

# HOUSE BILL NO. 4325

March 12, 2019, Introduced by Reps. Miller, Rendon, Bellino and LaFave 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 sections 18106 and 18116.

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

**1**           Sec. 18101. As used in this part:



1           (a) ~~"Counseling"~~ **Clinical counseling** principles, methods, or  
 2 procedures" means a developmental approach that systematically  
 3 assists an individual through the application of any of the  
 4 following procedures:

5           ~~(i) Evaluation and appraisal techniques. As used in this~~  
 6 ~~subparagraph, "appraisal techniques" means selecting,~~  
 7 ~~administering, scoring, and interpreting instruments and procedures~~  
 8 ~~designed to assess an individual's aptitudes, interests, attitudes,~~  
 9 ~~abilities, achievements, and personal characteristics for~~  
 10 ~~developmental purposes and not for psychodiagnostic purposes.~~

11           ~~(ii) Exploring alternative solutions.~~

12           ~~(iii) Developing and providing a counseling plan for mental and~~  
 13 ~~emotional development.~~

14           ~~(iv) Guidance.~~ **1 or more of the following:**

15           **(i) Psychotherapy, the diagnosis and treatment planning for**  
 16 **mental and emotional disorders, and evaluation.**

17           **(ii) Selecting, administering, scoring, and interpreting**  
 18 **assessments, tests, and appraisals that are designed to assess an**  
 19 **individual's aptitudes, interests, attitudes, abilities,**  
 20 **achievements, and personal characteristics in order to use**  
 21 **appraisal and diagnostic results in helping processes.**

22           **(iii) ~~(v)~~ Psychoeducational consulting. As used in this**  
 23 **subparagraph, "psychoeducational consulting" means assisting a**  
 24 **consultee that is working with an individual, small group, or**  
 25 **organization by identifying problems, strengths, and weaknesses and**  
 26 **making recommendations for the implementation of preventative or**  
 27 **remedial strategies.**

28           ~~(vi) Learning theory.~~



1 ~~(vii) Individual and group techniques emphasizing prevention.~~

2 (iv) ~~(viii)~~ Counseling techniques. As used in this subparagraph:

3 (A) "Counseling techniques" means the application of basic  
4 counseling and psychotherapy skills and theories in the counseling  
5 process to establish and maintain the counseling relationship;  
6 diagnose the problem; formulate a preventative, treatment, or  
7 rehabilitative plan; and facilitate appropriate interventions.

8 (B) "Diagnose the problem" means to identify the problem  
9 through the application of recognized counseling techniques and  
10 psychotherapy skills and theories, including the use of the  
11 Diagnostic and Statistical Manual for Mental Disorders, obtained  
12 through the successful completion of a qualified program. Diagnose  
13 the problem does not include the identification of other medical or  
14 physical conditions if the identification is not included within  
15 recognized counseling techniques and psychotherapy skills and  
16 theories.

17 (v) ~~(ix)~~ Behavioral modification techniques. As used in this  
18 subparagraph, "behavioral modification techniques" means assisting  
19 clients in identifying maladaptive or harmful behaviors and  
20 replacing them with adaptive and helpful behaviors.

21 (vi) ~~(x)~~ Referrals. **Referral.** As used in this subparagraph,  
22 ~~referral~~ "referral" includes determining the need for referral to 1  
23 or more statutorily regulated mental health professionals whose  
24 expertise, skills, and competence are appropriate to the problems  
25 of the individual, informing the individual of the referral, and  
26 communicating as appropriate with the professional to whom the  
27 individual has been referred.

28 (vii) Preventative techniques. As used in this subparagraph,  
29 "preventative techniques" means assisting a client in maintaining



1 mental and emotional well-being and preventing emotional distress  
2 and mental illness.

3 (viii) Establishing a counseling plan for the treatment of 1 or  
4 more of the following disorders of an individual, couple, group, or  
5 family:

6 (A) An emotional disorder.

7 (B) A mental disorder.

8 (C) An addiction disorder.

9 (D) A physical disorder that requires a counseling  
10 intervention.

11 (ix) Promoting mental health wellness. As used in this  
12 subparagraph, "mental health wellness" includes, but is not limited  
13 to, the achievement of social, career, and emotional development  
14 across an individual's life span.

15 (x) Preventing and treating mental and emotional disorders. As  
16 used in this subparagraph, "preventing and treating mental and  
17 emotional disorders" includes, but is not limited to, the use of  
18 crisis intervention.

19 (b) "Licensed professional counselor" means an individual **who**  
20 **is** licensed under this article to engage in the practice of  
21 counseling **without supervision**.

22 (c) "Limited licensed counselor" means an individual who has  
23 been granted a limited license by the board to ~~offer~~ **engage in the**  
24 **practice of** counseling ~~services~~ under the supervision of a licensed  
25 professional counselor **who meets the requirement of section 18106**.

26 (d) ~~"Practice~~ **Except as otherwise provided in subdivision (e),**  
27 **"practice** of counseling" or "counseling" means the rendering to  
28 individuals, groups, families, organizations, or the general public  
29 **in accordance with accepted and established ethics** a service



1 involving ~~the application of~~ clinical counseling principles,  
 2 methods, or procedures for the purpose of achieving social,  
 3 personal, career, and emotional development and with the goal of  
 4 promoting and enhancing healthy ~~self-actualizing~~ **self-actualizing**  
 5 and satisfying lifestyles whether the services are rendered in an  
 6 educational, business, health, private practice, or human services  
 7 setting.

8 (e) The practice of counseling does not include the practice  
 9 of psychology except for those preventive techniques, counseling  
 10 techniques, or behavior modification techniques for which the  
 11 licensed professional counselor or limited licensed counselor has  
 12 been specifically trained. The practice of counseling does not  
 13 include the practice of medicine ~~such as~~ **or osteopathic medicine**  
 14 **and surgery, including, but not limited to, the differential**  
 15 **diagnosis of medical conditions or disorders**, prescribing drugs, or  
 16 administering electroconvulsive therapy. A counselor shall not hold  
 17 himself or herself out as ~~a~~ **any of the following:**

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

19 (ii) ~~A counselor shall not hold himself or herself out as a~~  
 20 ~~marriage and family counselor providing marriage counseling~~  
 21 ~~pursuant to section 1501 of the occupational code, Act No. 299 of~~  
 22 ~~the Public Acts of 1980, being section 339.1501 of the Michigan~~  
 23 ~~Compiled Laws.~~ **therapist as defined in section 16901.**

24 (iii) A licensed bachelor's social worker or a licensed master's  
 25 social worker as those terms are defined in section 18501.

26 (f) "Qualified program" means any of the following:

27 (i) A program that is accredited by the Council for the  
 28 Accreditation of Counseling and Related Educational Programs,  
 29 includes coursework and training in the diagnosis and treatment of



1 mental and emotional disorders, and is approved by the board.

2 (ii) A program that is not accredited by the Council for the  
3 Accreditation of Counseling and Related Educational Programs,  
4 includes coursework and training in the diagnosis and treatment of  
5 mental and emotional disorders and all other coursework  
6 requirements of the Council for the Accreditation of Counseling and  
7 Related Educational Programs, including practicum and internship  
8 requirements, and is approved by the board.

9 Sec. 18106. A licensed professional counselor shall not  
10 supervise a limited licensed counselor without completing training  
11 in supervision as required by the board by rule.

12 Sec. 18107. (1) ~~The Subject to subsection (2),~~ the board may  
13 grant a professional counselor license to an individual who ~~is or~~  
14 ~~does-meets~~ all of the following **criteria**:

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

16 (b) Has received, **from an accredited college or university**  
17 **approved by the department,** a ~~masters-master's~~ or doctoral degree  
18 in counseling ~~or student personnel work in a program approved by~~  
19 ~~the board.~~ **from a qualified program.** The board shall promulgate  
20 rules to establish standards to approve ~~only these~~ **qualified**  
21 programs. ~~that include graduate studies in the following areas:~~  
22 ~~research, group techniques, counseling theories, ethics, counseling~~  
23 ~~techniques, counseling philosophy, testing procedures, career~~  
24 ~~development, consulting, practicum, and internship.~~

25 (c) Has at least 2 years of counseling experience under the  
26 supervision of a licensed professional counselor. The board may  
27 decrease the required length of counseling experience under the  
28 supervision of a licensed professional counselor to 1 year if an  
29 applicant has completed 30 hours of graduate study in counseling



1 beyond the master's degree. An applicant shall not be licensed  
 2 before completing 1 year of counseling experience under the  
 3 supervision of a licensed professional counselor. ~~This subdivision~~  
 4 ~~shall take effect on October 1, 1994.~~

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

10 **(2) The board may promulgate rules under section 16145 as**  
 11 **necessary or appropriate to supplement the requirements for**  
 12 **licensure under this part as a licensed professional counselor,**  
 13 **including adopting updated standards of that organization or**  
 14 **standards of any successor organization of the Council for the**  
 15 **Accreditation of Counseling and Related Educational Programs.**

16 Sec. 18111. (1) ~~The~~ **Subject to subsection (3),** the board may  
 17 grant a limited license to an individual who meets both of the  
 18 following criteria:

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 program approved by~~  
 23 ~~the board.~~ **from a qualified program.** The board shall **promulgate**  
 24 **rules to establish standards to approve only these qualified**  
 25 **programs. that include graduate studies in the following areas:**  
 26 ~~research, group techniques, counseling theories, ethics, counseling~~  
 27 ~~techniques, counseling philosophy, testing procedures, career~~  
 28 ~~development, consulting, practicum, and internship.~~

29 (2) A limited license ~~issued~~ **granted** under this section shall



1 **must** require that the individual confine his or her practice to a  
 2 program of counseling experience under the supervision of a  
 3 licensed professional counselor.

4 (3) **The board may promulgate rules under section 16145 as**  
 5 **necessary or appropriate to supplement the requirements for**  
 6 **licensure under this part as a limited licensed counselor,**  
 7 **including adopting updated standards of that organization or**  
 8 **standards of any successor organization of the Council for the**  
 9 **Accreditation of Counseling and Related Educational Programs.**

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

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

24 (a) An ordained member of the clergy if counseling is  
 25 incidental to his or her religious duties performed under the  
 26 auspices or recognition of a church, denomination, religious  
 27 association, or sect, that has ~~tax-exempt~~**tax-exempt** status  
 28 ~~pursuant to~~**under** section 501(c) (3) of the internal revenue code of  
 29 1986, 26 USC 501, if the member of the clergy does not hold himself





1 or herself out as a counselor licensed under this article.

2 (b) An individual who performs volunteer services for a public  
3 or private nonprofit organization, church, or charity, if the  
4 individual is approved by the organization or agency for which the  
5 services are rendered.

6 (c) An individual who is employed by or who volunteers to work  
7 in a **substance use disorder services** program licensed by the office  
8 of ~~substance abuse services~~. **department under part 62.**

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

16 **(d) A Christian Science practitioner.**

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

21 **Sec. 18116. This part does not require new or additional third  
22 party reimbursement or mandated worker's compensation benefits for  
23 services rendered by an individual licensed under this part.**

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

