

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 403

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16131 and 16263 (MCL 333.16131 and
333.16263), section 16131 as amended by 2006 PA 30 and section
16263 as amended by 2006 PA 54, and by adding section 16346 and
part 183A.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16131. The terms of office of individual members of the
2 boards and task forces, except those appointed to fill vacancies,
3 expire 4 years after appointment as follows:

4 **DIETETICS AND NUTRITION**

JUNE 30

| | | |
|----|---|-------------|
| 1 | Acupuncture | June 30 |
| 2 | Audiologists | June 30 |
| 3 | Nursing | June 30 |
| 4 | Nursing home administrator | June 30 |
| 5 | Optometry | June 30 |
| 6 | Pharmacy | June 30 |
| 7 | Podiatric medicine and surgery | June 30 |
| 8 | Dentistry | June 30 |
| 9 | Chiropractic | December 31 |
| 10 | Counseling | June 30 |
| 11 | Marriage and family therapy | June 30 |
| 12 | Medicine | December 31 |
| 13 | Occupational therapists | December 31 |
| 14 | Osteopathic medicine and surgery | December 31 |
| 15 | Physical therapy | December 31 |
| 16 | Psychology | December 31 |
| 17 | Respiratory care | December 31 |
| 18 | Social work | December 31 |
| 19 | Veterinary medicine | December 31 |
| 20 | Sec. 16263. (1) Except as provided in subsection (2), the | |

1 following words, titles, or letters or a combination thereof,
2 with or without qualifying words or phrases, are restricted in
3 use only to those persons authorized under this article to use
4 the terms and in a way prescribed in this article:

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

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

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

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

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

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

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

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

24 (i) "Physical therapy", "physical therapist",
25 "physiotherapist", "registered physical therapist", "licensed
26 physical therapist", "physical therapy technician", "p.t.",
27 "r.p.t.", "l.p.t.", and "p.t.t.".

1 (j) "Chiropodist", "chiropody", "chiropodical", "podiatry",
2 "podiatrist", "podiatric", "doctor of podiatric medicine", "foot
3 specialist", "podiatric physician and surgeon", and "d.p.m.".

4 (k) "Consulting psychologist", "psychologist",
5 "psychological assistant", "psychological examiner", "licensed
6 psychologist", and "limited licensed psychologist".

7 (l) "Licensed professional counselor", "licensed counselor",
8 "professional counselor", and "l.p.c.".

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

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

16 (o) "Veterinary", "veterinarian", "veterinary doctor",
17 "veterinary surgeon", "doctor of veterinary medicine", "v.m.d.",
18 "d.v.m.", "animal technician", or "animal technologist".

19 (p) "Occupational therapist", "occupational therapist
20 registered", "certified occupational therapist", "o.t.",
21 "o.t.r.", "c.o.t.", "certified occupational therapy assistant",
22 "occupational therapy assistant", or "c.o.t.a.".

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

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

7 (r) "Nursing home administrator".

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

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

15 (u) "Acupuncturist", "certified acupuncturist", and
16 "registered acupuncturist".

17 (v) "Athletic trainer", "licensed athletic trainer",
18 "certified athletic trainer", "athletic trainer certified",
19 "a.t.", "a.t.l.", "c.a.t.", and "a.t.c.".

20 **(W) "REGISTERED DIETITIAN", "LICENSED DIETITIAN",**
21 **"DIETITIAN", "LICENSED NUTRITIONIST", "NUTRITIONIST", "R.D.",**
22 **"L.D.", AND "L.N.".**

23 (2) Notwithstanding section 16261, a person who was
24 specially trained at an institution of higher education in this
25 state to assist a physician in the field of orthopedics and upon
26 completion of training, received a 2-year associate of science
27 degree as an orthopedic physician's assistant before January 1,

1 1977, may use the title "orthopedic physician's assistant"
2 whether or not the person is licensed under this article.

3 SEC. 16346. FEES FOR AN INDIVIDUAL LICENSED OR SEEKING
4 LICENSURE AS A DIETITIAN OR NUTRITIONIST UNDER PART 183A ARE AS
5 FOLLOWS:

- 6 (A) APPLICATION PROCESSING FEE..... \$ 20.00
- 7 (B) LICENSE FEE, PER YEAR..... \$ 75.00
- 8 (C) TEMPORARY LICENSE FEE, PER YEAR..... \$ 75.00
- 9 (D) LIMITED LICENSE FEE, PER YEAR..... \$ 75.00

10 PART 183A. DIETETICS AND NUTRITION

11 SEC. 18351. (1) AS USED IN THIS PART:

12 (A) "DIETETICS AND NUTRITION CARE SERVICES" MEANS THE
13 INTEGRATION AND APPLICATION OF THE SCIENTIFIC PRINCIPLES OF FOOD,
14 NUTRITION, BIOCHEMISTRY, PHYSIOLOGY, MANAGEMENT, AND BEHAVIORAL
15 AND SOCIAL SCIENCES TO ACHIEVE AND MAINTAIN THE HEALTH OF
16 INDIVIDUALS.

17 (B) "DIETITIAN" AND "NUTRITIONIST" MEAN AN INDIVIDUAL WHO IS
18 ENGAGED IN THE PRACTICE OF DIETETICS AND NUTRITION, WHO IS
19 RESPONSIBLE FOR PROVIDING DIETETICS AND NUTRITION CARE SERVICES,
20 AND WHO IS LICENSED UNDER THIS ARTICLE AS A DIETITIAN OR
21 NUTRITIONIST.

22 (C) "PRACTICE OF DIETETICS AND NUTRITION CARE SERVICES"
23 MEANS THE PROVISION OF DIETETICS AND NUTRITION CARE SERVICES. THE
24 PRACTICE OF DIETETICS AND NUTRITION CARE SERVICES INCLUDES, BUT
25 IS NOT LIMITED TO, EACH OF THE FOLLOWING:

26 (i) ASSESSING THE NUTRITION NEEDS OF AN INDIVIDUAL OR GROUP
27 OF INDIVIDUALS BASED UPON BIOCHEMICAL, ANTHROPOMETRIC, PHYSICAL,

1 AND DIETARY DATA, DETERMINING THE RESOURCES AND CONSTRAINTS TO
2 MEET THE NUTRITION NEEDS OF THAT INDIVIDUAL OR GROUP OF
3 INDIVIDUALS, AND RECOMMENDING PROPER NUTRITION INTAKE TO SATISFY
4 THOSE NEEDS.

5 (ii) ESTABLISHING PRIORITIES, GOALS, AND OBJECTIVES TO MEET
6 THE NUTRITION NEEDS OF THE INDIVIDUAL OR GROUP OF INDIVIDUALS
7 BASED ON AVAILABLE RESOURCES AND CONSTRAINTS.

8 (iii) PROVIDING NUTRITION COUNSELING REGARDING HEALTH AND
9 DISEASE.

10 (iv) DEVELOPING, IMPLEMENTING, AND MANAGING A NUTRITION CARE
11 SYSTEM.

12 (v) EVALUATING, ADJUSTING, AND MAINTAINING A STANDARD OF
13 QUALITY IN DIETETICS AND NUTRITION CARE SERVICES.

14 (vi) PROVIDING MEDICAL NUTRITION THERAPY.

15 (2) IN ADDITION TO THE DEFINITIONS IN THIS PART, ARTICLE 1
16 CONTAINS GENERAL DEFINITIONS AND PRINCIPLES OF CONSTRUCTION
17 APPLICABLE TO ALL ARTICLES IN THIS CODE, AND PART 161 CONTAINS
18 DEFINITIONS APPLICABLE TO THIS PART.

19 SEC. 18353. BEGINNING JULY 1, 2007, AN INDIVIDUAL SHALL NOT
20 USE THE TITLES "REGISTERED DIETITIAN", "LICENSED DIETITIAN",
21 "DIETITIAN", "LICENSED NUTRITIONIST", "NUTRITIONIST", "R.D.",
22 "L.D.", OR "L.N." UNLESS THE INDIVIDUAL IS LICENSED UNDER THIS
23 ARTICLE AS A DIETITIAN OR NUTRITIONIST.

24 SEC. 18355. (1) THE MICHIGAN BOARD OF DIETETICS AND
25 NUTRITION IS CREATED IN THE DEPARTMENT AND CONSISTS OF THE
26 FOLLOWING 7 VOTING MEMBERS WHO MEET THE REQUIREMENTS OF PART 161:

27 (A) TWO PUBLIC MEMBERS.

1 (B) FIVE MEMBERS WHO ARE DIETITIANS OR NUTRITIONISTS
2 LICENSED UNDER THIS PART AND WHO MEET THE REQUIREMENTS OF SECTION
3 16135(2).

4 (2) THE TERMS OF OFFICE OF INDIVIDUAL MEMBERS OF THE BOARD
5 CREATED UNDER THIS PART, EXCEPT THOSE APPOINTED TO FILL
6 VACANCIES, EXPIRE 4 YEARS AFTER APPOINTMENT ON JUNE 30 OF THE
7 YEAR IN WHICH THE TERM EXPIRES.

8 SEC. 18357. (1) AN INDIVIDUAL SHALL NOT ENGAGE IN THE
9 PRACTICE OF DIETETICS AND NUTRITION OR PROVIDE OR OFFER TO
10 PROVIDE DIETETICS AND NUTRITION CARE SERVICES UNLESS LICENSED OR
11 OTHERWISE AUTHORIZED UNDER THIS PART.

12 (2) THE DEPARTMENT, UPON RECOMMENDATION OF THE BOARD, SHALL
13 PROMULGATE RULES UNDER SECTION 16145 TO ESTABLISH THE MINIMUM
14 STANDARDS FOR LICENSURE AS A DIETICIAN OR NUTRITIONIST AND AS
15 NECESSARY OR APPROPRIATE TO FULFILL ITS FUNCTIONS UNDER THIS
16 ARTICLE INCLUDING, BUT NOT LIMITED TO, RULES ESTABLISHING ETHICS,
17 QUALIFICATIONS, AND FITNESS OF APPLICANTS, COMPLAINT PROCESS, AND
18 PENALTIES FOR VIOLATIONS OF THIS ARTICLE OR RULES PROMULGATED
19 UNDER THIS ARTICLE.

20 (3) SUBJECT TO SECTION 16204, THE DEPARTMENT SHALL BY RULE
21 PRESCRIBE CONTINUING EDUCATION REQUIREMENTS AS A CONDITION FOR
22 LICENSE RENEWAL. THE DEPARTMENT, IN CONSULTATION WITH THE BOARD,
23 MAY ADOPT, BY RULE, THE CONTINUING EDUCATION REQUIREMENTS
24 ESTABLISHED BY THE AMERICAN DIETETIC ASSOCIATION OR BY A
25 CERTIFIED PROGRAM THAT IS RECOGNIZED BY THE NATIONAL COMMISSION
26 FOR CERTIFYING AGENCIES OR BY A NATIONALLY RECOGNIZED TRADE
27 ASSOCIATION.

1 (4) THE DEPARTMENT SHALL UTILIZE THE STANDARDS CONTAINED IN
2 THE CLINICAL PRACTICE GUIDELINES ISSUED BY THE AMERICAN DIETETIC
3 ASSOCIATION THAT ARE IN EFFECT ON JULY 1, 2007, WHICH ARE ADOPTED
4 BY REFERENCE, AS INTERIM STANDARDS, UNTIL RULES ARE PROMULGATED
5 UNDER SUBSECTION (2).

6 (5) THE DEPARTMENT, IN CONSULTATION WITH THE BOARD, SHALL
7 NOT PROMULGATE RULES UNDER THIS SECTION THAT DIMINISH COMPETITION
8 OR EXCEED THE MINIMUM LEVEL OF REGULATION NECESSARY TO PROTECT
9 THE PUBLIC.

10 SEC. 18358. (1) EXCEPT AS OTHERWISE PROVIDED UNDER
11 SUBSECTION (2), AN INDIVIDUAL GRANTED A LICENSE UNDER THIS PART
12 SHALL MEET 1 OF THE FOLLOWING REQUIREMENTS:

13 (A) HAVE A BACCALAUREATE DEGREE FROM A UNITED STATES
14 REGIONALLY ACCREDITED INSTITUTION OF HIGHER EDUCATION APPROVED BY
15 THE DEPARTMENT WITH A MAJOR COURSE OF STUDY IN HUMAN NUTRITION,
16 NUTRITION EDUCATION, FOODS AND NUTRITION, DIETETICS, OR FOOD
17 SYSTEMS MANAGEMENT, OR AN EQUIVALENT COURSE OF STUDY, AS APPROVED
18 BY THE DEPARTMENT, HAVE COMPLETED AT LEAST 900 HOURS OF
19 POSTDEGREE OR PLANNED CONTINUOUS PREPROFESSIONAL EXPERIENCE
20 SUPERVISED BY A LICENSED DIETITIAN OR NUTRITIONIST AS PRESCRIBED
21 IN RULES PROMULGATED BY THE DEPARTMENT, AND HAVE SUCCESSFULLY
22 COMPLETED AN EXAMINATION THAT IS APPROVED BY THE DEPARTMENT.

23 (B) HAVE A MASTER'S DEGREE FROM A UNITED STATES REGIONALLY
24 ACCREDITED INSTITUTION OF HIGHER EDUCATION APPROVED BY THE
25 DEPARTMENT WITH A MAJOR COURSE OF STUDY IN HUMAN NUTRITION,
26 NUTRITION EDUCATION, FOODS AND NUTRITION, DIETETICS, OR FOOD
27 SYSTEMS MANAGEMENT, OR AN EQUIVALENT COURSE OF STUDY, AS APPROVED

1 BY THE DEPARTMENT, HAVE COMPLETED AT LEAST 900 HOURS OF
2 POSTDEGREE OR PLANNED CONTINUOUS PREPROFESSIONAL EXPERIENCE
3 SUPERVISED BY A LICENSED HEALTH CARE PROFESSIONAL WHO HAS
4 EXPERIENCE AND KNOWLEDGE IN THE PROVISION OF DIETETICS AND
5 NUTRITION CARE SERVICES OR BY A LICENSED DIETITIAN OR
6 NUTRITIONIST AS PRESCRIBED IN RULES PROMULGATED BY THE
7 DEPARTMENT, AND HAVE SUCCESSFULLY COMPLETED AN EXAMINATION THAT
8 IS APPROVED BY THE DEPARTMENT.

9 (C) HAVE A DOCTORAL DEGREE FROM A UNITED STATES REGIONALLY
10 ACCREDITED INSTITUTION OF HIGHER EDUCATION APPROVED BY THE
11 DEPARTMENT WITH A MAJOR COURSE OF STUDY IN HUMAN NUTRITION,
12 NUTRITION EDUCATION, FOODS AND NUTRITION, DIETETICS, OR FOOD
13 SYSTEMS MANAGEMENT, OR AN EQUIVALENT COURSE OF STUDY, AS APPROVED
14 BY THE DEPARTMENT, AND HAVE COMPLETED AT LEAST 900 HOURS OF
15 POSTDEGREE OR PLANNED CONTINUOUS PREPROFESSIONAL EXPERIENCE
16 SUPERVISED BY A LICENSED HEALTH CARE PROFESSIONAL WHO HAS
17 EXPERIENCE AND KNOWLEDGE IN THE PROVISION OF DIETETICS AND
18 NUTRITION CARE SERVICES OR BY A LICENSED DIETITIAN OR
19 NUTRITIONIST AS PRESCRIBED IN RULES PROMULGATED BY THE
20 DEPARTMENT.

21 (2) THE DEPARTMENT SHALL GRANT A LICENSE AS A DIETITIAN OR
22 NUTRITIONIST TO AN INDIVIDUAL WHO IS CURRENTLY REGISTERED AS A
23 DIETITIAN BY THE COMMISSION ON DIETETIC REGISTRATION AND FULFILLS
24 THE STANDARDS OF THE COMMISSION AS ADOPTED BY REFERENCE UNDER
25 SECTION 18357(4). AN INDIVIDUAL GRANTED A LICENSE UNDER THIS
26 SUBSECTION SHALL APPLY FOR LICENSURE AS A DIETITIAN OR
27 NUTRITIONIST UNDER THIS PART BY JULY 1, 2008.

1 (3) THE DEPARTMENT MAY GRANT A LIMITED LICENSE TO ENGAGE IN
2 THE POSTDEGREE EXPERIENCE REQUIRED UNDER SUBSECTION (1) TO AN
3 INDIVIDUAL WHO HAS COMPLETED ALL OF THE EDUCATIONAL AND THE
4 EXAMINATION, IF APPLICABLE, REQUIREMENTS FOR LICENSURE. A
5 LIMITED LICENSE GRANTED UNDER THIS SUBSECTION IS RENEWABLE FOR
6 NOT MORE THAN 5 YEARS.

7 SEC. 18359. (1) THE DEPARTMENT MAY ISSUE A TEMPORARY LICENSE
8 AS A DIETITIAN OR NUTRITIONIST TO AN INDIVIDUAL WHO DOES NOT MEET
9 ALL OF THE REQUIREMENTS PROMULGATED PURSUANT TO SECTION 18357 OR
10 THE REQUIREMENTS ESTABLISHED UNDER SECTION 18358, IF THE
11 APPLICANT DOES ALL OF THE FOLLOWING:

12 (A) APPLIES TO THE DEPARTMENT FOR A TEMPORARY LICENSE WITHIN
13 1 YEAR AFTER JULY 1, 2007.

14 (B) PROVIDES EVIDENCE TO THE DEPARTMENT THAT HE OR SHE IS A
15 DIETITIAN WHO IS REGISTERED WITH THE COMMISSION ON DIETETIC
16 REGISTRATION OR WHO MEETS THE EDUCATIONAL REQUIREMENTS PRESCRIBED
17 UNDER SECTION 18358(1) AND SATISFIES EITHER OF THE FOLLOWING:

18 (i) HAS EXPERIENCE AS PRESCRIBED UNDER SECTION 18358(1).

19 (ii) HAS BEEN EMPLOYED AS A DIETITIAN OR NUTRITIONIST FOR AT
20 LEAST 3 OF THE LAST 10 YEARS IMMEDIATELY PRECEDING THE DATE OF
21 THE APPLICATION.

22 (C) PAYS THE APPLICABLE FEES PRESCRIBED BY SECTION 16346.

23 (2) A TEMPORARY LICENSE ISSUED BY THE DEPARTMENT UNDER THIS
24 SECTION EXPIRES WITHIN THE SAME TIME PERIOD AS A NONTEMPORARY
25 LICENSE ISSUED BY THE DEPARTMENT UNDER THIS PART. THE HOLDER OF A
26 TEMPORARY LICENSE ISSUED UNDER THIS SECTION MAY APPLY FOR A
27 RENEWAL OF THE TEMPORARY LICENSE, BUT AN INDIVIDUAL MAY NOT HOLD

1 A TEMPORARY LICENSE FOR MORE THAN A TOTAL OF 2 YEARS.

2 (3) THE HOLDER OF A TEMPORARY LICENSE ISSUED UNDER THIS
3 SECTION IS SUBJECT TO THIS PART AND THE RULES PROMULGATED UNDER
4 THIS PART, EXCEPT FOR THE REQUIREMENTS FOR LICENSURE.

5 SEC. 18361. THIS PART DOES NOT REQUIRE NEW OR ADDITIONAL
6 THIRD PARTY REIMBURSEMENT OR MANDATED WORKER'S COMPENSATION
7 BENEFITS FOR SERVICES RENDERED BY AN INDIVIDUAL LICENSED UNDER
8 THIS PART.

9 SEC. 18363. THIS PART DOES NOT APPLY TO ANY OF THE
10 FOLLOWING:

11 (A) AN INDIVIDUAL LICENSED UNDER ANY OTHER PART OR ACT WHO
12 PERFORMS ACTIVITIES OR SERVICES THAT ARE CONSIDERED DIETETICS AND
13 NUTRITION CARE SERVICES IF THOSE ACTIVITIES OR SERVICES ARE
14 WITHIN THE INDIVIDUAL'S SCOPE OF PRACTICE AND IF THE INDIVIDUAL
15 DOES NOT USE THE TITLES PROTECTED UNDER SECTION 18353.

16 (B) AN INDIVIDUAL WHO FURNISHES ANY KIND OF NUTRITION
17 INFORMATION ON FOOD, FOOD MATERIALS, OR DIETARY SUPPLEMENTS OR
18 PROVIDES EXPLANATIONS TO INDIVIDUALS ABOUT FOODS OR FOOD PRODUCTS
19 IN CONNECTION WITH THE MARKETING AND DISTRIBUTION OF THOSE
20 PRODUCTS, BUT DOES NOT HOLD HIMSELF OR HERSELF OUT AS A DIETITIAN
21 OR NUTRITIONIST.

22 (C) AN INDIVIDUAL WHO PROVIDES WEIGHT CONTROL SERVICES UNDER
23 A PROGRAM APPROVED BY A DIETITIAN OR NUTRITIONIST WHO IS LICENSED
24 UNDER THIS PART OR LICENSED BY ANOTHER STATE THAT HAS LICENSING
25 REQUIREMENTS SUBSTANTIALLY EQUAL TO THOSE EXISTING IN THIS STATE
26 OR UNDER A PROGRAM APPROVED BY A CHIROPRACTIC PHYSICIAN, OR A
27 PHYSICIAN, WHO IS LICENSED UNDER PART 164, 170, OR 175 OR BY

1 ANOTHER STATE THAT HAS LICENSING REQUIREMENTS SUBSTANTIALLY EQUAL
2 TO THOSE EXISTING IN THIS STATE.

3 Enacting section 1. This amendatory act takes effect July 1,
4 2007.