

HOUSE BILL No. 5091

June 16, 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 and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16401, 16423, and 16431 (MCL 333.16401, 333.16423, and 333.16431), section 16401 as amended by 2002 PA 734 and section 16431 as amended by 1994 PA 234.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16401. (1) As used in this part:

2 (a) "Chiropractor", "chiropractic physician", "doctor of
3 chiropractic", or "d.c." means an individual licensed under this
4 article to engage in the practice of chiropractic.

5 (b) "MUSCULOSKELETAL SYSTEM" MEANS THE SYSTEM OF MUSCLES,
6 TENDONS, LIGAMENTS, BONES, JOINTS, AND ASSOCIATED TISSUES THAT
7 MOVES THE BODY AND MAINTAINS ITS FORM.

1 (C) ~~(b)~~—"Practice of chiropractic" means that discipline
 2 within the healing arts ~~which~~ **THAT** deals with the human nervous
 3 system and ~~its relationship to the spinal column and its~~ **THE**
 4 **MUSCULOSKELETAL SYSTEM AND THEIR** interrelationship with other body
 5 systems. Practice of chiropractic includes the following:

6 (i) ~~Diagnosis, including spinal analysis, to determine the~~
 7 ~~existence of spinal subluxations or misalignments that produce~~
 8 ~~nerve interference, indicating the necessity for chiropractic care.~~

9 **THE DIAGNOSIS OF HUMAN CONDITIONS AND NEUROMUSCULAR AND SKELETAL**
 10 **DISORDERS RELATED TO SUBLUXATIONS, MISALIGNMENTS, AND JOINT**
 11 **DYSFUNCTIONS FOR THE PURPOSE OF DETECTING AND CORRECTING THOSE**
 12 **DISORDERS OR OFFERING ADVICE TO SEEK TREATMENT FROM OTHER HEALTH**
 13 **PROFESSIONALS IN ORDER TO RESTORE AND MAINTAIN HEALTH.**

14 (ii) **THE EVALUATION OF CONDITIONS OR SYMPTOMS RELATED TO**
 15 **SUBLUXATIONS, MISALIGNMENTS, AND JOINT DYSFUNCTION THROUGH PHYSICAL**
 16 **EXAMINATION, THE TAKING AND REVIEWING OF PATIENT HEALTH**
 17 **INFORMATION, THE PERFORMANCE OR ORDERING OF TESTS, AND THE USE OF**
 18 **X-RAY. THE PERFORMANCE OR ORDERING OF TESTS AND THE USE OF X-RAY IN**
 19 **THE PRACTICE OF CHIROPRACTIC IS REGULATED BY RULES PROMULGATED**
 20 **UNDER SECTION 16423.**

21 (iii) ~~(ii)~~ ~~A~~ **THE** chiropractic adjustment of ~~spinal~~ subluxations,
 22 ~~or~~ misalignments, and **JOINT DYSFUNCTION AND THE TREATMENT OF**
 23 related bones and tissues for the establishment of neural integrity
 24 ~~utilizing the inherent recuperative powers of the body for~~
 25 ~~restoration and maintenance of health~~ **AND STRUCTURAL STABILITY.**

26 (iv) ~~(iii)~~ The use of **PHYSICAL MEASURES**, analytical instruments,
 27 nutritional advice, rehabilitative exercise, and adjustment

1 apparatus regulated by rules promulgated by the board pursuant to
 2 **UNDER** section 16423. ~~and the use of x ray machines in the~~
 3 ~~examination of patients for the purpose of locating spinal~~
 4 ~~subluxations or misaligned vertebrae of the human spine.~~

5 (2) The practice of chiropractic does not include ~~the~~ **ANY OF**
 6 **THE FOLLOWING:**

7 (A) **THE** performance of ~~incisive surgical procedures, the~~
 8 ~~performance of an invasive procedure requiring instrumentation, or~~
 9 ~~the~~ **ANY PROCEDURE THAT CUTS OR PUNCTURES THE SKIN.**

10 (B) **THE** dispensing or prescribing of drugs or medicine.

11 (C) **EXCEPT FOR DIAGNOSTIC PURPOSES ONLY, THE USE OF X-RAY.**

12 (D) **THE PERFORMANCE OF AN INVASIVE PROCEDURE INVOLVING A BODY**
 13 **ORIFICE OR CAVITY THAT IS NOT PART OF OR RELATED TO A PROCEDURE OR**
 14 **TEST ALLOWED BY RULES PROMULGATED UNDER SECTION 16423.**

15 (3) ~~(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~~ **ACT** and part 161 contains
 18 definitions applicable to this part.

19 Sec. 16423. (1) The **DEPARTMENT, IN CONSULTATION WITH THE**
 20 board, shall promulgate rules to establish criteria for the
 21 **PERFORMANCE AND ORDERING OF TESTS AND THE** approval of analytical
 22 instruments and adjustment apparatus to be used for the purpose of
 23 examining **AND TREATING** patients ~~in locating spinal~~ **FOR** subluxations
 24 and misalignments ~~of the human spine~~ **THAT PRODUCE NERVE**
 25 **INTERFERENCE OR JOINT DYSFUNCTION.** The criteria established shall
 26 be substantially equivalent to nationally recognized standards in
 27 the profession for the **PERFORMANCE AND ORDERING OF TESTS AND THE**

1 use and operation of the instruments **AND APPARATUS**. The board may
2 approve types and makes of analytical instruments **AND ADJUSTMENT**
3 **APPARATUS** that meet these criteria.

4 (2) An individual shall not **PERFORM OR ORDER TESTS OR** use
5 analytical instruments or adjustment apparatus ~~which does~~ **THAT DO**
6 not meet nationally recognized standards or ~~which is~~ **THAT ARE** not
7 approved by the board.

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

15 (2) As required under section 16204, the **DEPARTMENT, IN**
16 **CONSULTATION WITH THE** board, shall promulgate rules requiring each
17 applicant for license renewal to complete as part of the
18 educational conferences required under subsection (1) an
19 appropriate number of hours or courses in pain and symptom
20 management.

21 (3) **THE DEPARTMENT, IN CONSULTATION WITH THE BOARD, SHALL**
22 **PROMULGATE RULES REQUIRING EACH APPLICANT FOR LICENSE RENEWAL TO**
23 **COMPLETE AS PART OF THE EDUCATIONAL CONFERENCES REQUIRED UNDER**
24 **SUBSECTION (1) AN APPROPRIATE NUMBER OF HOURS OR COURSES IN**
25 **EXTRASPINAL TREATMENT.**

26 Enacting section 1. This amendatory act does not take effect
27 unless Senate Bill No. _____ or House Bill No. _____ (request no.

1 01583'09) of the 95th Legislature is enacted into law.