

SUBSTITUTE FOR
HOUSE BILL NO. 5776

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 18101, 18107, 18111, and 18115 (MCL 333.18101,
333.18107, 333.18111, and 333.18115), sections 18101 and 18111 as
added by 1988 PA 421, section 18107 as amended by 1989 PA 262, and
section 18115 as amended by 2006 PA 429, and by adding sections
18106 and 18116.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 18101. As used in this part:

2 (a) ~~"Counseling"~~ **"CLINICAL COUNSELING** principles, methods, or
3 procedures" means ~~a developmental approach that systematically~~
4 ~~assists an individual through the application of any of the~~
5 ~~following procedures:~~

6 ~~—— (i) Evaluation and appraisal techniques. As used in this~~

~~subparagraph, "appraisal techniques" means selecting, administering, scoring, and interpreting instruments and procedures designed to assess an individual's aptitudes, interests, attitudes, abilities, achievements, and personal characteristics for developmental purposes and not for psychodiagnostic purposes.~~

~~—— (ii) Exploring alternative solutions.~~

~~—— (iii) Developing and providing a counseling plan for mental and emotional development.~~

~~—— (iv) Guidance.~~ **1 OR MORE OF THE FOLLOWING:**

(i) PSYCHOTHERAPY, DIAGNOSIS, AND EVALUATION.

(ii) SELECTING, ADMINISTERING, SCORING, AND INTERPRETING ASSESSMENTS, TESTS, AND APPRAISALS THAT ARE DESIGNED TO ASSESS AN INDIVIDUAL'S APTITUDES, INTERESTS, ATTITUDES, ABILITIES, ACHIEVEMENTS, AND PERSONAL CHARACTERISTICS IN ORDER TO USE APPRAISAL AND DIAGNOSTIC RESULTS IN HELPING PROCESSES.

(iii) ~~(v)~~ Psychoeducational consulting. AS USED IN THIS SUBPARAGRAPH, "PSYCHOEDUCATIONAL CONSULTING" MEANS ASSISTING A CONSULTEE THAT IS WORKING WITH AN INDIVIDUAL, SMALL GROUP, OR ORGANIZATION BY IDENTIFYING PROBLEMS, STRENGTHS, AND WEAKNESSES AND MAKING RECOMMENDATIONS FOR THE IMPLEMENTATION OF PREVENTATIVE OR REMEDIAL STRATEGIES.

~~—— (vi) Learning theory.~~

~~—— (vii) Individual and group techniques emphasizing prevention.~~

(iv) ~~(viii)~~ Counseling techniques. AS USED IN THIS SUBPARAGRAPH, "COUNSELING TECHNIQUES" MEANS THE APPLICATION OF BASIC COUNSELING AND PSYCHOTHERAPY SKILLS AND THEORIES IN THE COUNSELING PROCESS TO ESTABLISH AND MAINTAIN THE COUNSELING

1 RELATIONSHIP; DIAGNOSE AND IDENTIFY THE PROBLEM; FORMULATE A
2 PREVENTATIVE, TREATMENT, OR REHABILITATIVE PLAN; AND FACILITATE
3 APPROPRIATE INTERVENTIONS.

4 (v) ~~(ix)~~ Behavioral modification techniques. AS USED IN THIS
5 SUBPARAGRAPH, "BEHAVIORAL MODIFICATION TECHNIQUES" MEANS ASSISTING
6 CLIENTS IN IDENTIFYING MALADAPTIVE OR HARMFUL BEHAVIORS AND
7 REPLACING THEM WITH ADAPTIVE AND HELPFUL BEHAVIORS.

8 (vi) ~~(x)~~ Referrals. REFERRAL. As used in this subparagraph,
9 ~~referral~~ "REFERRAL" includes determining the need for referral to 1
10 or more statutorily regulated mental health professionals whose
11 expertise, skills, and competence are appropriate to the problems
12 of the individual, informing the individual of the referral, and
13 communicating as appropriate with the professional to whom the
14 individual has been referred.

15 (vii) PREVENTATIVE TECHNIQUES. AS USED IN THIS SUBPARAGRAPH,
16 "PREVENTATIVE TECHNIQUES" MEANS ASSISTING A CLIENT IN MAINTAINING
17 MENTAL AND EMOTIONAL WELL-BEING AND PREVENTING EMOTIONAL DISTRESS
18 AND MENTAL ILLNESS.

19 (viii) ESTABLISHING A COUNSELING PLAN FOR THE TREATMENT OF 1
20 OR MORE OF THE FOLLOWING DISORDERS OF AN INDIVIDUAL, COUPLE, GROUP,
21 OR FAMILY:

22 (A) AN EMOTIONAL DISORDER.

23 (B) A MENTAL DISORDER.

24 (C) AN ADDICTION DISORDER.

25 (D) A PHYSICAL DISORDER THAT REQUIRES A COUNSELING
26 INTERVENTION.

27 (ix) PROMOTING MENTAL HEALTH WELLNESS. AS USED IN THIS

1 SUBPARAGRAPH, "MENTAL HEALTH WELLNESS" INCLUDES, BUT IS NOT LIMITED
2 TO, THE ACHIEVEMENT OF SOCIAL, CAREER, AND EMOTIONAL DEVELOPMENT
3 ACROSS AN INDIVIDUAL'S LIFE SPAN.

4 (x) PREVENTING AND TREATING MENTAL AND EMOTIONAL DISORDERS. AS
5 USED IN THIS SUBPARAGRAPH, "PREVENTING AND TREATING MENTAL AND
6 EMOTIONAL DISORDERS" INCLUDES, BUT IS NOT LIMITED TO, THE USE OF
7 CRISIS INTERVENTION.

8 (b) "Licensed professional counselor" means an individual WHO
9 IS licensed under this article to engage in the practice of
10 counseling **WITHOUT SUPERVISION**.

11 (c) "Limited licensed counselor" means an individual who has
12 been granted a limited license by the board to ~~offer~~ **ENGAGE IN THE**
13 **PRACTICE OF** counseling ~~services~~ under the supervision of a licensed
14 professional counselor **WHO MEETS THE REQUIREMENT OF SECTION 18106**.

15 (d) ~~"Practice~~ **EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION (E)**,
16 **"PRACTICE** of counseling" or "counseling" means the rendering to
17 individuals, groups, families, organizations, or the general public
18 **IN ACCORDANCE WITH ACCEPTED AND ESTABLISHED ETHICS** a service
19 involving ~~the application of~~ clinical counseling principles,
20 methods, or procedures for the purpose of achieving social,
21 personal, career, and emotional development and with the goal of
22 promoting and enhancing healthy self actualizing and satisfying
23 lifestyles whether the services are rendered in an educational,
24 business, health, private practice, or human services setting.

25 **(E)** The practice of counseling does not include the practice
26 of psychology except for those preventive techniques, counseling
27 techniques, or behavior modification techniques for which the

1 licensed professional counselor or limited licensed counselor has
 2 been specifically trained. The practice of counseling does not
 3 include the practice of medicine ~~such as~~ **OR OSTEOPATHIC MEDICINE**
 4 **AND SURGERY, INCLUDING, BUT NOT LIMITED TO, THE DIFFERENTIAL**
 5 **DIAGNOSIS OF MEDICAL CONDITIONS OR DISORDERS,** prescribing drugs, or
 6 administering electroconvulsive therapy. A counselor shall not hold
 7 himself or herself out as a ~~ANY OF THE FOLLOWING:~~

8 (i) A psychologist as defined in section 18201.

9 (ii) A counselor ~~shall not hold himself or herself out as a~~
 10 marriage and family counselor providing marriage counseling
 11 pursuant to section 1501 of the occupational code, Act No. 299 of
 12 the Public Acts of 1980, being section 339.1501 of the Michigan
 13 Compiled Laws. **THERAPIST AS DEFINED IN SECTION 16901.**

14 (iii) A LICENSED BACHELOR'S SOCIAL WORKER OR A LICENSED
 15 MASTER'S SOCIAL WORKER AS THOSE TERMS ARE DEFINED IN SECTION 18501.

16 SEC. 18106. A LICENSED PROFESSIONAL COUNSELOR SHALL NOT
 17 SUPERVISE A LIMITED LICENSED COUNSELOR WITHOUT COMPLETING TRAINING
 18 IN SUPERVISION AS REQUIRED BY THE BOARD BY RULE.

19 Sec. 18107. ~~(1)~~ The board may grant a professional counselor
 20 license to an individual who ~~is or does~~ **MEETS** all of the following
 21 **CRITERIA:**

22 (a) Is not less than 21 years of age.

23 (b) Has received, **FROM AN ACCREDITED COLLEGE OR UNIVERSITY**
 24 **APPROVED BY THE DEPARTMENT,** a ~~masters~~ **MASTER'S** or doctoral degree
 25 in counseling ~~or student personnel work in a~~ **FROM A PROGRAM THAT IS**
 26 **ACCREDITED BY THE COUNCIL FOR THE ACCREDITATION OF COUNSELING AND**
 27 **RELATED EDUCATIONAL PROGRAMS AND THAT INCLUDES COURSEWORK AND**

1 **TRAINING IN THE DIAGNOSIS AND TREATMENT OF MENTAL AND EMOTIONAL**
 2 **DISORDERS OR FROM A** program approved by ~~THAT IS NOT ACCREDITED BY~~
 3 **THE COUNCIL FOR THE ACCREDITATION OF COUNSELING AND RELATED**
 4 **EDUCATIONAL PROGRAMS THAT DEMONSTRATES TO THE SATISFACTION OF** the
 5 board **THAT IT IS SUBSTANTIALLY EQUIVALENT.** The board shall
 6 promulgate rules to establish standards to approve only those
 7 programs that include, **AT A MINIMUM,** graduate studies in the
 8 following areas: research, **HUMAN GROWTH AND DEVELOPMENT,** group
 9 techniques, counseling theories, ethics, counseling techniques,
 10 counseling philosophy **AND IDENTITY,** testing procedures, ~~AND~~
 11 **ASSESSMENT, DIAGNOSIS,** career development, **SOCIAL AND CULTURAL**
 12 **DIVERSITY,** consulting, practicum, and internship.

13 (c) Has at least 2 years of counseling experience under the
 14 supervision of a licensed professional counselor. The board may
 15 decrease the required length of counseling experience under the
 16 supervision of a licensed professional counselor to 1 year if an
 17 applicant has completed 30 hours of graduate study in counseling
 18 beyond the master's degree. An applicant shall not be licensed
 19 before completing 1 year of counseling experience under the
 20 supervision of a licensed professional counselor. ~~This subdivision~~
 21 ~~shall take effect on October 1, 1994.~~

22 ~~— (2) By October 1, 1993, an individual who meets the~~
 23 ~~requirement of subsection (1)(a), has 2 years of experience, and~~
 24 ~~holds a master's or doctoral degree in counseling or student~~
 25 ~~personnel work that does not meet the requirements of subsection~~
 26 ~~(1)(b), may be granted a license by the board.~~

27 Sec. 18111. (1) The board may grant a limited license to an

individual who meets both of the following criteria:

(a) Is not less than 21 years of age.

(b) Has received, from an accredited college or university approved by the department, a ~~masters~~ **MASTER'S** or doctoral degree in counseling ~~or student personnel work in a~~ **FROM A PROGRAM THAT IS ACCREDITED BY THE COUNCIL FOR THE ACCREDITATION OF COUNSELING AND RELATED EDUCATIONAL PROGRAMS AND THAT INCLUDES COURSEWORK AND TRAINING IN THE DIAGNOSIS AND TREATMENT OF MENTAL AND EMOTIONAL DISORDERS OR FROM A** program approved by ~~THAT IS NOT ACCREDITED BY THE COUNCIL FOR THE ACCREDITATION OF COUNSELING AND RELATED EDUCATIONAL PROGRAMS THAT DEMONSTRATES TO THE SATISFACTION OF~~ the board **THAT IT IS SUBSTANTIALLY EQUIVALENT**. The board shall **PROMULGATE RULES TO ESTABLISH STANDARDS TO** approve only those programs that include, **AT A MINIMUM**, graduate studies in the following areas: research, **HUMAN GROWTH AND DEVELOPMENT**, group techniques, counseling theories, ethics, counseling techniques, counseling philosophy **AND IDENTITY**, testing ~~procedures, AND~~ **ASSESSMENT, DIAGNOSIS**, career development, **SOCIAL AND CULTURAL DIVERSITY**, consulting, practicum, and internship.

(2) A limited license issued under this section ~~shall~~ **MUST** require that the individual confine his or her practice to a program of counseling experience under the supervision of a licensed professional counselor.

Sec. 18115. (1) This article does not limit an individual in, nor prevent an individual from, the practice of a statutorily regulated profession or occupation if counseling is part of the services provided by that profession or occupation, and the

individual does not hold himself or herself out as a counselor regulated under this article. As used in this subsection, "statutorily regulated profession or occupation" includes, but is not limited to, all of the following: a physician, attorney, marriage and family therapist, debt management counselor, **LICENSED BACHELOR'S** social worker, **LICENSED MASTER'S SOCIAL WORKER**, social ~~services~~**SERVICE** technician, licensed psychologist, limited licensed psychologist, temporary limited licensed psychologist, or school counselor.

(2) This part does not apply to any of the following:

(a) An ordained member of the clergy if counseling is incidental to his or her religious duties performed under the auspices or recognition of a church, denomination, religious association, or sect, that has ~~tax-exempt~~**TAX-EXEMPT** status ~~pursuant to~~**UNDER** section 501(c)(3) of the internal revenue code of 1986, 26 USC 501, if the member of the clergy does not hold himself or herself out as a counselor licensed under this article.

(b) An individual who performs volunteer services for a public or private nonprofit organization, church, or charity, if the individual is approved by the organization or agency for which the services are rendered.

(c) An individual who is employed by or who volunteers to work in a **SUBSTANCE USE DISORDER SERVICES** program licensed by the ~~office~~**DEPARTMENT UNDER PART 62.**

~~(d) A member of any other profession whose practice may include counseling principles, methods, or procedures from practicing his or her profession as long as he or she is trained in~~

~~that profession and does not hold himself or herself out as a
counselor providing counseling. As used in this subdivision,
"profession" includes, but is not limited to, the fields of human
resources development and organizational development.~~

(D) A CHRISTIAN SCIENCE PRACTITIONER.

(3) Notwithstanding section 18105(3), this part does not prohibit the use of the word "counselor" without the qualifying words "licensed" or "professional" used in conjunction with the word "counselor", except as otherwise provided by law.

SEC. 18116. 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.

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