

Act No. 221  
Public Acts of 2009  
Approved by the Governor  
January 5, 2010  
Filed with the Secretary of State  
January 5, 2010  
EFFECTIVE DATE: January 5, 2010

**STATE OF MICHIGAN**  
**95TH LEGISLATURE**  
**REGULAR SESSION OF 2009**

**Introduced by Reps. Angerer, Lisa Brown, Lori Mayes, Sheltroun, Roy Schmidt, Valentine, Roberts, Scripps, Spade, Melton, Meekhof, Simpson, Ebli, Bennett, Espinoza, Terry Brown, Hammel, Donigan, Rick Jones, Kowall, Lemmons, Huckleberry, Durhal, Dean, Hildenbrand, Caul, Opsommer, Marleau, Agema, Lahti, Young, Moore, Constan and Robert Jones**

# **ENROLLED HOUSE BILL No. 5091**

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 16423 and 16431 (MCL 333.16423 and 333.16431), section 16431 as amended by 1994 PA 234.

*The People of the State of Michigan enact:*

Sec. 16423. (1) The department, in consultation with the board, shall promulgate rules to establish criteria for the performance and ordering of tests and the approval of analytical instruments and adjustment apparatus to be used for the purpose of examining and treating patients for subluxations and misalignments that produce nerve interference or joint dysfunction. The criteria established shall be substantially equivalent to nationally recognized standards in the profession for the performance and ordering of tests and the use and operation of the instruments and apparatus. The board may approve types and makes of analytical instruments and adjustment apparatus that meet these criteria.

(2) An individual shall not perform or order tests or use analytical instruments or adjustment apparatus that do not meet nationally recognized standards or that are not approved by the board.

Sec. 16431. (1) Notwithstanding the requirements of part 161, the board may require a licensee seeking renewal of a license to furnish the board with satisfactory evidence that during the 2 years immediately preceding the application for renewal the applicant has attended not less than two 2-day educational conferences approved by the board, in subjects related to the practice of chiropractic and designed to further educate licensees.

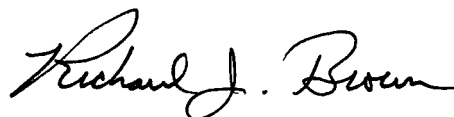
(2) As required under section 16204, the department, in consultation with the board, shall promulgate rules requiring each applicant for license renewal to complete as part of the educational conferences required under subsection (1) an appropriate number of hours or courses in pain and symptom management.

(3) The department, in consultation with the board, shall promulgate rules requiring each applicant for license renewal to complete as part of the educational conferences required under subsection (1) an appropriate number of hours or courses concerning the provisions of section 16401(1) that were added by the amendatory act that added this subsection.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 95th Legislature are enacted into law:

- (a) Senate Bill No. 968.
- (b) Senate Bill No. 970.
- (c) Senate Bill No. 971.
- (d) Senate Bill No. 972.
- (e) Senate Bill No. 973.
- (f) House Bill No. 5105.

This act is ordered to take immediate effect.



-----  
Clerk of the House of Representatives



-----  
Secretary of the Senate

Approved .....

-----  
Governor

**Compiler's note:** The bills referred to in enacting section 1 were enacted into law as follows:

Senate Bill No. 968 was filed with the Secretary of State January 5, 2010, and became 2009 PA 223, Imd. Eff. Jan. 5, 2010.

Senate Bill No. 970 was filed with the Secretary of State January 5, 2010, and became 2009 PA 224, Imd. Eff. Jan. 5, 2010.

Senate Bill No. 971 was filed with the Secretary of State January 5, 2010, and became 2009 PA 225, Imd. Eff. Jan. 5, 2010.

Senate Bill No. 972 was filed with the Secretary of State January 5, 2010, and became 2009 PA 226, Imd. Eff. Jan. 5, 2010.

Senate Bill No. 973 was filed with the Secretary of State January 5, 2010, and became 2009 PA 227, Imd. Eff. Jan. 5, 2010.

House Bill No. 5105 was filed with the Secretary of State January 5, 2010, and became 2009 PA 222, Imd. Eff. Jan. 5, 2010.