."™, "certified occupational**  
15 **therapist", "c.o.t.", "occupational therapy assistant/Michigan**  
16 **registered"™, o.t.a./m.r."™, "certified occupational therapy**  
17 **assistant"™, "c.o.t.a."™, "occupational therapy assistant",**  
18 **"o.t.a.",** or similar words which indicate that the person is a  
19 certified occupational therapist or a certified occupational  
20 therapy assistant unless the person is registered in accordance  
21 with this article.

22       **(2) A person using a trademarked title is subject to any**  
23 **applicable state and federal laws and any requirements or**  
24 **prohibitions under those laws. The use of a term in violation of**  
25 **a trademark is not considered false or misleading advertising**  
26 **under section 16221(d)(i) unless that determination is made by**  
27 **stipulation of the parties or by a state or federal court of**

1 competent jurisdiction.