

HOUSE BILL No. 5776

April 10, 2018, Introduced by Reps. Tedder, Lucido, Brinks and Miller and referred to the Committee on Health Policy.

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 section 18106.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 18101. As used in this part:

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

~~—— (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.

(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 RELATIONSHIP; DIAGNOSE AND IDENTIFY THE PROBLEM; FORMULATE A

1 PREVENTATIVE, TREATMENT, OR REHABILITATIVE PLAN; AND FACILITATE
2 APPROPRIATE INTERVENTIONS.

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

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

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

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

21 (A) AN EMOTIONAL DISORDER.

22 (B) A MENTAL DISORDER.

23 (C) AN ADDICTION DISORDER.

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

26 (ix) PROMOTING MENTAL HEALTH WELLNESS. AS USED IN THIS
27 SUBPARAGRAPH, "MENTAL HEALTH WELLNESS" INCLUDES, BUT IS NOT LIMITED

1 TO, THE ACHIEVEMENT OF SOCIAL, CAREER, AND EMOTIONAL DEVELOPMENT
2 ACROSS AN INDIVIDUAL'S LIFE SPAN.

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

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

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

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

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

1 been specifically trained. The practice of counseling does not
 2 include the practice of medicine **OR OSTEOPATHIC MEDICINE AND**
 3 **SURGERY**, such as prescribing drugs or administering
 4 electroconvulsive therapy. A counselor shall not hold himself or
 5 herself out as ~~a~~ **ANY OF THE FOLLOWING:**

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

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

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

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

17 Sec. 18107. ~~(1)~~ The board may grant a professional counselor
 18 license to an individual who is or does all of the following:

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

20 (b) Has received, **FROM AN ACCREDITED COLLEGE OR UNIVERSITY**
 21 **APPROVED BY THE DEPARTMENT**, ~~a masters~~ **MASTER'S** or doctoral degree
 22 in counseling ~~or student personnel work in a~~ **FROM A PROGRAM**
 23 **ACCREDITED BY THE COUNCIL FOR THE ACCREDITATION OF COUNSELING AND**
 24 **RELATED EDUCATIONAL PROGRAMS OR FROM A SUBSTANTIALLY EQUIVALENT**
 25 program approved by the board. The board shall promulgate rules to
 26 establish standards to approve only those programs that include, **AT**
 27 **A MINIMUM**, graduate studies in the following areas: research, **HUMAN**

1 **GROWTH AND DEVELOPMENT**, group techniques, counseling theories,
 2 ethics, counseling techniques, counseling philosophy **AND IDENTITY**,
 3 testing ~~procedures~~, **AND ASSESSMENT, DIAGNOSIS**, career development,
 4 **SOCIAL AND CULTURAL DIVERSITY**, consulting, practicum, and
 5 internship.

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

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

20 Sec. 18111. (1) The board may grant a limited license to an
 21 individual who meets both of the following 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**
 26 **ACCREDITED BY THE COUNCIL FOR THE ACCREDITATION OF COUNSELING AND**
 27 **RELATED EDUCATIONAL PROGRAMS OR FROM A SUBSTANTIALLY EQUIVALENT**

1 program approved by the board. The board shall approve only those
 2 **COUNSELING** programs that include, **AT A MINIMUM**, graduate studies in
 3 the following areas: research, **HUMAN GROWTH AND DEVELOPMENT**, group
 4 techniques, counseling theories, ethics, counseling techniques,
 5 counseling philosophy **AND IDENTITY**, testing ~~procedures, AND~~
 6 **ASSESSMENT, DIAGNOSIS**, career development, **SOCIAL AND CULTURAL**
 7 **DIVERSITY**, consulting, practicum, and internship.

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

12 Sec. 18115. (1) This article does not limit an individual in,
 13 nor prevent an individual from, the practice of a statutorily
 14 regulated profession or occupation if counseling is part of the
 15 services provided by that profession or occupation, and the
 16 individual does not hold himself or herself out as a counselor
 17 regulated under this article. As used in this subsection,
 18 "statutorily regulated profession or occupation" includes, but is
 19 not limited to, all of the following: a physician, attorney,
 20 marriage and family therapist, debt management counselor, **LICENSED**
 21 **BACHELOR'S** social worker, **LICENSED MASTER'S SOCIAL WORKER**, social
 22 ~~services~~ **SERVICE** technician, licensed psychologist, limited
 23 licensed psychologist, temporary limited licensed psychologist, or
 24 school counselor.

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

26 (a) An ordained member of the clergy if counseling is
 27 incidental to his or her religious duties performed under the

1 auspices or recognition of a church, denomination, religious
2 association, or sect, that has ~~tax-exempt~~ **TAX-EXEMPT** status
3 ~~pursuant to~~ **UNDER** section 501(c)(3) of the internal revenue code of
4 1986, 26 USC 501, if the member of the clergy does not hold himself
5 or herself out as a counselor licensed under this article.

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

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

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

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

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