

# SENATE BILL No. 273

March 19, 2013, Introduced by Senators EMMONS, BRANDENBURG, PAPPAGEORGE, BOOHER, SCHUITMAKER and JONES and referred to the Committee on Regulatory Reform.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 18201, 18211, 18223, 18233, and 18237 (MCL 333.18201, 333.18211, 333.18223, 333.18233, and 333.18237), section 18211 as amended by 2006 PA 395, section 18223 as amended by 2010 PA 121, section 18233 as amended by 1994 PA 234, and section 18237 as amended by 1998 PA 496.

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

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

2       ~~(a) "Psychologist" means an individual licensed under this~~  
3 ~~article to engage in the practice of psychology.~~

4       **(A) "PRACTICE AS A PSYCHOLOGICAL ASSOCIATE" MEANS RENDERING**  
5 **SERVICES TO INDIVIDUALS, GROUPS, ORGANIZATIONS, OR THE PUBLIC THAT**  
6 **INVOLVE THE APPLICATION OF PRINCIPLES, METHODS, AND PROCEDURES OF**  
7 **UNDERSTANDING, PREDICTING, AND INFLUENCING BEHAVIOR FOR THE**

1 PURPOSES OF THE DIAGNOSIS, PREVENTION, AMELIORATION, OR TREATMENT  
2 OF MENTAL OR EMOTIONAL DISORDERS, DISABILITIES, OR BEHAVIORAL  
3 ADJUSTMENT PROBLEMS BY MEANS OF PSYCHOTHERAPY, COUNSELING, BEHAVIOR  
4 MODIFICATION, HYPNOSIS, BIOFEEDBACK TECHNIQUES, OR OTHER VERBAL OR  
5 BEHAVIORAL MEANS. THE PRACTICE AS A PSYCHOLOGICAL ASSOCIATE DOES  
6 NOT INCLUDE ANY OF THE FOLLOWING:

7 (i) THE PRACTICE OF MEDICINE, SUCH AS PRESCRIBING DRUGS,  
8 PERFORMING SURGERY, OR ADMINISTERING ELECTRO-CONVULSIVE THERAPY.

9 (ii) EXCEPT AS OTHERWISE PROVIDED IN THIS PART, THE  
10 ADMINISTRATION, PRODUCTION, OR DISTRIBUTION OF WRITTEN OR VERBAL  
11 PSYCHOLOGICAL TESTING, EVALUATIONS, OR REPORTS, OR THE  
12 DOCUMENTATION OR DISTRIBUTION OF THE PSYCHOLOGICAL TESTING,  
13 EVALUATIONS, OR REPORTS IN A CLINICAL RECORD.

14 (iii) THE PRACTICE OF APPLIED BEHAVIOR ANALYSIS UNLESS THE  
15 INDIVIDUAL IS LICENSED OR OTHERWISE AUTHORIZED TO ENGAGE IN THE  
16 PRACTICE OF APPLIED BEHAVIOR ANALYSIS UNDER ANOTHER PART OF THIS  
17 ACT OR OTHER STATE LAW.

18 (b) "Practice of psychology" means ~~the~~ rendering SERVICES to  
19 individuals, groups, organizations, or the public ~~of services~~  
20 ~~involving~~ THAT INVOLVE the application of principles, methods, and  
21 procedures of understanding, predicting, and influencing behavior  
22 for the purposes of the diagnosis, assessment related to diagnosis,  
23 prevention, amelioration, or treatment of mental or emotional  
24 disorders, disabilities or behavioral adjustment problems by means  
25 of psychotherapy, counseling, behavior modification, hypnosis,  
26 biofeedback techniques, psychological tests, or other verbal or  
27 behavioral means. The practice of psychology ~~shall~~ DOES not include

1 the practice of medicine such as prescribing drugs, performing  
2 surgery, or administering electro-convulsive therapy.

3 (C) "PSYCHOLOGICAL ASSOCIATE" MEANS AN INDIVIDUAL WHO IS  
4 LICENSED OR OTHERWISE AUTHORIZED UNDER THIS ARTICLE TO ENGAGE IN  
5 THE PRACTICE AS A PSYCHOLOGICAL ASSOCIATE.

6 (D) "PSYCHOLOGIST" MEANS AN INDIVIDUAL WHO IS LICENSED UNDER  
7 THIS ARTICLE TO ENGAGE IN THE PRACTICE OF PSYCHOLOGY.

8 (2) In addition to the definitions in this part, article 1  
9 contains general definitions and principles of construction  
10 applicable to all articles in this code and part 161 contains  
11 definitions applicable to this part.

12 Sec. 18211. (1) ~~A person~~ **AN INDIVIDUAL** shall not engage in the  
13 practice of psychology unless **HE OR SHE IS** licensed or otherwise  
14 authorized by this article. **BEGINNING ON THE EFFECTIVE DATE OF**  
15 **RULES PROMULGATED UNDER SECTION 18223(3), AN INDIVIDUAL SHALL NOT**  
16 **ENGAGE IN PRACTICE AS A PSYCHOLOGICAL ASSOCIATE UNLESS HE OR SHE IS**  
17 **LICENSED OR OTHERWISE AUTHORIZED BY THIS ARTICLE.**

18 (2) The following words, titles, or letters or a combination  
19 thereof, with or without qualifying words or phrases, are  
20 restricted in use only to those persons authorized under this part  
21 to use the terms and in a way prescribed in this part: "consulting  
22 psychologist", "psychologist", ~~"psychological assistant",~~  
23 "psychological examiner", "licensed psychologist", ~~and~~ "limited  
24 licensed psychologist", **"PSYCHOLOGICAL ASSOCIATE", "LICENSED**  
25 **PSYCHOLOGICAL ASSOCIATE", AND "LIMITED LICENSED PSYCHOLOGICAL**  
26 **ASSOCIATE".**

27 Sec. 18223. (1) The board shall promulgate rules ~~requiring~~

1 that **REQUIRE** an individual **WHO IS** granted a license under this part  
2 **TO ENGAGE IN THE PRACTICE OF PSYCHOLOGY**, except as provided in  
3 subsection (2), ~~shall TO meet both ALL~~ of the following  
4 requirements:

5 (a) ~~Been granted HE OR SHE HAS~~ a doctoral degree in  
6 psychology, or a doctoral degree in a closely related field, from a  
7 regionally accredited or other college, university, or institution  
8 approved by the board, ~~which THAT~~ included education and training  
9 appropriate to the practice of psychology. ~~Additionally, beginning~~  
10 ~~August 1, 2011, the~~

11 (B) **HIS OR HER** doctoral degree in psychology, or the doctoral  
12 degree in a closely related field, ~~shall be IS~~ from a program that  
13 has obtained the association of state and provincial psychology  
14 boards' national register designation or ~~has been IS~~ accredited by  
15 the American psychological association or the Canadian  
16 psychological association, or has obtained a similar designation  
17 from or ~~been IS~~ accredited by an entity approved by the board. ~~For~~  
18 ~~purposes of the requirement added by the amendatory act that added~~  
19 ~~this sentence , a A~~ program that is in the process of obtaining  
20 this designation or becoming accredited as required in this  
21 subdivision before August 1, 2011, and that obtains the designation  
22 or becomes accredited on or before August 31, 2015, meets the  
23 requirements of this subdivision.

24 (C) ~~(b) Have not less than HE OR SHE HAS AT LEAST~~ 1 year of  
25 postdoctoral experience in the practice of psychology in an  
26 organized health care setting or other arrangement, as established  
27 by the board.

1           (2) **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4), THIS**  
2 **SUBSECTION DOES NOT APPLY ON AND AFTER THE EFFECTIVE DATE OF RULES**  
3 **PROMULGATED UNDER SUBSECTION (3).** In addition to section 16182, the  
4 board shall grant a limited license **TO ENGAGE IN THE PRACTICE OF**  
5 **PSYCHOLOGY** to an individual ~~granted~~**WHO HAS** a master's degree in  
6 psychology from a regionally accredited college, or university, or  
7 institution approved by the board, if the individual has education,  
8 training, and experience appropriate to the practice of psychology,  
9 as established by the board. Except for duties performed as an  
10 employee of a governmental entity or of a nonprofit organization  
11 serving benevolent and charitable purposes, **THE BOARD SHALL PLACE 2**  
12 ~~limitations shall be placed on a~~ **LIMITED** license granted to an  
13 individual under this subsection. The limitations shall require  
14 supervision by a psychologist who has a license other than a  
15 limited license and shall prohibit advertising or other  
16 representation to the public ~~which~~**THAT** will lead the public to  
17 believe the individual is engaging in the practice of psychology. A  
18 limited license granted under this subsection ~~shall be renewed~~  
19 ~~pursuant to~~ **IS RENEWABLE UNDER** part 161. An individual **WHO IS**  
20 applying for a limited license ~~pursuant to~~**UNDER** this subsection  
21 ~~shall~~**MUST** have 1 year of supervised postgraduate experience in an  
22 organized health care setting or other arrangement, as established  
23 by the board. The individual shall be supervised by a psychologist  
24 who has a license other than a limited license, or if a  
25 psychologist who has a license other than a limited license is not  
26 available, by a psychologist who has at least a master's degree in  
27 psychology and at least 3 years of experience in the practice of

1 psychology or by any other individual approved by the board. The  
2 board shall issue a temporary license to the individual for the  
3 purpose of obtaining the 1 year of postgraduate experience.

4 (3) ON OR BEFORE THE EXPIRATION OF 1 YEAR AFTER THE EFFECTIVE  
5 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE BOARD  
6 SHALL PROMULGATE RULES TO ESTABLISH AND ADMINISTER A LICENSURE  
7 PROGRAM FOR PRACTICE AS A PSYCHOLOGICAL ASSOCIATE. BEGINNING ON THE  
8 EFFECTIVE DATE OF RULES PROMULGATED UNDER THIS SUBSECTION, THE  
9 BOARD SHALL GRANT A LICENSE TO ENGAGE IN PRACTICE AS A  
10 PSYCHOLOGICAL ASSOCIATE, EXCEPT AS OTHERWISE PROVIDED IN THIS  
11 SECTION, TO AN INDIVIDUAL WHO MEETS ALL OF THE FOLLOWING  
12 REQUIREMENTS:

13 (A) HE OR SHE HAS A MASTER'S DEGREE IN PSYCHOLOGY FROM A  
14 REGIONALLY ACCREDITED OR OTHER COLLEGE, UNIVERSITY, OR INSTITUTION  
15 APPROVED BY THE BOARD, THE PREPARATION FOR WHICH INCLUDED EDUCATION  
16 AND TRAINING APPROPRIATE TO PRACTICE AS A PSYCHOLOGICAL ASSOCIATE.

17 (B) HE OR SHE HAS AT LEAST 6,000 HOURS OF EXPERIENCE IN  
18 PRACTICE AS A PSYCHOLOGICAL ASSOCIATE IN AN ORGANIZED HEALTH CARE  
19 SETTING OR OTHER ARRANGEMENT, AS ESTABLISHED BY THE BOARD. THE  
20 BOARD SHALL ONLY RECOGNIZE HOURS THAT ARE ACCUMULATED IN NOT FEWER  
21 THAN 3 YEARS OR MORE THAN 6 YEARS UNDER THE SUPERVISION OF A  
22 PSYCHOLOGIST WHO HAS A LICENSE OTHER THAN A LIMITED LICENSE.  
23 HOWEVER, IF A PSYCHOLOGIST WHO HAS A LICENSE OTHER THAN A LIMITED  
24 LICENSE IS NOT AVAILABLE, THE BOARD MAY AUTHORIZE A PSYCHOLOGICAL  
25 ASSOCIATE WHO HAS A LICENSE OTHER THAN A LIMITED LICENSE, WHO HAS  
26 AT LEAST A MASTER'S DEGREE IN PSYCHOLOGY, AND WHO HAS AT LEAST 3  
27 YEARS OF EXPERIENCE IN PRACTICE AS A PSYCHOLOGICAL ASSOCIATE OF

1 PSYCHOTHERAPY TO PROVIDE THE SUPERVISION REQUIRED UNDER THIS  
2 SUBDIVISION. THE BOARD SHALL ISSUE A LIMITED LICENSE TO AN  
3 INDIVIDUAL WHO MEETS THE OTHER REQUIREMENTS OF THIS SUBSECTION FOR  
4 THE PURPOSE OF OBTAINING THE HOURS OF EXPERIENCE REQUIRED UNDER  
5 THIS SUBDIVISION.

6 (C) SUBJECT TO STANDARDS INCLUDED IN THE RULES PROMULGATED  
7 UNDER THIS SUBSECTION, HE OR SHE HAS PASSED THE EXAMINATION FOR THE  
8 PROFESSIONAL PRACTICE OF PSYCHOLOGY AS DEVELOPED BY THE ASSOCIATION  
9 OF STATE AND PROVINCIAL PSYCHOLOGY BOARDS.

10 (4) UNTIL 1 YEAR AFTER THE EFFECTIVE DATE OF THE RULES  
11 PROMULGATED UNDER SUBSECTION (3), THE BOARD SHALL GRANT A  
12 PSYCHOLOGICAL ASSOCIATE LICENSE TO AN INDIVIDUAL WHO HELD A LIMITED  
13 LICENSE TO ENGAGE IN THE PRACTICE OF PSYCHOLOGY UNDER SUBSECTION  
14 (2) ON THE EFFECTIVE DATE OF THE RULES PROMULGATED UNDER SUBSECTION  
15 (3) OR, AT THE LIMITED LICENSEE'S OPTION, RENEW HIS OR HER LIMITED  
16 LICENSE UNDER SUBSECTION (2).

17 (5) NOTWITHSTANDING SECTION 16182, AN INDIVIDUAL GRANTED A  
18 LICENSE TO ENGAGE IN PRACTICE AS A PSYCHOLOGICAL ASSOCIATE UNDER  
19 THIS PART SHALL NOT ADMINISTER, PRODUCE, OR DISTRIBUTE WRITTEN OR  
20 VERBAL PSYCHOLOGICAL TESTING, EVALUATIONS, OR REPORTS, OR DOCUMENT  
21 OR DISTRIBUTE THE PSYCHOLOGICAL TESTING, EVALUATIONS, OR REPORTS IN  
22 A CLINICAL RECORD UNLESS SUPERVISED AND COUNTERSIGNED BY A  
23 PSYCHOLOGIST WHO HAS A LICENSE OTHER THAN A LIMITED LICENSE.

24 Sec. 18233. (1) In addition to the requirements of part 161,  
25 the board may require **THAT** a licensee seeking renewal of a license  
26 ~~to~~**MUST** furnish the board with satisfactory evidence that during  
27 the 2 years immediately preceding application for renewal the

1 licensee ~~has attended~~ continuing education courses or programs **THAT**  
2 **ARE DESIGNED TO FURTHER EDUCATE LICENSEES AND ARE** approved by the  
3 board. ~~totaling not less than a~~ **THE BOARD BY RULE MAY ESTABLISH THE**  
4 **MINIMUM** number of hours ~~established by rule of the board in~~ **OF**  
5 subjects related to the practice of psychology and ~~designed to~~  
6 ~~further educate licensees.~~ **OR PRACTICE AS A PSYCHOLOGICAL ASSOCIATE,**  
7 **AS APPROPRIATE, FOR CONTINUING EDUCATION COURSES OR PROGRAMS**  
8 **REQUIRED UNDER THIS SUBSECTION.**

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.

14 Sec. 18237. A ~~psychologist licensed or allowed to use that~~  
15 ~~title~~ **LICENSEE** under this part or an individual under his or her  
16 supervision cannot be compelled to disclose confidential  
17 information acquired from an individual consulting the ~~psychologist~~  
18 **LICENSEE** in his or her professional capacity if the information is  
19 necessary to enable the ~~psychologist~~ **LICENSEE** to render services.  
20 Information may be disclosed with the consent of the individual  
21 consulting the ~~psychologist~~ **LICENSEE**, or if the individual  
22 consulting the ~~psychologist~~ **LICENSEE** is a minor, with the consent  
23 of the minor's guardian, pursuant to section 16222 if the  
24 ~~psychologist~~ **LICENSEE** reasonably believes it is necessary to  
25 disclose the information to comply with section 16222, or under  
26 section 16281. In a contest on the admission of a deceased  
27 individual's will to probate, an heir at law of the decedent,



1 whether a proponent or contestant of the will, and the personal  
2 representative of the decedent may waive the privilege created by  
3 this section.