

Act No. 333  
Public Acts of 2006  
Approved by the Governor  
August 15, 2006  
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**STATE OF MICHIGAN  
93RD LEGISLATURE  
REGULAR SESSION OF 2006**

Introduced by Senators Toy, Hammerstrom, Bernero and Gilbert

# ENROLLED SENATE BILL No. 403

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 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:*

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

Dietetics and nutrition	June 30
Acupuncture	June 30
Audiologists	June 30
Nursing	June 30
Nursing home administrator	June 30
Optometry	June 30
Pharmacy	June 30
Podiatric medicine and surgery	June 30
Dentistry	June 30
Chiropractic	December 31
Counseling	June 30

Marriage and family therapy	June 30
Medicine	December 31
Occupational therapists	December 31
Osteopathic medicine and surgery	December 31
Physical therapy	December 31
Psychology	December 31
Respiratory care	December 31
Social work	December 31
Veterinary medicine	December 31

Sec. 16263. (1) Except as provided in subsection (2), the following words, titles, or letters or a combination thereof, with or without qualifying words or phrases, are restricted in use only to those persons authorized under this article to use the terms and in a way prescribed in this article:

- (a) “Chiropractic”, “doctor of chiropractic”, “chiropractor”, “d.c.”, and “chiropractic physician”.
- (b) “Dentist”, “doctor of dental surgery”, “oral and maxillofacial surgeon”, “orthodontist”, “prosthodontist”, “periodontist”, “endodontist”, “oral pathologist”, “pediatric dentist”, “dental hygienist”, “registered dental hygienist”, “dental assistant”, “registered dental assistant”, “r.d.a.”, “d.d.s.”, “d.m.d.”, and “r.d.h.”.
- (c) “Doctor of medicine” and “m.d.”.
- (d) “Physician’s assistant” and “p.a.”.
- (e) “Registered professional nurse”, “registered nurse”, “r.n.”, “licensed practical nurse”, “l.p.n.”, “nurse midwife”, “nurse anesthetist”, “nurse practitioner”, “trained attendant”, and “t.a.”.
- (f) “Doctor of optometry”, “optometrist”, and “o.d.”.
- (g) “Osteopath”, “osteopathy”, “osteopathic practitioner”, “doctor of osteopathy”, “diplomate in osteopathy”, and “d.o.”.
- (h) “Pharmacy”, “pharmacist”, “apothecary”, “drugstore”, “druggist”, “medicine store”, “prescriptions”, and “r.ph.”.
- (i) “Physical therapy”, “physical therapist”, “physiotherapist”, “registered physical therapist”, “licensed physical therapist”, “physical therapy technician”, “p.t.”, “r.p.t.”, “l.p.t.”, and “p.t.t.”.
- (j) “Chiropodist”, “chiropody”, “chiropodical”, “podiatry”, “podiatrist”, “podiatric”, “doctor of podiatric medicine”, “foot specialist”, “podiatric physician and surgeon”, and “d.p.m.”.
- (k) “Consulting psychologist”, “psychologist”, “psychological assistant”, “psychological examiner”, “licensed psychologist”, and “limited licensed psychologist”.
- (l) “Licensed professional counselor”, “licensed counselor”, “professional counselor”, and “l.p.c.”.
- (m) “Sanitarian”, “registered sanitarian”, and “r.s.”.
- (n) Until July 1, 2005, “social worker”, “certified social worker”, “social work technician”, “s.w.”, “c.s.w.”, and “s.w.t.”. Beginning July 1, 2005, “social worker”, “licensed master’s social worker”, “licensed bachelor’s social worker”, “registered social service technician”, “social service technician”, “l.m.s.w.”, “l.b.s.w.”, and “r.s.s.t.”.
- (o) “Veterinary”, “veterinarian”, “veterinary doctor”, “veterinary surgeon”, “doctor of veterinary medicine”, “v.m.d.”, “d.v.m.”, “animal technician”, or “animal technologist”.
- (p) “Occupational therapist”, “occupational therapist registered”, “certified occupational therapist”, “o.t.”, “o.t.r.”, “c.o.t.”, “certified occupational therapy assistant”, “occupational therapy assistant”, or “c.o.t.a.”.
- (q) “Marriage advisor” or “marriage consultant”; “family counselor”, “family advisor”, “family therapist”, or “family consultant”; “family guidance counselor”, “family guidance advisor”, or “family guidance consultant”; “marriage guidance counselor”, “marriage guidance advisor”, or “marriage guidance consultant”; “family relations counselor”; “marriage relations counselor”, “marriage relations advisor”, or “marriage relations consultant”; “marital counselor” or “marital therapist”; “limited licensed marriage and family therapist” or “limited licensed marriage counselor”; “licensed marriage and family therapist” or “licensed marriage counselor”; and “l.m.f.t.”.
- (r) “Nursing home administrator”.
- (s) “Respiratory therapist”, “respiratory care practitioner”, “licensed respiratory therapist”, “licensed respiratory care practitioner”, “r.t.”, “r.c.p.”, “l.r.t.”, and “l.r.c.p.”.
- (t) “Audiometrist”, “audiologist”, “hearing therapist”, “hearing aid audiologist”, “educational audiologist”, “industrial audiologist”, and “clinical audiologist”.
- (u) “Acupuncturist”, “certified acupuncturist”, and “registered acupuncturist”.
- (v) “Athletic trainer”, “licensed athletic trainer”, “certified athletic trainer”, “athletic trainer certified”, “a.t.”, “a.t.l.”, “c.a.t.”, and “a.t.c.”.
- (w) “Registered dietitian”, “licensed dietitian”, “dietitian”, “licensed nutritionist”, “nutritionist”, “r.d.”, “l.d.”, and “l.n.”.

(2) Notwithstanding section 16261, a person who was specially trained at an institution of higher education in this state to assist a physician in the field of orthopedics and upon completion of training, received a 2-year associate of science degree as an orthopedic physician's assistant before January 1, 1977, may use the title "orthopedic physician's assistant" whether or not the person is licensed under this article.

Sec. 16346. Fees for an individual licensed or seeking licensure as a dietitian or nutritionist under part 183A are as follows:

- (a) Application processing fee.....\$ 20.00
- (b) License fee, per year.....\$ 75.00
- (c) Temporary license fee, per year.....\$ 75.00
- (d) Limited license fee, per year.....\$ 75.00

### PART 183A. DIETETICS AND NUTRITION

Sec. 18351. (1) As used in this part:

(a) "Dietetics and nutrition care services" means the integration and application of the scientific principles of food, nutrition, biochemistry, physiology, management, and behavioral and social sciences to achieve and maintain the health of individuals.

(b) "Dietitian" and "nutritionist" mean an individual who is engaged in the practice of dietetics and nutrition, who is responsible for providing dietetics and nutrition care services, and who is licensed under this article as a dietitian or nutritionist.

(c) "Practice of dietetics and nutrition care services" means the provision of dietetics and nutrition care services. The practice of dietetics and nutrition care services includes, but is not limited to, each of the following:

(i) Assessing the nutrition needs of an individual or group of individuals based upon biochemical, anthropometric, physical, and dietary data, determining the resources and constraints to meet the nutrition needs of that individual or group of individuals, and recommending proper nutrition intake to satisfy those needs.

(ii) Establishing priorities, goals, and objectives to meet the nutrition needs of the individual or group of individuals based on available resources and constraints.

(iii) Providing nutrition counseling regarding health and disease.

(iv) Developing, implementing, and managing a nutrition care system.

(v) Evaluating, adjusting, and maintaining a standard of quality in dietetics and nutrition care services.

(vi) Providing medical nutrition therapy.

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

Sec. 18353. Beginning July 1, 2007, an individual shall not use the titles "registered dietitian", "licensed dietitian", "dietitian", "licensed nutritionist", "nutritionist", "r.d.", "l.d.", or "l.n." unless the individual is licensed under this article as a dietitian or nutritionist.

Sec. 18355. (1) The Michigan board of dietetics and nutrition is created in the department and consists of the following 7 voting members who meet the requirements of part 161:

(a) Two public members.

(b) Five members who are dietitians or nutritionists licensed under this part and who meet the requirements of section 16135(2).

(2) The terms of office of individual members of the board created under this part, except those appointed to fill vacancies, expire 4 years after appointment on June 30 of the year in which the term expires.

Sec. 18357. (1) An individual shall not engage in the practice of dietetics and nutrition or provide or offer to provide dietetics and nutrition care services unless licensed or otherwise authorized under this part.

(2) The department, upon recommendation of the board, shall promulgate rules under section 16145 to establish the minimum standards for licensure as a dietitian or nutritionist and as necessary or appropriate to fulfill its functions under this article including, but not limited to, rules establishing ethics, qualifications, and fitness of applicants, complaint process, and penalties for violations of this article or rules promulgated under this article.

(3) Subject to section 16204, the department shall by rule prescribe continuing education requirements as a condition for license renewal. The department, in consultation with the board, may adopt, by rule, the continuing education requirements established by the American dietetic association or by a certified program that is recognized by the national commission for certifying agencies or by a nationally recognized trade association.

(4) The department shall utilize the standards contained in the clinical practice guidelines issued by the American dietetic association that are in effect on July 1, 2007, which are adopted by reference, as interim standards, until rules are promulgated under subsection (2).

(5) The department, in consultation with the board, shall not promulgate rules under this section that diminish competition or exceed the minimum level of regulation necessary to protect the public.

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 by July 1, 2008.

(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 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 within 1 year after July 1, 2007.

(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. 18361. This part does not require new or additional third party reimbursement or mandated worker's compensation benefits for services rendered by an individual licensed under this part.

Sec. 18363. This part does not apply to any of the following:

(a) An individual licensed under any other part or act who performs activities or services that are considered dietetics and nutrition care services if those activities or services are within the individual's scope of practice and if the individual does not use the titles protected under section 18353.

(b) An individual who furnishes any kind of nutrition information on food, food materials, or dietary supplements or provides explanations to individuals about foods or food products in connection with the marketing and distribution of those products, but does not hold himself or herself out as a dietitian or nutritionist.

(c) An individual who provides weight control services under a program approved by a dietitian or nutritionist who is licensed under this part or licensed by another state that has licensing requirements substantially equal to those existing in this state or under a program approved by a chiropractic physician, or a physician, who is licensed under part 164, 170, or 175 or by another state that has licensing requirements substantially equal to those existing in this state.

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

This act is ordered to take immediate effect.

*Carol Morey Viventi*

Secretary of the Senate

*Jay E. Randall*

Clerk of the House of Representatives

Approved .....

.....  
Governor