

HOUSE BILL No. 6326

November 9, 2004, Introduced by Rep. Stewart and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16263, 16343, 16905, 16909, 17015, 18115,
18201, 18212, 18223, and 18233 (MCL 333.16263, 333.16343,
333.16905, 333.16909, 333.17015, 333.18115, 333.18201, 333.18212,
333.18223, and 333.18233), section 16263 as amended by 2004 PA
97, section 16343 as added by 1993 PA 79, section 16905 as added
by 1995 PA 126, section 16909 as amended by 1997 PA 188, section
17015 as amended by 2002 PA 685, section 18115 as added by 1988
PA 421, section 18212 as amended by 1987 PA 20, section 18223 as
amended by 1986 PA 174, and section 18233 as amended by 1994 PA
234.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16263. (1) Except as provided in subsection (2), the
2 following words, titles, or letters or a combination thereof,

1 with or without qualifying words or phrases, are restricted in
2 use only to those persons authorized under this article to use
3 the terms and in a way prescribed in this article:

4 (a) "Chiropractic", "doctor of chiropractic", "chiropractor",
5 "d.c.", and "chiropractic physician".

6 (b) "Dentist", "doctor of dental surgery", "oral and
7 maxillofacial surgeon", "orthodontist", "prosthodontist",
8 "periodontist", "endodontist", "oral pathologist", "pediatric
9 dentist", "dental hygienist", "registered dental hygienist",
10 "dental assistant", "registered dental assistant", "r.d.a.",
11 "d.d.s.", "d.m.d.", and "r.d.h.".

12 (c) "Doctor of medicine" and "m.d.".

13 (d) "Physician's assistant" and "p.a.".

14 (e) "Registered professional nurse", "registered nurse",
15 "r.n.", "licensed practical nurse", "l.p.n.", "nurse midwife",
16 "nurse anesthetist", "nurse practitioner", "trained attendant",
17 and "t.a.".

18 (f) "Doctor of optometry", "optometrist", and "o.d.".

19 (g) "Osteopath", "osteopathy", "osteopathic practitioner",
20 "doctor of osteopathy", "diplomate in osteopathy", and "d.o.".

21 (h) "Pharmacy", "pharmacist", "apothecary", "drugstore",
22 "druggist", "medicine store", "prescriptions", and "r.ph.".

23 (i) "Physical therapy", "physical therapist",
24 "physiotherapist", "registered physical therapist", "licensed
25 physical therapist", "physical therapy technician", "p.t.",
26 "r.p.t.", "l.p.t.", and "p.t.t.".

27 (j) "Chiropodist", "chiropody", "chiropodical", "podiatry",

1 "podiatrist", "podiatric", "doctor of podiatric medicine", "foot
2 specialist", "podiatric physician and surgeon", and "d.p.m.".

3 (k) ~~"Consulting"~~ **Until July 1, 2005, "consulting**
4 **psychologist", "psychologist", "psychological assistant",**
5 **"psychological examiner", "licensed psychologist", and "limited**
6 **licensed psychologist". Beginning July 1, 2005, "consulting**
7 **psychologist", "psychologist", "psychological assistant",**
8 **"psychological examiner", "licensed doctorate psychologist",**
9 **"licensed master's psychologist", "l.d.p.", and "l.m.p.".**

10 (l) "Licensed professional counselor", "licensed counselor",
11 "professional counselor", and "l.p.c.".

12 (m) "Sanitarian", "registered sanitarian", and "r.s.".

13 (n) Until July 1, 2005, "social worker", "certified social
14 worker", "social work technician", "s.w.", "c.s.w.", and
15 "s.w.t.". Beginning July 1, 2005, "social worker", "licensed
16 master's social worker", "licensed bachelor's social worker",
17 "registered social service technician", "social service
18 technician", "l.m.s.w.", "l.b.s.w.", and "r.s.s.t.".

19 (o) "Veterinary", "veterinarian", "veterinary doctor",
20 "veterinary surgeon", "doctor of veterinary medicine", "v.m.d.",
21 "d.v.m.", "animal technician", or "animal technologist".

22 (p) "Occupational therapist", "occupational therapist
23 registered", "certified occupational therapist", "o.t.",
24 "o.t.r.", "c.o.t.", "certified occupational therapy assistant",
25 "occupational therapy assistant", or "c.o.t.a.".

26 (q) "Marriage advisor" or "marriage consultant"; "family
27 counselor", "family advisor", "family therapist", or "family

1 consultant"; "family guidance counselor", "family guidance
 2 advisor", or "family guidance consultant"; "marriage guidance
 3 counselor", "marriage guidance advisor", or "marriage guidance
 4 consultant"; "family relations counselor"; "marriage relations
 5 counselor", "marriage relations advisor", or "marriage relations
 6 consultant"; "marital counselor" or "marital therapist"; "limited
 7 licensed marriage and family therapist" or "limited licensed
 8 marriage counselor"; "licensed marriage and family therapist" or
 9 "licensed marriage counselor"; and "l.m.f.t.".

10 (r) "Nursing home administrator".

11 (s) "Respiratory therapist", "respiratory care practitioner",
 12 "licensed respiratory therapist", "licensed respiratory care
 13 practitioner", "r.t.", "r.c.p.", "l.r.t.", and "l.r.c.p.".

14 (t) "Audiometrist", "audiologist", "hearing therapist",
 15 "hearing aid audiologist", "educational audiologist", "industrial
 16 audiologist", and "clinical audiologist".

17 (2) Notwithstanding section 16261, a person who was specially
 18 trained at an institution of higher education in this state to
 19 assist a physician in the field of orthopedics and upon
 20 completion of training, received a 2-year associate of science
 21 degree as an orthopedic physician's assistant before January 1,
 22 1977, may use the title "orthopedic physician's assistant"
 23 whether or not the person is licensed under this article.

24 Sec. 16343. Fees for a person licensed or seeking licensure
 25 to engage in the practice of psychology under part 182 are as
 26 follows:

27 (a) Application processing fee.....\$ 50.00

1 (b) License fee, per year:

2	(i) Full doctoral Doctoral	90.00
3	(ii) Limited doctoral.....	30.00
4	(ii) (iii) Masters limited.....	60.00
5	(iv) Temporary limited.....	15.00
6	(c) Limited license, per year.....	40.00
7	(c) (d) Temporary license.....	15.00
8	(d) (e) Examination review fee.....	20.00

9 Sec. 16905. (1) This part does not apply to an individual
 10 engaged in **the practice of** social work as defined in section
 11 ~~1601 of the occupational code, Act No. 299 of the Public Acts of~~
 12 ~~1980, being section 339.1601 of the Michigan Compiled Laws,~~
 13 **18501** in the course of employment with a governmental agency or a
 14 reputable social service agency regularly providing social work
 15 services as an agency.

16 (2) This part does not apply to an ordained cleric or other
 17 religious practitioner who is employed by or working under the
 18 authority of an organization exempt from taxation under
 19 section 501(c)(3) of the internal revenue code of 1986 ~~—, 26~~
 20 ~~U.S.C. 501,~~ if the advice or counsel given by the cleric or
 21 other religious practitioner is incidental to his or her duties
 22 as a cleric or other religious practitioner, and if the cleric or
 23 other religious practitioner does not hold himself or herself out
 24 to the public as a marriage and family therapist licensed under
 25 this article or use 1 or more of the titles listed in
 26 section 16263(1)(p) and if no fee or donation is exacted for the
 27 service.

1 (3) This part does not apply to a physician licensed under
2 this article who has completed an accredited psychiatric
3 residency program approved by the Michigan board of medicine or
4 to a psychologist fully licensed under this article, if both of
5 the following circumstances exist:

6 (a) The individual is practicing his or her profession in a
7 manner consistent with his or her education and training and is
8 practicing in a manner consistent with the code of ethics of that
9 profession.

10 (b) The individual does not hold himself or herself out to
11 the public as a marriage and family therapist licensed under this
12 article or use any of the titles listed in section 16263(1)(p)
13 for advertising purposes. However, this subdivision does not
14 prohibit the individual from advertising under a telephone or
15 other business directory listing that uses those titles if the
16 individual discloses in the listing, in an unabbreviated fashion,
17 the profession in which he or she is licensed.

18 (4) This part does not limit an individual in, or prevent an
19 individual from, the practice of a statutorily regulated
20 profession or occupation if services to families, couples, or
21 subsystems of families are part of the services provided by that
22 profession or occupation, and if the individual does not hold
23 himself or herself out to the public as a marriage and family
24 therapist licensed under this article or use 1 or more of the
25 titles listed in section 16263(1)(p). As used in this
26 subsection, "statutorily regulated profession or occupation"
27 means an occupation or profession regulated by statute that

1 includes, but is not limited to, all of the following: a
2 physician, attorney, social worker, ~~certified~~ **licensed** social
3 worker, **registered** social ~~work~~ **service** technician, ~~fully~~
4 **licensed** **doctorate** psychologist, ~~limited~~ **licensed** **master's**
5 psychologist, ~~temporary limited licensed psychologist,~~ **licensed**
6 professional counselor, limited licensed counselor, or school
7 counselor.

8 Sec. 16909. (1) The board shall grant a license as a
9 marriage and family therapist to an individual who meets all of
10 the following requirements:

11 (a) Provides satisfactory evidence to the board of meeting
12 either of the following educational qualifications:

13 (i) Has a master's or higher graduate degree from an
14 accredited training program in marriage and family therapy
15 approved by the board.

16 (ii) Has a master's or higher graduate degree from an
17 accredited college or university approved by the board and has
18 completed all of the following graduate-level courses at an
19 accredited college or university approved by the board:

20 (A) Three courses in family studies that total at least 6
21 semester or 9 quarter hours.

22 (B) Three courses in family therapy methodology that total at
23 least 6 semester or 9 quarter hours.

24 (C) Three courses in human development, personality theory,
25 or psychopathology that total at least 6 semester or 9 quarter
26 hours.

27 (D) At least 2 semester or 3 quarter hours in ethics, law,

1 and standards of professional practice.

2 (E) At least 2 semester or 3 quarter hours in research.

3 (b) Except as otherwise provided in subsection (2), provides
4 satisfactory evidence to the board of having completed supervised
5 clinical marriage and family therapy experience in conjunction
6 with the applicant's educational program. The clinical marriage
7 and family therapy experience described in this subdivision shall
8 meet all of the following requirements:

9 (i) Be obtained either in a clinical practicum during
10 graduate education or in a postgraduate marriage and family
11 institute training program acceptable to the board.

12 (ii) Be obtained over not less than 8 consecutive months.

13 (iii) Be verified by a supervisor who has a master's or
14 higher graduate degree from an accredited college or university
15 approved by the board and meets 1 of the following:

16 (A) Is a marriage and family therapist.

17 (B) Is a ~~certified~~ **licensed** social worker ~~or a social~~
18 ~~worker registered~~ under **this** article. ~~16 of the occupational~~
19 ~~code, 1980 PA 299, MCL 339.1601 to 339.1610.~~

20 (C) Is a licensed professional counselor as defined in
21 section 18101.

22 (D) Is a physician as defined in section 17001 or 17501 and
23 practicing in a mental health setting.

24 (E) Is a ~~fully~~ licensed **doctorate** psychologist, **or a**
25 **licensed master's psychologist**, as defined in section 18201.

26 (F) Is an approved supervisor or supervisor-in-training
27 through a program conducted by the American association for

1 marriage and family therapy and approved by the board.

2 (iv) Include not less than 300 direct client contact hours in
3 supervised clinical marriage and family therapy experience, at
4 least 1/2 of which were completed in a setting in which families,
5 couples, or subsystems of families were physically present in the
6 therapy room.

7 (v) Be supervised in a ratio of at least 1 hour of
8 supervision for each 5 hours of direct client contact, for a
9 total of not less than 60 hours of supervision concurrent with
10 the 300 hours of supervised direct client contact.

11 (c) Except as otherwise provided in subsection (2), provides
12 satisfactory evidence to the board of having completed a minimum
13 of 1,000 direct client contact hours in supervised marriage and
14 family therapy experience, at least 1/2 of which was completed
15 with families, couples, or subsystems of families physically
16 present in the therapy room, that meets all of the following
17 conditions:

18 (i) Is verified by the supervising licensed marriage and
19 family therapist.

20 (ii) Is obtained following the completion of the degree
21 required by subdivision (a)(i), is obtained following the
22 completion of the degree required by subdivision (a)(ii) and
23 concurrent with or following the course work specified in
24 subdivision (a)(ii)(A), (B), (C), (D), and (E), or is obtained as
25 part of a doctoral program in marriage and family therapy from an
26 accredited college or university approved by the board, which
27 experience may include experience obtained under

1 subdivision (b)(i).

2 (iii) Is supervised in a ratio of at least 1 hour of
3 supervision for each 5 hours of experience, for a total of not
4 less than 200 hours of supervision concurrent with the 1,000
5 hours of supervised experience. Not less than 100 hours of
6 supervision under this subparagraph shall be individual
7 supervision with no more than 1 other supervisee present. The
8 remaining supervision under this subparagraph may be group
9 supervision involving no more than 6 supervisees with 1
10 supervisor. The supervision shall be given in face-to-face
11 contact with the individual obtaining marriage and family therapy
12 experience.

13 (2) The board shall waive the requirements of subsection
14 (1)(b) and (c) for an applicant who provides satisfactory
15 evidence to the board of having obtained a doctoral degree from
16 an accredited doctoral training program in marriage and family
17 therapy approved by the board.

18 Sec. 17015. (1) Subject to subsection (10), a physician
19 shall not perform an abortion otherwise permitted by law without
20 the patient's informed written consent, given freely and without
21 coercion.

22 (2) For purposes of this section:

23 (a) "Abortion" means the intentional use of an instrument,
24 drug, or other substance or device to terminate a woman's
25 pregnancy for a purpose other than to increase the probability of
26 a live birth, to preserve the life or health of the child after
27 live birth, or to remove a dead fetus. Abortion does not include

1 the use or prescription of a drug or device intended as a
2 contraceptive.

3 (b) "Fetus" means an individual organism of the species homo
4 sapiens in utero.

5 (c) "Local health department representative" means a person
6 employed by, or under contract to provide services on behalf of,
7 a local health department who meets 1 or more of the licensing
8 requirements listed in subdivision (f).

9 (d) "Medical emergency" means that condition which, on the
10 basis of the physician's good faith clinical judgment, so
11 complicates the medical condition of a pregnant woman as to
12 necessitate the immediate abortion of her pregnancy to avert her
13 death or for which a delay will create serious risk of
14 substantial and irreversible impairment of a major bodily
15 function.

16 (e) "Medical service" means the provision of a treatment,
17 procedure, medication, examination, diagnostic test, assessment,
18 or counseling, including, but not limited to, a pregnancy test,
19 ultrasound, pelvic examination, or an abortion.

20 (f) "Qualified person assisting the physician" means another
21 physician or a physician's assistant licensed under this part or
22 part 175, a ~~fully~~ licensed **doctorate psychologist** or ~~limited~~
23 ~~licensed~~ **a licensed master's** psychologist licensed under part
24 182, a professional counselor licensed under part 181, a
25 registered professional nurse or a licensed practical nurse
26 licensed under part 172, or a social worker registered under part
27 185.

1 (g) "Probable gestational age of the fetus" means the
2 gestational age of the fetus at the time an abortion is planned
3 to be performed.

4 (h) "Provide the patient with a physical copy" means
5 confirming that the patient accessed the internet website
6 described in subsection (5) and received a printed valid
7 confirmation form from the website and including that form in the
8 patient's medical record or giving a patient a copy of a required
9 document by 1 or more of the following means:

10 (i) In person.

11 (ii) By registered mail, return receipt requested.

12 (iii) By parcel delivery service that requires the recipient
13 to provide a signature in order to receive delivery of a parcel.

14 (iv) By facsimile transmission.

15 (3) Subject to subsection (10), a physician or a qualified
16 person assisting the physician shall do all of the following not
17 less than 24 hours before that physician performs an abortion
18 upon a patient who is a pregnant woman:

19 (a) Confirm that, according to the best medical judgment of a
20 physician, the patient is pregnant, and determine the probable
21 gestational age of the fetus.

22 (b) Orally describe, in language designed to be understood by
23 the patient, taking into account her age, level of maturity, and
24 intellectual capability, each of the following:

25 (i) The probable gestational age of the fetus she is
26 carrying.

27 (ii) Information about what to do and whom to contact should

1 medical complications arise from the abortion.

2 (iii) Information about how to obtain pregnancy prevention
3 information through the department of community health.

4 (c) Provide the patient with a physical copy of the written
5 summary described in subsection (11)(b) that corresponds to the
6 procedure the patient will undergo and is provided by the
7 department of community health. If the procedure has not been
8 recognized by the department, but is otherwise allowed under
9 Michigan law, and the department has not provided a written
10 summary for that procedure, the physician shall develop and
11 provide a written summary that describes the procedure, any known
12 risks or complications of the procedure, and risks associated
13 with live birth and meets the requirements of subsection
14 (11)(b)(iii) through (vii).

15 (d) Provide the patient with a physical copy of a medically
16 accurate depiction, illustration, or photograph and description
17 of a fetus supplied by the department of community health
18 pursuant to subsection (11)(a) at the gestational age nearest the
19 probable gestational age of the patient's fetus.

20 (e) Provide the patient with a physical copy of the prenatal
21 care and parenting information pamphlet distributed by the
22 department of community health under section 9161.

23 (4) The requirements of subsection (3) may be fulfilled by
24 the physician or a qualified person assisting the physician at a
25 location other than the health facility where the abortion is to
26 be performed. The requirement of subsection (3)(a) that a
27 patient's pregnancy be confirmed may be fulfilled by a local

1 health department under subsection (18). The requirements of
2 subsection (3) cannot be fulfilled by the patient accessing an
3 internet website other than the internet website described in
4 subsection (5) that is maintained through the department.

5 (5) The requirements of subsection (3)(c) through (e) may be
6 fulfilled by a patient accessing the internet website maintained
7 and operated through the department and receiving a printed,
8 valid confirmation form from the website that the patient has
9 reviewed the information required in subsection (3)(c) through
10 (e) at least 24 hours before an abortion being performed on the
11 patient. The website shall not require any information be
12 supplied by the patient. The department shall not track,
13 compile, or otherwise keep a record of information that would
14 identify a patient who accesses this website. The patient shall
15 supply the valid confirmation form to the physician or qualified
16 person assisting the physician to be included in the patient's
17 medical record to comply with this subsection.

18 (6) Subject to subsection (10), before obtaining the
19 patient's signature on the acknowledgment and consent form, a
20 physician personally and in the presence of the patient shall do
21 all of the following:

22 (a) Provide the patient with the physician's name and inform
23 the patient of her right to withhold or withdraw her consent to
24 the abortion at any time before performance of the abortion.

25 (b) Orally describe, in language designed to be understood by
26 the patient, taking into account her age, level of maturity, and
27 intellectual capability, each of the following:

1 (i) The specific risk, if any, to the patient of the
2 complications that have been associated with the procedure the
3 patient will undergo, based on the patient's particular medical
4 condition and history as determined by the physician.

5 (ii) The specific risk of complications, if any, to the
6 patient if she chooses to continue the pregnancy based on the
7 patient's particular medical condition and history as determined
8 by a physician.

9 (7) To protect a patient's privacy, the information set forth
10 in subsection (3) and subsection (6) shall not be disclosed to
11 the patient in the presence of another patient.

12 (8) Before performing an abortion on a patient who is a
13 pregnant woman, a physician or a qualified person assisting the
14 physician shall do all of the following:

15 (a) Obtain the patient's signature on the acknowledgment and
16 consent form described in subsection (11)(c) confirming that she
17 has received the information required under subsection (3).

18 (b) Provide the patient with a physical copy of the signed
19 acknowledgment and consent form described in subsection (11)(c).

20 (c) Retain a copy of the signed acknowledgment and consent
21 form described in subsection (11)(c) and, if applicable, a copy
22 of the pregnancy certification form completed under subsection
23 (18)(b), in the patient's medical record.

24 (9) This subsection does not prohibit notifying the patient
25 that payment for medical services will be required or that
26 collection of payment in full for all medical services provided
27 or planned may be demanded after the 24-hour period described in

1 this subsection has expired. A physician or an agent of the
2 physician shall not collect payment, in whole or in part, for a
3 medical service provided to or planned for a patient before the
4 expiration of 24 hours from the time the patient has done either
5 or both of the following, except in the case of a physician or an
6 agent of a physician receiving capitated payments or under a
7 salary arrangement for providing those medical services:

8 (a) Inquired about obtaining an abortion after her pregnancy
9 is confirmed and she has received from that physician or a
10 qualified person assisting the physician the information required
11 under subsection (3)(c) and (d).

12 (b) Scheduled an abortion to be performed by that physician.

13 (10) If the attending physician, utilizing his or her
14 experience, judgment, and professional competence, determines
15 that a medical emergency exists and necessitates performance of
16 an abortion before the requirements of subsections (1), (3), and
17 (6) can be met, the physician is exempt from the requirements of
18 subsections (1), (3), and (6), may perform the abortion, and
19 shall maintain a written record identifying with specificity the
20 medical factors upon which the determination of the medical
21 emergency is based.

22 (11) The department of community health shall do each of the
23 following:

24 (a) Produce medically accurate depictions, illustrations, or
25 photographs of the development of a human fetus that indicate by
26 scale the actual size of the fetus at 2-week intervals from the
27 fourth week through the twenty-eighth week of gestation. Each

1 depiction, illustration, or photograph shall be accompanied by a
2 printed description, in nontechnical English, Arabic, and
3 Spanish, of the probable anatomical and physiological
4 characteristics of the fetus at that particular state of
5 gestational development.

6 (b) Subject to subdivision (g), develop, draft, and print, in
7 nontechnical English, Arabic, and Spanish, written standardized
8 summaries, based upon the various medical procedures used to
9 abort pregnancies, that do each of the following:

10 (i) Describe, individually and on separate documents, those
11 medical procedures used to perform abortions in this state that
12 are recognized by the department.

13 (ii) Identify the physical complications that have been
14 associated with each procedure described in subparagraph (i) and
15 with live birth, as determined by the department. In identifying
16 these complications, the department shall consider the annual
17 statistical report required under section 2835(6), and shall
18 consider studies concerning complications that have been
19 published in a peer review medical journal, with particular
20 attention paid to the design of the study, and shall consult with
21 the federal centers for disease control, the American college of
22 obstetricians and gynecologists, the Michigan state medical
23 society, or any other source that the department determines
24 appropriate for the purpose.

25 (iii) State that as the result of an abortion, some women may
26 experience depression, feelings of guilt, sleep disturbance, loss
27 of interest in work or sex, or anger, and that if these symptoms

1 occur and are intense or persistent, professional help is
2 recommended.

3 (iv) State that not all of the complications listed in
4 subparagraph (ii) may pertain to that particular patient and
5 refer the patient to her physician for more personalized
6 information.

7 (v) Identify services available through public agencies to
8 assist the patient during her pregnancy and after the birth of
9 her child, should she choose to give birth and maintain custody
10 of her child.

11 (vi) Identify services available through public agencies to
12 assist the patient in placing her child in an adoptive or foster
13 home, should she choose to give birth but not maintain custody of
14 her child.

15 (vii) Identify services available through public agencies to
16 assist the patient and provide counseling should she experience
17 subsequent adverse psychological effects from the abortion.

18 (c) Develop, draft, and print, in nontechnical English,
19 Arabic, and Spanish, an acknowledgment and consent form that
20 includes only the following language above a signature line for
21 the patient:

22 "I, _____, hereby authorize
23 Dr. _____ ("the physician") and any assistant
24 designated by the physician to perform upon me the following
25 operation(s) or procedure(s):

26 _____
27 (Name of operation(s) or procedure(s))

1 _____
2 I understand that I am approximately _____ weeks pregnant. I
3 consent to an abortion procedure to terminate my pregnancy. I
4 understand that I have the right to withdraw my consent to the
5 abortion procedure at any time prior to performance of that
6 procedure. I acknowledge that at least 24 hours before the
7 scheduled abortion I have received a physical copy of each of the
8 following:

9 (a) A medically accurate depiction, illustration, or
10 photograph of a fetus at the probable gestational age of the
11 fetus I am carrying.

12 (b) A written description of the medical procedure that will
13 be used to perform the abortion.

14 (c) A prenatal care and parenting information pamphlet. If
15 any of the above listed documents were transmitted by facsimile,
16 I certify that the documents were clear and legible. I
17 acknowledge that the physician who will perform the abortion has
18 orally described all of the following to me:

19 (i) The specific risk to me, if any, of the complications
20 that have been associated with the procedure I am scheduled to
21 undergo.

22 (ii) The specific risk to me, if any, of the complications if
23 I choose to continue the pregnancy.

24 I acknowledge that I have received all of the following
25 information:

26 (d) Information about what to do and whom to contact in the
27 event that complications arise from the abortion.

1 (e) Information pertaining to available pregnancy related
2 services.

3 I have been given an opportunity to ask questions about the
4 operation(s) or procedure(s). I certify that I have not been
5 required to make any payments for an abortion or any medical
6 service before the expiration of 24 hours after I received the
7 written materials listed in paragraphs (a), (b), and (c) above,
8 or 24 hours after the time and date listed on the confirmation
9 form if paragraphs (a), (b), and (c) were viewed from the state
10 of Michigan internet website.".

11 (d) Make available to physicians through the Michigan board
12 of medicine and the Michigan board of osteopathic medicine and
13 surgery, and any person upon request the copies of medically
14 accurate depictions, illustrations, or photographs described in
15 subdivision (a), the standardized written summaries described in
16 subdivision (b), the acknowledgment and consent form described in
17 subdivision (c), the prenatal care and parenting information
18 pamphlet described in section 9161, and the pregnancy
19 certification form described in subdivision (f).

20 (e) The department shall not develop written summaries for
21 abortion procedures under subdivision (b) that utilize medication
22 that has not been approved by the United States food and drug
23 administration for use in performing an abortion.

24 (f) Develop, draft, and print a certification form to be
25 signed by a local health department representative at the time
26 and place a patient has a pregnancy confirmed, as requested by
27 the patient, verifying the date and time the pregnancy is

1 confirmed.

2 (g) Develop and maintain an internet website that allows a
3 patient considering an abortion to review the information
4 required in subsection (3)(c) through (e). After the patient
5 reviews the required information, the department shall assure
6 that a confirmation form can be printed by the patient from the
7 internet website that will verify the time and date the
8 information was reviewed. A confirmation form printed under this
9 subdivision becomes invalid 14 days after the date and time
10 printed on the confirmation form.

11 (12) A physician's duty to inform the patient under this
12 section does not require disclosure of information beyond what a
13 reasonably well-qualified physician licensed under this article
14 would possess.

15 (13) A written consent form meeting the requirements set
16 forth in this section and signed by the patient is presumed
17 valid. The presumption created by this subsection may be
18 rebutted by evidence that establishes, by a preponderance of the
19 evidence, that consent was obtained through fraud, negligence,
20 deception, misrepresentation, coercion, or duress.

21 (14) A completed certification form described in subsection
22 (11)(f) that is signed by a local health department
23 representative is presumed valid. The presumption created by
24 this subsection may be rebutted by evidence that establishes, by
25 a preponderance of the evidence, that the physician who relied
26 upon the certification had actual knowledge that the certificate
27 contained a false or misleading statement or signature.

1 (15) This section does not create a right to abortion.

2 (16) Notwithstanding any other provision of this section, a
3 person shall not perform an abortion that is prohibited by law.

4 (17) If any portion of this act or the application of this
5 act to any person or circumstances is found invalid by a court,
6 that invalidity does not affect the remaining portions or
7 applications of the act that can be given effect without the
8 invalid portion or application, if those remaining portions are
9 not determined by the court to be inoperable.

10 (18) Upon a patient's request, each local health department
11 shall:

12 (a) Provide a pregnancy test for that patient to confirm the
13 pregnancy as required under subsection (3)(a) and determine the
14 probable gestational stage of the fetus. The local health
15 department need not comply with this subdivision if the
16 requirements of subsection (3)(a) have already been met.

17 (b) If a pregnancy is confirmed, ensure that the patient is
18 provided with a completed pregnancy certification form described
19 in subsection (11)(f) at the time the information is provided.

20 (19) The identity and address of a patient who is provided
21 information or who consents to an abortion pursuant to this
22 section is confidential and is subject to disclosure only with
23 the consent of the patient or by judicial process.

24 (20) A local health department with a file containing the
25 identity and address of a patient described in subsection (19)
26 who has been assisted by the local health department under this
27 section shall do both of the following:

1 (a) Only release the identity and address of the patient to a
 2 physician or qualified person assisting the physician in order to
 3 verify the receipt of the information required under this
 4 section.

5 (b) Destroy the information containing the identity and
 6 address of the patient within 30 days after assisting the patient
 7 under this section.

8 Sec. 18115. (1) This article does not limit an individual
 9 in, nor prevent an individual from, the practice of a statutorily
 10 regulated profession or occupation if counseling is part of the
 11 services provided by that profession or occupation, and the
 12 individual does not hold himself or herself out as a counselor
 13 regulated under this article. As used in this subsection,
 14 "statutorily regulated profession or occupation" includes, but is
 15 not limited to, all of the following: a physician, attorney,
 16 marriage counselor, debt management counselor, social worker,
 17 ~~certified social worker,~~ social ~~work~~ **service** technician,
 18 licensed **doctorate** psychologist, ~~limited~~ licensed **master's**
 19 psychologist, ~~temporary limited licensed psychologist,~~ or
 20 school counselor.

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

22 (a) An ordained member of the clergy if counseling is
 23 incidental to his or her religious duties performed under the
 24 auspices or recognition of a church, denomination, religious
 25 association, or sect, that has tax exempt status pursuant to
 26 section 501(c)(3) of the internal revenue code of 1986, 26
 27 ~~U.S.C.~~ **USC** 501, if the member of the clergy does not hold

1 himself or herself out as a counselor licensed under this
2 article.

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

7 (c) An individual who is employed by or who volunteers to
8 work in a program licensed by the office of substance abuse
9 services.

10 (d) A member of any other profession whose practice may
11 include counseling principles, methods, or procedures from
12 practicing his or her profession as long as he or she is trained
13 in that profession and does not hold himself or herself out as a
14 counselor providing counseling. As used in this subdivision,
15 "profession" includes, but is not limited to, the fields of human
16 resources development and organizational development.

17 (3) This part does not prohibit the use of the word
18 "counselor" without the qualifying words "licensed" or
19 "professional" used in conjunction with the word "counselor",
20 except as otherwise provided by law.

21 Sec. 18201. (1) As used in this part:

22 (a) ~~"Psychologist"~~ **"Licensed doctorate psychologist"** means
23 an individual licensed under this article to engage in the
24 practice of psychology **at the doctorate level.**

25 (b) **"Licensed master's psychologist"** means an individual
26 licensed under this article to engage in the practice of
27 psychology **at the master's level.**

1 **(c)** ~~-(b)-~~ "Practice of psychology" means the rendering to
 2 individuals, groups, organizations, or the public of services
 3 involving the application of principles, methods, and procedures
 4 of understanding, predicting, and influencing behavior for the
 5 purposes of the diagnosis, assessment related to diagnosis,
 6 prevention, amelioration, or treatment of mental or emotional
 7 disorders, disabilities or behavioral adjustment problems by
 8 means of psychotherapy, counseling, behavior modification,
 9 hypnosis, biofeedback techniques, psychological tests, or other
 10 verbal or behavioral means. The practice of psychology shall not
 11 include the practice of medicine such as prescribing drugs,
 12 performing surgery, or administering electro-convulsive therapy.

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

17 Sec. 18212. (1) ~~Except as otherwise provided in subsection~~
 18 ~~(3), an~~ **An** individual shall not engage in postdoctoral training
 19 which includes the practice of psychology without obtaining a
 20 ~~full or limited~~ **master's** license to practice under this part.

21 (2) A ~~limited~~ **master's** license for an individual in
 22 postdoctoral training shall require that the individual ~~be under~~
 23 ~~supervision of a licensed psychologist and~~ confine his or her
 24 practice and training to a hospital, clinic, institution, or
 25 other arrangement approved by the board for the training. The
 26 hospital, clinic, or institution ~~and designated licensed~~
 27 ~~psychologist are~~ **is** responsible for the training. ~~A limited~~

1 ~~license for a postdoctoral training is renewable for not more~~
 2 ~~than 5 years.~~

3 ~~—— (3) The Michigan board of psychology shall waive the~~
 4 ~~requirement of having a limited license in order to engage in the~~
 5 ~~postdoctoral experience necessary to obtain a full license if all~~
 6 ~~of the following occur:~~

7 ~~—— (a) The individual has met all the other requirements of~~
 8 ~~subsection (2).~~

9 ~~—— (b) The individual submits a request for the waiver in~~
 10 ~~writing and pays a sum equal to the cost of a limited license.~~

11 ~~—— (c) The individual has applied for a license between July 1,~~
 12 ~~1985 and July 1, 1986.~~

13 Sec. 18223. (1) The board shall promulgate rules requiring
 14 that an individual granted a license under this part ~~—, except as~~
 15 ~~provided in subsection (2),~~ **as a licensed doctorate psychologist**
 16 shall have been granted a doctoral degree in psychology, or a
 17 doctoral degree in a closely related field, from a regionally
 18 accredited or other college, university, or institution approved
 19 by the board, which included education and training appropriate
 20 to the practice of psychology **at the doctorate level**, and shall
 21 have not less than 2 years postdoctoral experience in the
 22 practice of psychology in an organized health care setting or
 23 other arrangement, as established by the board.

24 (2) ~~In addition to section 16182, the~~ **The** board shall
 25 ~~grant a limited license to an individual~~ **promulgate rules**
 26 **requiring that an individual granted a license under this part as**
 27 **a licensed master's psychologist shall have been granted a**

1 master's degree in psychology from a regionally accredited
2 college, or university, or institution approved by the board, if
3 the individual has education, training, and experience
4 appropriate to the practice of psychology **at the master's level**,
5 as established by the board. ~~Except for duties performed as an~~
6 ~~employee of a governmental entity or of a nonprofit organization~~
7 ~~serving benevolent and charitable purposes, 2 limitations shall~~
8 ~~be placed on a license granted to an individual under this~~
9 ~~subsection. The limitations shall require supervision by a~~
10 ~~psychologist who has a license other than a limited license and~~
11 ~~shall prohibit advertising or other representation to the public~~
12 ~~which will lead the public to believe the individual is engaging~~
13 ~~in the practice of psychology. A limited license granted under~~
14 ~~this subsection shall be renewed pursuant to part 161. An~~
15 individual applying for a ~~limited~~ **master's level** license
16 pursuant to this subsection shall have 1 year of supervised
17 postgraduate experience in an organized health care setting or
18 other arrangement, as established by the board. ~~The individual~~
19 ~~shall be supervised by a psychologist who has a license other~~
20 ~~than a limited license, or if a psychologist who has a license~~
21 ~~other than a limited license is not available, by a psychologist~~
22 ~~who has at least a master's degree in psychology and at least 3~~
23 ~~years of experience in the practice of psychology or by any other~~
24 ~~individual approved by the board. The board shall issue a~~
25 ~~temporary license to the individual for the purpose of obtaining~~
26 ~~the 1 year of postgraduate experience.~~

27 Sec. 18233. (1) In addition to the requirements of part 161,

1 the board may require a licensee seeking renewal of a license to
2 furnish the board with satisfactory evidence that during the 2
3 years immediately preceding application for renewal the licensee
4 has attended continuing education courses or programs approved by
5 the board totaling not less than a number of hours established by
6 rule of the board in subjects related to the practice of
7 psychology **at his or her respective level** and designed to further
8 educate licensees.

9 (2) As required under section 16204, the board shall
10 promulgate rules requiring each applicant for license renewal to
11 complete as part of the continuing education requirement of
12 subsection (1) an appropriate number of hours or courses in pain
13 and symptom management.