



**Senate Fiscal Agency**  
P. O. Box 30036  
Lansing, Michigan 48909-7536

BILL



ANALYSIS

**Telephone: (517) 373-5383**  
**Fax: (517) 373-1986**

Senate Bill 641 (Substitute S-1)  
Sponsor: Senator Judy K. Emmons  
Committee: Health Policy

Date Completed: 11-27-18

### **CONTENT**

**The bill would amend the Part 182 (Psychology) of the Public Health Code to do the following:**

- Define "practice as a psychological associate".
- Establish a sunset date for December 31, 2020 for provisions related to a limited and temporary licenses to engage in the practice of psychology.
- Beginning January 1, 2021, require the Michigan Board of Psychology to grant a limited license or full license as a psychological associate to an individual who met certain requirements.
- Prohibit an individual from engaging in practice as a psychological associate unless he or she were licensed or otherwise authorized by Article 15 (Occupations).
- Authorize the Department of Licensing and Regulatory Affairs (LARA), in consultation with the Board, to establishing continuing education requirements.
- Extend restrictions on a psychologist's disclosure of confidential information to anyone licensed under Part 182.

**The bill also would amend Part 161 (General Provisions) of the Code to increase the license fees for occupations licensed under Part 182, as well as to establish license fees for a psychological associate and limited psychological associate license.**

The bill would define "psychological associate" as an individual who is licensed or otherwise authorized to engage in practice of a psychological associate. "Practice as a psychological associate" would mean rendering psychotherapy services to individuals, groups, organizations, or the public that involve the application of principles, methods, and procedures of understanding, predicting, and influencing behavior for the purpose of diagnosis and intake assessment, prevention, amelioration, or treatment of mental or emotional disorders, disabilities, or behavioral adjustment problems by means of psychotherapy, counseling, behavior modification, hypnosis, biofeedback techniques, or other verbal or behavioral means. The term would not include any of the following:

- The practice of medicine or osteopathic medicine and surgery, including prescribing drugs, performing surgery, or administering electro-convulsive therapy.
- The practice of applied behavior analysis unless the individual is licensed or otherwise authorized to engage in that practice.

(Except for the second exclusion, this definition is virtually the same as the current definition of "practice of psychology". The bill would revise the definition to delete "psychological tests"

and include "psychometric assessments". The bill also would specify that the term would not include osteopathic medicine and surgery. "Psychometric assessment" would include an actuarially based instrument that allows statistical prediction of psychological functioning.)

#### Limited License; Practice of Psychology

Under the Code, LARA, in consultation with the Board, must promulgate rules requiring that to be granted a license to engage in the practice of psychology, an individual must hold a doctoral degree in psychology or a doctoral degree in a closely related field from a program that meets certain requirements, and must have at least one year of postdoctoral experience in the practice of psychology in an organized health care setting or other arrangement, as established by the Board.

The board must grant a limited license to an individual who holds a master's degree in psychology from a regionally accredited college, or university, or institution approved by the board, if he or she has education, training, and experience appropriate to the practice of psychology as established by the Board.

An individual who is granted a limited license to engage in the practice of psychology must be supervised by a psychologist who has a license other than a limited license, and may not advertise or make other representation to the public that will lead the public to believe the individual is engaging in the practice of psychology, except when performing duties as an employee of a governmental entity or of a nonprofit organization serving a benevolent and charitable purpose. The bill would eliminate the restriction related to the advertisement or other representation to the public.

Under the bill, the current provisions related to a limited license to engage in the practice of psychology would not apply after December 31, 2020.

#### Temporary License to Practice Psychology

Under the Part 182, the Board must grant a temporary license to an individual who meets certain criteria for a limited license to practice psychology for the purpose of obtaining the one year of postgraduate experience required by the Code. Beginning on March 31, 2018, a temporary license is valid for 24 months and may be renewed for one additional 24-month term. If an individual who met the criteria for a limited license was granted a temporary license by the board before March 31, 2018, his or her temporary license may be renewed for one additional 24-month term.

The Code also requires the board to grant a temporary license to an individual who is enrolled in a doctoral degree program that meets the requirements of Part 182. Beginning on March 31, 2018, a temporary license is valid for 24 months and may be renewed for three additional 24-month terms. If an individual enrolled in a doctoral program was granted a temporary license before March 31, 2018, his or her temporary license may be renewed for three additional 24-month terms.

Under the bill, these provisions would not apply after December 31, 2020.

#### Conversion of Temporary Psychology License

Beginning January 1, 2021, if a temporary license granted to an individual for the purposes described above had at least one renewal remaining, on the expiration of the temporary license, the Board could grant the individual a limited license as a psychological associate. A limited license granted in this manner would be subject to the same limitations placed on a

limited license of a psychological associate as described below, would be valid for 24 months, and would be renewable as follows:

- If the limited license were granted to an individual for the purpose of obtaining one year of postgraduate experience, the license would not be renewable.
- If the temporary license were granted to an individual who was enrolled in a doctoral degree program, the license would be renewable for two additional 24-month terms; however, if the temporary license were previously renewed, each renewal of the temporary license would count as one renewal of the limited license.

#### Psychological Associate License

Under Part 182, an individual may not engage in the practice of psychology unless he or she is licensed or otherwise authorized by Article 15 of the Public Health Code. In addition, under the bill, an individual could not engage in practice as a psychological associate unless he or she were licensed or otherwise authorized by Article 15.

Under the bill, beginning January 1, 2021, the Board would have to grant a license to engage in the practice of a psychological associate to an individual who met the requirements of a licensed individual under Section 16174 and the requirements described below, as applicable. (Section 16174 of the Code provides requirements for general licensure or registration in the Public Health Code, and requires prospective licensees to, among other things, be 18 years or older, be of good moral character, and have a working knowledge of the English language.)

Both of the following would apply to a psychological associate license:

- An individual who was granted the license could not make a representation to the public that would lead the public to believe that the individual was a psychologist.
- An individual who was granted a full license could engage in the practice of a psychological associate without supervision.

The Board would have to grant a limited license as a psychological associate to an individual who was not granted a temporary license on or before December 31, 2020, and who met either of the following requirements:

- Held a master's degree in psychology from a regionally accredited or board-approved college, university, or institution, the preparation for which included education and training appropriate to engage in the practice of a psychological associate.
- Provided the Board with a statement verifying that he or she met the requirements for a master's degree from a regionally accredited college, university, or institution, the preparation for which included appropriate education, and he or she was enrolled in a specified doctoral program.

The following would apply to a limited license granted as described above:

- The individual who was granted the license would have to engage in the practice of psychological associate only under the supervision of a psychologist; however, if a psychologist were not available, the Board could authorize a psychological associate who held a license other than a limited license, had at least three years of experience as a fully licensed psychological associate, and had not been subject to disciplinary action for a period of at least three years before providing the supervision.
- The limited license would be valid for two years and would be renewable for one or three additional two-year period(s), as applicable.
- The Board could renew a limited license for one additional two-year period if the individual demonstrated to its satisfaction that, due to a hardship, he or she needed time beyond

the allotted time for his or her specific circumstance to fulfill the requirements for the initial licensure as a psychological associate or as a psychologist.

The Board would have to grant a full license as a psychological associate to an individual who met all of the following requirements:

- Held a master's degree in psychology from a regionally accredited or board-approved college, university, or institution, the preparation for which included education and training appropriate to engage in the practice of a psychological associate.
- Had at least 4,000 hours of supervised experience in the practice of a psychological associate in an organized health care setting or other arrangement, as established by the Department in consultation with the Board.
- Passed an examination for the professional practice in psychology that was approved by the board.

The Board would have to grant a full license as a psychological associate to an individual who held a limited license to engage in the practice of psychology on December 30, 2020, and who maintained the limited license in good standing through the bill's effective date.

Under the bill, an individual who was granted a license to engage in the practice of a psychological associate could not administer, produce, or distribute written or verbal psychometric assessments, evaluations, or reports or document or distribute the psychometric assessments or evaluations in a clinical record unless supervised and countersigned by a psychologist who had a license other than a limited license. An individual licensed as a psychological associate could use nonpsychometric intake assessment tools, including, but not limited to, checklists and symptom rating scales.

#### Continuing Education

In addition to the requirements of Part 161, the Board may require a licensee seeking renewal of a license to furnish it with satisfactory evidence that during the two years immediately preceding application for renewal, he or she has attended continuing education courses or programs approved by the Board totaling not less than a number of hours established by rule in subjects related to the practice of psychology and designed to further educate licensees. Under the bill, the Department, in consultation with the Board, could promulgate rules to require a licensee seeking renewal of a license to furnish the board with satisfactory evidence, as well as to establish the minimum number of hours for continuing education courses or programs required to renew a license.

#### Disclosure of Confidential Information

A psychologist licensed or allowed to use that title under Part 182, or an individual under his or her supervision, cannot be compelled to disclose confidential information acquired from an individual consulting the psychologist in his or her professional capacity if the information is necessary to enable the psychologist to render services. Information may be disclosed with the consent of the individual consulting the psychologist, or that person's guardian if the individual consulting the psychologist is a minor. The bill would replace "psychologist" with "licensee".

#### License Fees

Part 161 of the Code prescribes the fees for an individual licensed or seeking licensure under Part 182. The bill would increase these fees, and add fees for a psychological associated license and a limited psychological associate license. The table below shows the current and proposed fees.

<b>Category</b>	<b>Current Fee</b>	<b>Fee Under SB 641</b>
Application Processing Fee	\$50.00	\$75.00
Annual License Fees		
Full doctoral	\$90.00	\$101.00
Limited doctoral	\$30.00	\$37.00
Masters limited	\$60.00	\$69.00
Temporary limited	\$15.00	\$21.00
Psychological associate	-	\$60.00
Limited psychological associate	-	\$60.00
Limited license, per year	\$40.00	\$42.00
Temporary license	\$15.00	\$16.00
Examination Review Fee	\$20.00	\$21.00

### Michigan Board of Psychology

Currently, the Michigan Board of Psychology consists of nine voting members: five psychologists, including at least one nondoctoral psychologist, and four public members. The bill would require the Board to consist of four psychologists, one nondoctoral psychologist *or psychological associate*, and four public members.

### Use of Titles

The use of certain titles is restricted to those individuals authorized under Part 182 to use them. Under the bill, the following titles also would be restricted those authorized under Part 182 to use them: "psychological associate", "licensed psychological associate", and "limited licensed psychological associate".

### Third-Party Reimbursement

The bill would not require new or additional third-party reimbursement of mandated worker's compensation benefits for services rendered by an individual who be licensed as a psychological associate.

MCL 333.16141 et al.

Legislative Analyst: Tyler VanHuyse

### **FISCAL IMPACT**

The bill would have an indeterminate but likely positive fiscal impact on the Department of Licensing and Regulatory Affairs and no fiscal impact on local government units. The bill would increase and establish fees associated with psychology-related licensing. However, this revenue funds the costs associated with the regulation of these professions and would likely be partially offset by the staff time and resources devoted to this activity.

The table in **CONTENT** shows the fee increases and new fees contained in the bill.

If each active licensee renewed his or her license in their respective category, LARA could receive approximately \$63,000 in increased revenue from license renewal because of the fee increases. This figure does not account for fees from temporary licensees or the increased application processing and examination review fees, due to incomplete data.

It is unknown how many individuals will apply for the psychological associate and limited psychological associate licenses. As a result, it is unclear how much additional revenue the Department could draw from the creation of these new license categories.

The bill also would require the Department to promulgate rules and standards for certain licenses in consultation with the Michigan Board of Psychology. These and other Board activities outlined in the bill could result in increased administrative costs but existing appropriations likely would be sufficient to cover those costs.

Fiscal Analyst: Elizabeth Raczowski