

# SENATE BILL NO. 990

March 24, 2022, Introduced by Senators RUNESTAD, LAUWERS, HUIZENGA and WOZNIAK  
and referred to the Committee on Health Policy and Human Services.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending sections 16141, 16145, 16265, 17708, and 18001 (MCL  
333.16141, 333.16145, 333.16265, 333.17708, and 333.18001),  
sections 16141 and 16145 as amended by 1993 PA 80, section 17708 as  
amended by 2021 PA 53, and section 18001 as amended by 2018 PA 355,  
and by adding section 16348a and part 186.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1**           Sec. 16141. (1) The department shall furnish office services

1 to the committee, the boards, and the task forces; have charge of  
 2 their offices, records, and money collected; and perform managerial  
 3 and administrative functions for them.

4 (2) The department shall appoint administrative and  
 5 secretarial staff, clerks, and employees necessary to allow the  
 6 proper exercise of the powers and duties of the committee, a board,  
 7 or a task force. Salaries and other expenses incurred by the  
 8 committee, a board, or a task force and staff and expenses for  
 9 studies and activities authorized under this article ~~shall~~**must** be  
 10 paid out of funds appropriated by the legislature for those  
 11 purposes.

12 (3) The department may promulgate rules to promote the  
 13 effective and consistent administration of this article. However,  
 14 **except as provided in a specific part of this article**, the  
 15 department shall not promulgate rules that constitute the  
 16 licensure, registration, or examination of health professionals.

17 Sec. 16145. (1) A board may adopt and have an official seal.

18 (2) A board or task force may promulgate rules necessary or  
 19 appropriate to fulfill its functions as prescribed in this article.

20 (3) ~~Only~~**Except as provided in a specific part of this**  
 21 **article, only** a board or task force shall promulgate rules to  
 22 specify requirements for licenses, registrations, renewals,  
 23 examinations, and required passing scores.

24 Sec. 16265. (1) An individual licensed under this article to  
 25 engage in the practice of chiropractic, dentistry, medicine,  
 26 optometry, osteopathic medicine and surgery, podiatric medicine and  
 27 surgery, psychology, ~~or~~ **or naturopathic**  
 28 **medicine** shall not use the terms "doctor" or "dr." in any written  
 29 or printed matter or display without adding thereto "of

1 chiropractic", "of dentistry", "of medicine", "of optometry", "of  
2 osteopathic medicine and surgery", "of podiatric medicine and  
3 surgery", "of psychology", "of veterinary medicine", "**of**  
4 **naturopathic medicine**", or a similar term, respectively.

5 (2) An individual licensed under part 182 shall not use the  
6 terms "doctor" or "dr." without having been granted a doctoral  
7 degree in psychology from a regionally or nationally accredited  
8 college or university.

9 **Sec. 16348a. The department shall annually establish a**  
10 **schedule of fees for an individual licensed or seeking licensure as**  
11 **a naturopathic physician under part 186 to offset the department's**  
12 **administrative expenses under that part.**

13 Sec. 17708. (1) "Preceptor" means a pharmacist approved by the  
14 board to direct the training of an intern in an approved pharmacy.

15 (2) "Prescriber" means any of the following:

16 (a) A licensed dentist.

17 (b) A licensed doctor of medicine.

18 (c) A licensed doctor of osteopathic medicine and surgery.

19 (d) A licensed doctor of podiatric medicine and surgery.

20 (e) A licensed physician's assistant.

21 (f) A licensed optometrist certified under part 174 to  
22 administer and prescribe therapeutic pharmaceutical agents.

23 (g) An advanced practice registered nurse as that term is  
24 defined in section 17201 who meets the requirements of section  
25 17211a.

26 (h) A licensed veterinarian.

27 (i) A registered professional nurse who holds a specialty  
28 certification as a nurse anesthetist under section 17210 when he or  
29 she is engaging in the practice of nursing and providing the

1 anesthesia and analgesia services described in section 17210(3).  
2 For purposes of this subdivision, the authority of a registered  
3 professional nurse who holds a specialty certification as a nurse  
4 anesthetist under section 17210 to prescribe pharmacological agents  
5 is limited to pharmacological agents for administration to patients  
6 as described in section 17210(3)(b), (c), or (d).

7 **(j) A licensed doctor of naturopathic medicine.**

8 **(k)** ~~(j)~~—Any other licensed health professional acting under  
9 the delegation and using, recording, or otherwise indicating the  
10 name of the delegating licensed doctor of medicine or licensed  
11 doctor of osteopathic medicine and surgery.

12 (3) "Prescription" means an order by a prescriber to fill,  
13 compound, or dispense a drug or device written and signed; written  
14 or created in an electronic format, signed, and transmitted by  
15 facsimile; or transmitted electronically or by other means of  
16 communication. An order transmitted in other than written or hard-  
17 copy form must be electronically recorded, printed, or written and  
18 immediately dated by the pharmacist, and that record is considered  
19 the original prescription. In a health facility or agency licensed  
20 under article 17 or other medical institution, an order for a drug  
21 or device in the patient's chart is considered for the purposes of  
22 this definition the original prescription. For purposes of this  
23 part, prescription also includes a standing order issued under  
24 section 17744e. Subject to section 17751(2) and (5), prescription  
25 includes, but is not limited to, an order for a drug, not including  
26 a controlled substance except under circumstances described in  
27 section 17763(e), written and signed; written or created in an  
28 electronic format, signed, and transmitted by facsimile; or  
29 transmitted electronically or by other means of communication by a

1 physician prescriber, dentist prescriber, or veterinarian  
2 prescriber who is licensed to practice dentistry, medicine,  
3 osteopathic medicine and surgery, or veterinary medicine in another  
4 state.

5 (4) Subject to subsection (5), "prescription drug" means a  
6 drug to which 1 or more of the following apply:

7 (a) The drug is dispensed pursuant to a prescription.

8 (b) The drug bears the federal legend "CAUTION: federal law  
9 prohibits dispensing without prescription" or "Rx only".

10 (c) The drug is designated by the board as a drug that may  
11 only be dispensed pursuant to a prescription.

12 (5) For purposes of this part, prescription drug also includes  
13 a drug dispensed pursuant to section 17744f.

14 (6) "Remote pharmacy" means a pharmacy described in sections  
15 17742a and 17742b.

16 (7) Subsection (2)(i) does not require new or additional third  
17 party reimbursement or mandated worker's compensation benefits for  
18 anesthesia and analgesia services provided under section 17210(3)  
19 by a registered professional nurse who holds a specialty  
20 certification as a nurse anesthetist under section 17210.

21 Sec. 18001. (1) As used in this part:

22 (a) "Medical care services" means those services within the  
23 scope of practice of podiatric physicians licensed by the board,  
24 except those services that the board prohibits or otherwise  
25 restricts within a practice agreement or determines shall not be  
26 delegated by a podiatric physician without endangering the health  
27 and safety of patients as provided for in section 18048.

28 (b) "Participating podiatrist" means a podiatric physician or  
29 a podiatric physician designated by a group of podiatric physicians

1 under section 18049 to represent that group.

2 (c) "Podiatric physician" or "**podiatrist**" means an individual  
3 who is licensed under this article to engage in the practice of  
4 podiatric medicine and podiatric surgery.

5 (d) "Practice agreement" means an agreement described in  
6 section 18047.

7 (e) "Practice as a physician's assistant" means the practice  
8 of podiatric medicine and podiatric surgery with a participating  
9 podiatric physician under a practice agreement.

10 (f) Except as otherwise provided in subdivision (g), "practice  
11 of podiatric medicine and podiatric surgery" or "**practice of**  
12 **podiatric medicine and surgery**" means any of the following:

13 (i) The evaluation, diagnosis, management, and prevention of  
14 conditions of the lower extremities, including local manifestations  
15 of systemic disease in the human foot and ankle, by attending to  
16 and advising patients and through the use of devices, diagnostic  
17 tests, drugs and biologicals, surgical procedures, or other means.  
18 The evaluation, diagnosis, management, and prevention of conditions  
19 of the lower extremities may include osseous and soft tissue  
20 procedures that address the pathology of the foot, ankle, and the  
21 contiguous attachments below the tibial tuberosity.

22 (ii) The treatment of ulcerations below the tibial tuberosity  
23 and of human nail diseases, callosities, and verruca.

24 (g) "Practice of podiatric medicine and podiatric surgery" or  
25 "**practice of podiatric medicine and surgery**" does not include  
26 amputations proximal to the tibiotalar joint, proximal osseous  
27 procedures that do not involve the tibiotalar joint, or the  
28 administration of intravenous sedation or general anesthesia.

29 (h) "Task force" means the joint task force created in section

1 17025.

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

6 **PART 186**

7 **NATUROPATHIC PHYSICIANS**

8 **Sec. 18601. (1) For purposes of this part, the words and**  
9 **phrases defined in sections 18603 to 18609 have the meanings**  
10 **ascribed to them in those sections.**

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

15 **Sec. 18603. (1) "Approved naturopathic medical program" means**  
16 **any of the following:**

17 (a) A naturopathic medical education program that is located  
18 in the United States, that provides the degree of doctor of  
19 naturopathy or doctor of naturopathic medicine, and that meets all  
20 of the following requirements:

21 (i) Offers graduate-level full-time didactic and supervised  
22 clinical training.

23 (ii) Is accredited or has achieved candidacy status for  
24 accreditation by a federally recognized accrediting body for  
25 naturopathic medical programs approved by the board.

26 (iii) Is an institution or part of an institution of higher  
27 education that is accredited or is a candidate for accreditation by  
28 a regional or national institutional accrediting agency recognized  
29 by the United States Secretary of Education.

1 (b) A naturopathic medical education program offered by a  
2 degree-granting college or university that meets all of the  
3 following requirements:

4 (i) Offered a full-time structured curriculum in basic sciences  
5 and supervised patient care comprising a doctoral naturopathic  
6 medical education.

7 (ii) Was at least 132 weeks in duration and required completion  
8 of the program within a period of at least 35 months as a  
9 prerequisite to graduation.

10 (iii) Was offered by a college or university that was reputable  
11 and in good standing in the judgment of the board.

12 (iv) If the program is still offered, it is accredited by a  
13 federally recognized accrediting body for naturopathic medical  
14 programs approved by the board.

15 (c) A naturopathic medical education program offered by a  
16 diploma-granting, degree-equivalent college or university located  
17 in Canada that meets all of the following requirements:

18 (i) Was offered by a college or university that had provincial  
19 approval for participation in government-funded student aid  
20 programs.

21 (ii) Offered a full-time structured curriculum in basic  
22 sciences and supervised patient care comprising a doctoral  
23 naturopathic medical education.

24 (iii) Was at least 132 weeks in duration and required completion  
25 of the program within a period of at least 35 months as a  
26 prerequisite to graduation.

27 (iv) Was offered by a college or university that was reputable  
28 and in good standing in the judgment of the board.

29 (v) If the program is still offered, it is accredited by a

1 federally recognized accrediting body for naturopathic medical  
2 programs approved by the board.

3 (vi) If the program is still offered, the college or university  
4 has provincial approval for participation in government-funded  
5 student aid programs.

6 (d) A naturopathic medical education program offered by a  
7 diploma-granting, degree-equivalent college or university located  
8 in Canada that provides the degree of doctor of naturopathy or  
9 doctor of naturopathic medicine and that meets all of the following  
10 requirements:

11 (i) Offers graduate-level full-time didactic and supervised  
12 clinical training.

13 (ii) Is accredited or has achieved candidacy status for  
14 accreditation by a federally recognized accrediting body for  
15 naturopathic medical programs approved by the board.

16 (iii) Is offered by a college or university that has provincial  
17 approval for participation in government-funded student aid  
18 programs.

19 (2) "Device" means that term as defined in section 17703.

20 Sec. 18605. "Minor office procedure" means any of the  
21 following:

22 (a) The use of operative, electrical, or other methods for the  
23 repair and care incidental to superficial lacerations and  
24 abrasions, superficial lesions, and the removal of foreign bodies  
25 located in the superficial tissues and the use of antiseptics and  
26 local topical anesthetics in connection with those methods.

27 (b) Obtaining specimens to diagnose, assess, and treat  
28 disease.

29 Sec. 18607. (1) "Naturopathic formulary" or "formulary" means

1 the list of nonprescription and prescription drugs that  
2 naturopathic physicians use in the practice of their profession, as  
3 determined by the board.

4 (2) "Naturopathic medicine" means a system of practice that is  
5 based on the natural healing capacity of individuals for the  
6 diagnosis, treatment, and prevention of diseases.

7 (3) "Naturopathic musculoskeletal mobilization" means the  
8 treatment of all body tissues by manual and other mechanical means,  
9 including high-velocity, low-amplitude mobilization at or beyond  
10 the end range of normal joint motion.

11 (4) "Naturopathic physician" means an individual who is  
12 licensed under this article to engage in the practice of  
13 naturopathic medicine.

14 Sec. 18609. (1) "Practice of naturopathic medicine" means  
15 performing any of the tasks, functions, or duties that are  
16 consistent with the individual's naturopathic education and  
17 training and described in section 18615.

18 (2) "Prescription drug" means that term as defined in section  
19 17708.

20 Sec. 18611. (1) Beginning 180 days after rules are promulgated  
21 under section 18623, an individual shall not engage in the practice  
22 of naturopathic medicine unless he or she is licensed or otherwise  
23 authorized under this article.

24 (2) Subject to subsection (3), the following words, titles, or  
25 letters or combination of the following words, titles, or letters,  
26 with or without qualifying words or phrases, are restricted in use  
27 to only those individuals authorized under this part to use the  
28 terms and in a way prescribed in this part: "doctor of naturopathic  
29 medicine", "doctor of naturopathy", "naturopathic physician",

1 "naturopathic doctor", "naturopathic medical doctor", "naturopathic  
2 medicine", "n.d.", and "n.m.d."

3 (3) If he or she does not use the word or title "doctor",  
4 "physician", "medical doctor", or "medicine", subsection (2) does  
5 not restrict the use of any of the following words or titles by an  
6 individual described in subsection (4)(f) or (g) in connection with  
7 his or her practice: "naturopathy", "naturopathic health care",  
8 "naturopath", "naturopathic practitioner", or "traditional  
9 naturopathic practitioner".

10 (4) In addition to the exemptions from licensure under section  
11 16171, this part does not prohibit or restrict any of the  
12 following:

13 (a) The practice of a profession or occupation by an  
14 individual who is licensed, certified, registered, or otherwise  
15 authorized under this act or other laws of this state and who is  
16 performing services within his or her authorized scope of practice.

17 (b) The practice of naturopathic medicine by students enrolled  
18 in an approved naturopathic medical program. The performance of  
19 services must be pursuant to a course of instruction or assignments  
20 from an instructor and under the supervision of the instructor. The  
21 instructor must be a naturopathic physician licensed under this  
22 part or a duly licensed professional in the field of instruction.

23 (c) Self-care by a patient or uncompensated care by a friend  
24 or family member who does not represent or hold himself or herself  
25 out to be a naturopathic physician.

26 (d) An individual who sells vitamins or herbs from providing  
27 information about his or her products.

28 (e) An individual from advising in the use of a therapy,  
29 including, but not limited to, herbal medicine, homeopathy,

1 nutrition, or other nondrug or nonsurgical therapy that is within  
2 the scope of practice of naturopathic physicians under this part,  
3 if all of the following requirements are met:

4 (i) The individual is not a health professional and the therapy  
5 is within that individual's lawful rights to perform under a health  
6 occupation. If the individual is a health professional, the therapy  
7 must be within the scope of practice of that health profession  
8 under this article.

9 (ii) The individual is not using a word, a title, or letters  
10 protected under this part and does not represent or hold himself or  
11 herself out to be a naturopathic physician.

12 (f) An individual who is educated and trained in naturopathy  
13 or naturopathic health care and provides naturopathic therapy  
14 within the scope of that education and training.

15 (g) An individual who is educated and trained as a naturopath,  
16 naturopathic practitioner, or traditional naturopathic practitioner  
17 and who provides naturopathic therapy within the scope of that  
18 education and training.

19 (h) A registered dietician or nutritional professional who  
20 meets the requirements of 42 USC 1395x(vv) (2) (A) and (B) from doing  
21 any of the following upon receiving a referral from a health  
22 professional:

23 (i) Prescribing dietary treatments.

24 (ii) Providing nutritional and dietary counseling.

25 (iii) Conducting nutritional and dietary assessments.

26 (iv) Developing, recommending, and ordering nutritional and  
27 dietary treatments, including therapeutic diets, for patients or  
28 groups of patients.

29 Sec. 18613. To be eligible for a license to engage in the

1 practice of naturopathic medicine in this state, an applicant shall  
2 submit all of the following to the board, as applicable:

3 (a) A completed application for licensure.

4 (b) Except as otherwise provided in subdivision (c), evidence  
5 that he or she is a graduate of an approved naturopathic medical  
6 program and that he or she has successfully passed a competency-  
7 based national naturopathic physicians licensing examination  
8 administered by an agency that is nationally recognized to  
9 administer a naturopathic physicians licensing examination that  
10 represents federal standards of education and training and that is  
11 approved by the board.

12 (c) For a graduate of an approved naturopathic medical program  
13 described in section 18603(1)(b) or (c), evidence of successful  
14 passage of a board-approved state competency examination or  
15 Canadian provincial examination.

16 (d) Any other information or documents required under this  
17 article or required by the board.

18 Sec. 18615. A naturopathic physician may do any of the  
19 following, consistent with his or her naturopathic education and  
20 training:

21 (a) Order and perform physical and laboratory examinations for  
22 diagnostic purposes, including, but not limited to, phlebotomy,  
23 clinical laboratory tests, orificial examinations, or physiological  
24 function tests.

25 (b) Order diagnostic imaging studies.

26 (c) Subject to section 18617, dispense, administer, order, or  
27 prescribe or perform any of the following:

28 (i) Food, extracts of food, nutraceuticals, vitamins, amino  
29 acids, minerals, enzymes, botanicals and their extracts, botanical

1 medicines, homeopathic medicines, all dietary supplements, or  
2 nonprescription drugs as defined by the federal food, drug, and  
3 cosmetic act, 21 USC 301 to 399i.

4 (ii) Prescription or nonprescription drugs as designated by the  
5 board.

6 (iii) Hot or cold hydrotherapy, naturopathic physical medicine,  
7 electromagnetic energy, or therapeutic exercise.

8 (iv) Devices, including, but not limited to, therapeutic  
9 devices, barrier contraception, or durable medical equipment.

10 (v) Health education or health counseling.

11 (vi) Repair and care incidental to superficial lacerations or  
12 abrasions.

13 (vii) Naturopathic musculoskeletal mobilization.

14 (d) Utilize routes of administration that include, but are not  
15 limited to, oral, nasal, auricular, ocular, rectal, vaginal,  
16 transdermal, intradermal, subcutaneous, intravenous, or  
17 intramuscular consistent with his or her naturopathic education and  
18 training.

19 (e) Other naturopathic therapies as approved by the board.

20 Sec. 18617. A naturopathic physician shall not do any of the  
21 following:

22 (a) Prescribe, dispense, or administer any controlled  
23 substance or device identified in the federal controlled substances  
24 act, 21 USC 801 to 971.

25 (b) Prescribe, dispense, or administer a prescription drug or  
26 device unless the prescription drug or device is included in the  
27 naturopathic formulary established under section 18623.

28 (c) Perform naturopathic musculoskeletal mobilization  
29 involving high-velocity, low-amplitude mobilization at or beyond

1 the end range of normal joint motion, unless he or she meets the  
2 requirements to perform high-velocity, low-amplitude mobilization  
3 as established by the board by rule.

4 (d) Perform surgical procedures except, subject to section  
5 18623(f), minor office procedures.

6 (e) Engage in the practice of or claim to engage in the  
7 practice of any other health profession, including, but not limited  
8 to, performing chiropractic adjustments, unless he or she is  
9 licensed to engage in that health profession under this article.

10 (f) Use general or spinal anesthetics.

11 (g) Administer ionizing radioactive substances for therapeutic  
12 purposes.

13 (h) Perform surgical procedures using a laser device.

14 (i) Perform surgical procedures involving the eye, ear,  
15 tendons, nerves, veins, or arteries.

16 Sec. 18621. The board of naturopathic medicine is created in  
17 the department. The board consists of the following 11 members,  
18 each of whom must meet the requirements of part 161:

19 (a) Six naturopathic physicians.

20 (b) One physician who is licensed under part 170 or 175.

21 (c) One pharmacist who is licensed under part 177.

22 (d) One chiropractor who is licensed under part 164.

23 (e) Two public members.

24 Sec. 18623. The department, in consultation with the board,  
25 shall do all of the following:

26 (a) Determine the qualifications of individuals applying for  
27 licensure under this part.

28 (b) Review the content of rules and proposed rules governing  
29 the practice of naturopathic medicine in this state.

1 (c) Evaluate the content of any clinical, practical, or  
2 residency requirement.

3 (d) Promulgate rules for examination standards, consistent  
4 with the standards under this part, for licensure and when those  
5 examinations will be provided. The rules must include a competency-  
6 based national examination consistent with the requirements  
7 described in section 18613(b) and (c) as the naturopathic licensing  
8 examination.

9 (e) Subject to section 16204, establish a minimum amount and  
10 kind of continuing education to be required annually for each  
11 naturopathic physician as a condition for licensure renewal.

12 (f) Limit the performance of minor office procedures to a  
13 naturopathic physician who has graduated from an approved  
14 naturopathic medical program that included minor office procedures  
15 as part of its curriculum or who has up-to-date certification of  
16 equivalent training, as determined by the board, if he or she  
17 graduated from an approved naturopathic medical program that did  
18 not include minor office procedures as part of the curriculum.

19 (g) Establish a naturopathic formulary. All of the following  
20 apply to the naturopathic formulary established under this  
21 subdivision:

22 (i) The board shall review the naturopathic formulary annually  
23 or at any time at the request of the board.

24 (ii) The naturopathic formulary must not go beyond the scope of  
25 natural medicines or prescription drugs and devices covered by  
26 approved naturopathic education and training or board-approved  
27 continuing education.

28 (iii) The naturopathic formulary must not include prescription  
29 drugs or devices that are inconsistent with the training provided

1 to graduates of an approved naturopathic medical program.

2           Sec. 18631. Each license granted or renewed under this part  
3 expires 4 years following the date it was granted or last renewed.

4           Sec. 18633. This part does not require new or additional third  
5 party reimbursement or mandated worker's compensation benefits for  
6 services rendered by an individual who is licensed under this part.

7           Enacting section 1. This amendatory act takes effect 90 days  
8 after the date it is enacted into law.