

SUBSTITUTE FOR
HOUSE BILL NO. 5702

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16901, 16903, and 16905 (MCL 333.16901,
333.16903, and 333.16905), as added by 1995 PA 126.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16901. (1) As used in this part:
2 (a) "Advertise" means issuing or ordering the printing or
3 distribution of a card, sign, or device or causing, permitting, or
4 allowing a sign or marking on or in a building or structure, or
5 placing material in a newspaper, magazine, or directory, or on
6 radio or television. **ADVERTISE DOES NOT INCLUDE UNPAID PUBLIC**
7 **AWARENESS CAMPAIGNS OR EDUCATIONAL OR PROMOTIONAL MATERIALS BY**
8 **INDIVIDUALS EXEMPT FROM THIS PART UNDER SECTION 16905.**

1 (b) "Marriage and family therapist" means an individual
2 licensed under this article to engage in the practice of marriage
3 and family therapy.

4 (C) "MEMBER OF THE CLERGY" MEANS A PRIEST, RABBI, CHRISTIAN
5 SCIENCE PRACTITIONER, OR OTHER RELIGIOUS PRACTITIONER OR SIMILAR
6 FUNCTIONARY OF A CHURCH, TEMPLE, OR RECOGNIZED RELIGIOUS BODY,
7 DENOMINATION, OR ORGANIZATION EXEMPT FROM TAXATION UNDER SECTION
8 501(C) OF THE INTERNAL REVENUE CODE, 26 USC 501.

9 (D) ~~—(e)—~~ "Practice of marriage and family therapy" means the
10 providing of guidance, testing, discussions, therapy, instruction,
11 or advice that is intended to avoid, eliminate, relieve, manage, or
12 resolve marital or family conflict or discord, to create, improve,
13 or restore marital or family harmony, or to prepare couples for
14 marriage. Practice of marriage and family therapy does not include
15 the administration and interpretation of psychological tests except
16 for those tests that are consistent with the individual's education
17 and training and with the code of ethics for licensed marriage and
18 family therapists.

19 (2) In addition to the definitions of this part, article 1
20 contains general definitions and principles of construction
21 applicable to all articles in this code and part 161 contains
22 definitions applicable to this part.

23 Sec. 16903. (1) An individual licensed under this part as a
24 marriage and family therapist shall use only the title "licensed
25 marriage and family therapist" or "licensed marriage counselor" or
26 the abbreviation "l.m.f.t." in representing his or her services in
27 the practice of marriage and family therapy to the public.

1 (2) Unless exempt under section ~~16905(3)~~ **16905(4)**, only an
2 individual licensed under this part may advertise that he or she
3 offers marriage and family therapy; marriage or family counseling
4 service or advice; marriage or family guidance service or advice;
5 marriage or family relations service or advice; marriage or family
6 problems service or advice; marriage or family relations advice or
7 assistance; service in the alleviation of a marital or family
8 problem; or service of similar import or effect that is included in
9 the practice of marriage and family therapy. **THIS PART DOES NOT**
10 **PROHIBIT AN INDIVIDUAL EXEMPT UNDER SECTION 16905 FROM ISSUING**
11 **UNPAID PUBLIC AWARENESS CAMPAIGNS OR EDUCATIONAL OR PROMOTIONAL**
12 **MATERIALS.**

13 (3) The board may grant a limited license to an individual who
14 has met the requirements of section ~~16909(a) and (b)~~ **16909(1)(A)**
15 **AND (B)** in order to permit that individual to obtain the experience
16 required under section ~~16909(c)~~ **16909(1)(C)**. The board shall not
17 renew a limited license for more than 6 years. A limited licensee
18 shall do all of the following:

19 (a) Use only the title "limited licensed marriage and family
20 therapist" or "limited licensed marriage counselor".

21 (b) Not represent that he or she is engaged in the independent
22 practice of marriage and family therapy.

23 (c) Practice only under the supervision of a fully licensed
24 marriage and family therapist.

25 (d) Confine his or her practice to an organized health care
26 setting or other arrangement approved by the board.

27 (4) An individual engaged in obtaining experience required

under section ~~16909(b)~~ **16909(1)(B)** may use the title "marriage and family therapist intern" or "marriage and family therapist trainee" during the training period. The board shall not require an individual obtaining experience required under section ~~16909(b)~~ **16909(1)(B)** to hold a limited license.

Sec. 16905. (1) This part does not apply to an individual engaged in **THE PRACTICE OF** social work **AT THE BACHELOR'S OR MASTER'S LEVEL** as defined in section ~~1601 of the occupational code, Act No. 299 of the Public Acts of 1980, being section 339.1601 of the Michigan Compiled Laws~~ **18501**, in the course of employment with a governmental agency or a reputable social service agency regularly providing social work services as an agency.

(2) This part does not apply to ~~an ordained cleric~~ **A SERVICE PROVIDER WHO IS A MEMBER OF THE CLERGY** or other religious practitioner who is employed by or working under the authority of an organization exempt from taxation under section 501(c)(3) of the internal revenue code of 1986, 26 ~~U.S.C.~~ **USC** 501, ~~if the advice or counsel given by the cleric or other religious practitioner is incidental to his or her duties as a cleric or other religious practitioner,~~ and **WHO PROVIDES ADVICE, GUIDANCE, OR TEACHING BASED ON HIS OR HER RELIGIOUS BELIEFS, CREEDS, OR DOCTRINES** if the ~~cleric~~ **MEMBER OF THE CLERGY** or other religious practitioner does not hold himself or herself out to the public as a marriage and family therapist licensed under this article or use 1 or more of the titles listed in section ~~16263(1)(p)~~ **16263(1)(Q)** and if no fee or donation is exacted for the service. **THIS PART DOES NOT PROHIBIT A SERVICE PROVIDER FROM ACCEPTING A VOLUNTARY**

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 1 CONTRIBUTION.

2 (3) THIS PART DOES NOT APPLY TO A MEMBER OF THE CLERGY OR
 3 OTHER RELIGIOUS PRACTITIONER WHO HAS BEEN AUTHORIZED BY LAW TO
 4 OFFICIATE AT A MARRIAGE IF THAT PERSON PROVIDES, IN WRITING, AN
 5 AFFIDAVIT CLEARLY STATING THAT THE PROVIDER IS A MEMBER OF THE
 6 CLERGY OR A RELIGIOUS PRACTITIONER, IS NOT A MARRIAGE AND FAMILY
 7 THERAPIST LICENSED UNDER THIS ARTICLE, AND DOES NOT USE 1 OR MORE
 8 OF THE TITLES LISTED IN SECTION 16263(1)(Q), AND THAT THE ADVICE,
 9 GUIDANCE, OR TEACHING IS BASED ON THE RELIGIOUS BELIEFS, CREEDS, OR
 10 DOCTRINES OF THE PROVIDER.

[(4) THIS PART DOES NOT APPLY TO AN INDIVIDUAL WHO ONLY PROVIDES
 PRAYER TO ADDRESS INDIVIDUAL, MARITAL, OR FAMILY CONFLICT OR DISCORD, IF
 THE INDIVIDUAL DOES NOT HOLD HIMSELF OR HERSELF OUT TO THE PUBLIC AS A
 MARRIAGE AND FAMILY THERAPIST LICENSED UNDER THIS ARTICLE OR USE 1 OR
 MORE OF THE TITLES LISTED IN SECTION 16263(1)(Q).]

11 (5)] ~~-(3)-~~ This part does not apply to a physician licensed
 12 under this article who has completed an accredited psychiatric
 13 residency program approved by the Michigan board of medicine or to
 14 a psychologist fully licensed under this article, if both of the
 15 following circumstances exist:

16 (a) The individual is practicing his or her profession in a
 17 manner consistent with his or her education and training and is
 18 practicing in a manner consistent with the code of ethics of that
 19 profession.

20 (b) The individual does not hold himself or herself out to the
 21 public as a marriage and family therapist licensed under this
 22 article or use any of the titles listed in section ~~16263(1)(p)~~
 23 16263(1)(Q) for advertising purposes. ~~However, this~~ THIS
 24 subdivision does not prohibit the individual from advertising under
 25 a telephone or other business directory listing that uses those
 26 titles if the individual discloses in the listing, in an
 27 unabbreviated fashion, the profession in which he or she is

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1 licensed.

2 **[(6)]** ~~-(4)-~~ This part does not limit an individual in, or
3 prevent an individual from, the practice of a statutorily regulated
4 profession or occupation if services to families, couples, or
5 subsystems of families are part of the services provided by that
6 profession or occupation, and if the individual does not hold
7 himself or herself out to the public as a marriage and family
8 therapist licensed under this article or use 1 or more of the
9 titles listed in section ~~16263(1)(p)~~ **16263(1)(Q)**. As used in this
10 subsection, "statutorily regulated profession or occupation" means
11 an occupation or profession regulated by statute that includes, but
12 is not limited to, all of the following: a physician, attorney,
13 ~~social worker, certified social worker, social work technician,~~
14 fully licensed psychologist, limited licensed psychologist,
15 temporary limited licensed psychologist, licensed professional
16 counselor, limited licensed counselor, ~~or~~ school counselor, **OR**
17 **SOCIAL WORKER, LICENSED MASTER'S SOCIAL WORKER, LICENSED BACHELOR'S**
18 **SOCIAL WORKER, OR SOCIAL SERVICE TECHNICIAN AS PRESCRIBED UNDER**
19 **ARTICLE 15 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.16101 TO**
20 **333.18838.**

21 Enacting section 1. This amendatory act takes effect October
22 1, 2006.