

# HOUSE BILL No. 6089

December 16, 2014, Introduced by Rep. McMillin and referred to the Committee on Regulatory Reform.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 18211, 18221, and 18223 (MCL 333.18211, 333.18221, and 333.18223), sections 18211 and 18221 as amended by 2006 PA 395 and section 18223 as amended by 2010 PA 121.

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

1           Sec. 18211. (1) A person shall not engage in the practice of  
2 psychology unless licensed or otherwise authorized by this article.

3           (2) The following words, titles, or letters or a combination  
4 ~~thereof,~~ **OF WORDS, TITLES, OR LETTERS,** with or without qualifying  
5 words or phrases, are restricted in use only to those persons  
6 authorized under this part to use the terms and in a way prescribed  
7 in this part: "consulting psychologist", "psychologist",

1 "psychological assistant", "psychological examiner", "licensed  
 2 psychologist", ~~and~~ "limited licensed psychologist", "TEMPORARY  
 3 LIMITED LICENSED PSYCHOLOGIST", "TEMPORARY LIMITED LICENSED MASTERS  
 4 PSYCHOLOGIST", "LICENSED MASTERS PSYCHOLOGIST", "L.L.P.",  
 5 "T.L.L.P.", "T.L.L.M.P.", AND "L.M.P."

6 Sec. 18221. (1) The Michigan board of psychology is created in  
 7 the department and, ~~shall consist~~ **SUBJECT TO SUBSECTION (3),**  
 8 **CONSISTS** of the following 9 voting members who ~~shall meet~~ the  
 9 requirements of part 161: 5 psychologists, ~~including at least 1~~  
 10 ~~nondoctoral psychologist,~~ and 4 public members. ~~Section 1212 does~~  
 11 ~~not apply to this board.~~

12 (2) The terms of office of individual members of the board  
 13 created under this section, except those appointed to fill  
 14 vacancies, expire 4 years after appointment on December 31 of the  
 15 year in which the term expires.

16 (3) **FOR THE 5 PSYCHOLOGIST BOARD MEMBERS UNDER SUBSECTION (1),**  
 17 **AT LEAST 2 MUST BE PSYCHOLOGISTS LICENSED UNDER SECTION 18223(1)**  
 18 **WHO HOLD DOCTORAL DEGREES AND AT LEAST 2 MUST BE PSYCHOLOGISTS**  
 19 **LICENSED UNDER SECTION 18223(2) WHO HOLD MASTER'S DEGREES. FOR THE**  
 20 **FIFTH PSYCHOLOGIST BOARD MEMBER, THE BOARD SHALL PROMULGATE RULES**  
 21 **TO ESTABLISH A PROCESS TO PERIODICALLY REALLOCATE THAT MEMBER OF**  
 22 **THE BOARD BASED ON THE PROPORTIONATE SHARE OF THE NUMBER OF**  
 23 **PSYCHOLOGISTS LICENSED UNDER SECTION 18223(1) WHO HOLD DOCTORAL**  
 24 **DEGREES AND THE NUMBER OF PSYCHOLOGISTS LICENSED UNDER SECTION**  
 25 **18223(2) WHO HOLD MASTER'S DEGREES. A MEMBER OF THE BOARD WHO HOLDS**  
 26 **OFFICE ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS**  
 27 **SUBSECTION OR THE EFFECTIVE DATE OF RULES PROMULGATED UNDER THIS**

1 SUBSECTION, AS APPROPRIATE, MAY CONTINUE IN OFFICE UNTIL HE OR SHE  
2 RESIGNS OR OTHERWISE VACATES THE OFFICE OR UNTIL THE EXPIRATION OF  
3 HIS OR HER TERM.

4 Sec. 18223. (1) The board shall promulgate rules ~~requiring~~  
5 that **REQUIRE** an individual **WHO IS** granted a license under this part  
6 **TO ENGAGE IN THE PRACTICE OF PSYCHOLOGY**, except as **OTHERWISE**  
7 provided in ~~subsection (2), shall THIS SECTION, TO~~ meet both of the  
8 following requirements:

9 (a) ~~Been granted HE OR SHE HAS~~ a doctoral degree in  
10 psychology, or a doctoral degree in a closely related field, from a  
11 **DOCTORAL DEGREE PROGRAM THAT MEETS BOTH OF THE FOLLOWING**  
12 **REQUIREMENTS:**

13 (i) **IS OFFERED BY A** regionally accredited or other college,  
14 university, or institution approved by the board, which **PROGRAM**  
15 included education and training appropriate to the practice of  
16 psychology. ~~Additionally, beginning August 1, 2011, the doctoral~~  
17 ~~degree in psychology, or the doctoral degree in a closely related~~  
18 ~~field, shall be from a program that has~~

19 (ii) **HAS** obtained the association of state and provincial  
20 psychology boards' national register designation or has been  
21 accredited by the American psychological association or the  
22 Canadian psychological association, or has obtained a similar  
23 designation from or been accredited by an entity approved by the  
24 board. For purposes of the requirement added by ~~the amendatory act~~  
25 ~~that added this sentence, 2010 PA 121~~, a program that is in the  
26 process of obtaining ~~this~~ **THE** designation or becoming accredited as  
27 required in this ~~subdivision~~ **SUBPARAGRAPH** before August 1, 2011,

1 and that obtains the designation or becomes accredited on or before  
2 August 31, 2015, meets the requirements of this  
3 ~~subdivision.~~ **SUBPARAGRAPH.**

4 (b) ~~Have not less than~~ **HE OR SHE HAS AT LEAST** 1 year of  
5 postdoctoral experience in the practice of psychology in an  
6 organized health care setting or other arrangement, as established  
7 by the board.

8 (2) In addition to section 16182, the board shall grant a  
9 limited license **TO ENGAGE IN THE PRACTICE OF PSYCHOLOGY** to an  
10 individual ~~granted~~ **WHO HAS** a master's degree in psychology from a  
11 regionally accredited college, or university, or institution  
12 approved by the board, if the individual has education, training,  
13 and experience appropriate to the practice of psychology, as  
14 established by the board. ~~Except for duties performed as an~~  
15 ~~employee of a governmental entity or of a nonprofit organization~~  
16 ~~servng benevolent and charitable purposes, 2 limitations shall be~~  
17 ~~placed on a license granted to an individual under this subsection.~~  
18 ~~The limitations shall require supervision by a psychologist who has~~  
19 ~~a license other than a limited license and shall prohibit~~  
20 ~~advertising or other representation to the public which will lead~~  
21 ~~the public to believe the individual is engaging in the practice of~~  
22 ~~psychology.~~ **AS PROVIDED IN SUBSECTIONS (4) AND (5), AN INDIVIDUAL**  
23 **WHO HOLDS A LIMITED LICENSE UNDER THIS SUBSECTION ON THE EFFECTIVE**  
24 **DATE OF THE AMENDATORY ACT THAT ADDED THIS SENTENCE IS NOT SUBJECT**  
25 **TO THE LIMITATIONS THAT REQUIRED SUPERVISION AND PROHIBITED**  
26 **ADVERTISEMENT OR OTHER REPRESENTATION TO THE PUBLIC THAT WERE**  
27 **PLACED ON THAT LIMITED LICENSE UNDER THIS SUBSECTION BEFORE THE**

1 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SENTENCE. A  
2 limited license granted under this subsection ~~shall be renewed~~ IS  
3 RENEWABLE pursuant to part 161. An individual ~~applying~~ WHO APPLIES  
4 for a limited license ~~pursuant to~~ UNDER this subsection shall MUST  
5 have 1 year of supervised postgraduate experience in an organized  
6 health care setting or other arrangement, as established by the  
7 board. ~~The individual shall~~

8 (3) THE BOARD SHALL ISSUE A TEMPORARY LIMITED LICENSE TO AN  
9 INDIVIDUAL FOR THE PURPOSE OF OBTAINING THE 1 YEAR OF POSTGRADUATE  
10 EXPERIENCE DESCRIBED IN SUBSECTION (2). AN INDIVIDUAL WHO HOLDS A  
11 TEMPORARY LIMITED LICENSE UNDER THIS SUBSECTION MUST be supervised  
12 by a psychologist who ~~has a license other than a limited license,~~  
13 ~~or if a psychologist who has a license other than a limited license~~  
14 ~~is not available, by a psychologist who has at least a master's~~  
15 ~~degree in psychology~~ IS LICENSED UNDER EITHER SUBSECTION (1) WITH A  
16 DOCTORAL DEGREE OR SUBSECTION (2) WITH A MASTER'S DEGREE, and WHO  
17 HAS at least 3 years of experience in the practice of psychology,  
18 or by any other individual approved by the board. ~~The board shall~~  
19 ~~issue a temporary license to the individual for the purpose of~~  
20 ~~obtaining the 1 year of postgraduate experience.~~

21 (4) NOTWITHSTANDING ANY PROVISION OF THIS ACT OR RULES  
22 PROMULGATED UNDER THIS ACT TO THE CONTRARY, AN INDIVIDUAL WHO HOLDS  
23 A LIMITED LICENSE UNDER SUBSECTION (2) IS LICENSED TO PRACTICE  
24 INDEPENDENTLY AND WITHOUT SUPERVISION. AN INDIVIDUAL WHO HOLDS A  
25 LIMITED LICENSE UNDER SUBSECTION (2) SHALL PERFORM ONLY THE ACTS,  
26 TASKS, OR FUNCTIONS WITHIN THE SCOPE OF PRACTICE OF PSYCHOLOGY FOR  
27 WHICH HE OR SHE IS QUALIFIED BY EDUCATION, TRAINING, OR EXPERIENCE.

1 AN INDIVIDUAL WHO HOLDS A LIMITED LICENSE UNDER SUBSECTION (2)  
2 SHALL NOT PERFORM, OFFER TO PERFORM, OR REPRESENT THAT HE OR SHE IS  
3 QUALIFIED TO PERFORM ANY OF THE ACTS, TASKS, OR FUNCTIONS WITHIN  
4 THE SCOPE OF PRACTICE OF PSYCHOLOGY THAT HE OR SHE IS NOT QUALIFIED  
5 BY EDUCATION, TRAINING, OR EXPERIENCE TO PERFORM OR THAT HE OR SHE  
6 IS OTHERWISE PROHIBITED BY LAW FROM PERFORMING.

7 (5) NOTWITHSTANDING ANY PROVISION OF THIS ACT OR RULES  
8 PROMULGATED UNDER THIS ACT TO THE CONTRARY, AN INDIVIDUAL WHO HOLDS  
9 A LIMITED LICENSE UNDER SUBSECTION (2) MAY ADVERTISE IN THE SAME  
10 MANNER DESCRIBED IN R 338.2514 OF THE MICHIGAN ADMINISTRATIVE CODE  
11 FOR AN INDIVIDUAL WHO HOLDS A LICENSE UNDER SUBSECTION (1). AN  
12 INDIVIDUAL WHO HOLDS A LIMITED LICENSE UNDER SUBSECTION (2) MAY  
13 ADVERTISE OR MAKE OTHER REPRESENTATION THAT HE OR SHE IS ENGAGED IN  
14 THE PRACTICE OF PSYCHOLOGY AS AUTHORIZED UNDER THIS PART AND MAY  
15 USE, AS APPLICABLE TO HIM OR HER, THE WORDS, TITLES, OR LETTERS OR  
16 COMBINATION OF WORDS, TITLES, OR LETTERS PROTECTED UNDER SECTION  
17 18211. AN INDIVIDUAL WHO HOLDS A LIMITED LICENSE UNDER SUBSECTION  
18 (2) SHALL NOT USE THE WORDS, TITLES, OR LETTERS OR COMBINATION OF  
19 WORDS, TITLES, OR LETTERS PROTECTED UNDER SECTION 18211 IF THEY ARE  
20 NOT APPLICABLE TO HIM OR HER.