

Act No. 96
Public Acts of 2019
Approved by the Governor
October 29, 2019

Filed with the Secretary of State
October 29, 2019

EFFECTIVE DATE: January 27, 2020

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2019**

Introduced by Reps. Miller, Rendon, Bellino and LaFave

ENROLLED HOUSE BILL No. 4325

AN ACT to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending sections 16201, 18101, 18107, 18111, and 18115 (MCL 333.16201, 333.18101, 333.18107, 333.18111, and 333.18115), section 16201 as amended by 2016 PA 49, 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, 18112, 18114, and 18116.

The people of the State of Michigan enact:

Sec. 16201. (1) A licensee or registrant shall renew the license or registration on or before the expiration date as prescribed by rule. The department shall mail a notice to the licensee or registrant at the last known address on file with a board, or may send the notice by electronic mail to a licensee or registrant described in section 16192(4), advising of the time, procedure, and fee for renewal. Failure of the licensee or registrant to receive notice under this subsection does not relieve the licensee or registrant of the responsibility for renewing his or her license or registration.

(2) A license or registration not renewed by the expiration date may be renewed within 60 days after the expiration date on application, payment of renewal and late renewal fees, and fulfillment of any continued competency or continuing education requirements set forth in this article or rules promulgated under this article. The licensee or registrant may continue to practice and use the title during the 60-day time period.

(3) If a license or registration is not renewed within 60 days after the expiration date under subsection (2), the license or registration is considered null and void. The licensee shall not practice or use the title and a registrant shall not use the title. Except as otherwise provided in this article or by rule, an individual may be relicensed or reregistered within 3 years after the expiration date on application, payment of the application processing, renewal, and late renewal fees, and fulfillment of any continued competency or continuing education requirements in effect on the expiration date, or that would have been required had the individual renewed his or her license or registration under subsection (1). A temporary license or registration may be issued under section 16181 pending the results of action taken under this subsection.

(4) Except as otherwise provided in this article or by rule, an individual may be relicensed or reregistered more than 3 years after the expiration date on application as a new applicant, meeting all licensure or registration requirements in effect at the time of application, taking or retaking and passing any examinations required for initial licensure or registration, and payment of fees required of new applicants.

(5) The expiration or surrender of a license or registration does not terminate the board's authority to impose sanctions on the licensee or registrant whose license or registration has expired or been surrendered.

Sec. 18101. As used in this part:

(a) "Clinical counseling principles, methods, or procedures" means 1 or more of the following:

(i) Psychotherapy, the diagnosis and treatment planning for mental and emotional disorders, 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 in order to use appraisal and diagnostic results in helping processes.

(iii) 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.

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

(A) "Counseling techniques" means the application of basic counseling and psychotherapy skills and theories in the counseling process for the purposes of establishing and maintaining the counseling relationship; diagnosing the problem; formulating a preventative, treatment, or rehabilitative plan; and facilitating appropriate interventions.

(B) "Diagnosing the problem" means the identification of the problem through the application of recognized counseling techniques and psychotherapy skills and theories, including the use of the classifications and diagnoses in the Diagnostic and Statistical Manual for Mental Disorders, obtained through the successful completion of a qualified program. Diagnosing the problem does not include the identification of other medical or physical conditions.

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

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

(vii) Preventative techniques. As used in this subparagraph, "preventative techniques" means assisting a client in maintaining mental and emotional well-being and preventing emotional distress and mental illness.

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

(A) An emotional disorder.

(B) A mental disorder.

(C) An addiction disorder.

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

(ix) Promoting mental health wellness. As used in this subparagraph, "mental health wellness" means the achievement of social, career, and emotional development across an individual's life span.

(x) Preventing and treating mental and emotional disorders. As used in this subparagraph, "preventing and treating mental and emotional disorders" includes the use of crisis intervention.

(b) “Licensed professional counselor” means an individual who is licensed under this article to engage in the practice of counseling without supervision.

(c) “Limited licensed counselor” means an individual who has been granted a limited license under this article to engage in the practice of counseling under the supervision of a licensed professional counselor who meets the requirement of section 18106.

(d) Except as otherwise provided in subdivision (e), “practice of counseling” or “counseling” means the rendering to individuals, groups, families, organizations, or the general public in accordance with accepted and established ethics a service involving clinical counseling principles, methods, or procedures for the purpose of achieving social, personal, career, and emotional development and with the goal of promoting and enhancing healthy self-actualizing and satisfying lifestyles whether the services are rendered in an educational, business, health, private practice, or human services setting.

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

(i) A psychologist as defined in section 18201.

(ii) A marriage and family therapist as defined in section 16901.

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

(f) “Qualified program” means any of the following:

(i) A program that is accredited by the Council for the Accreditation of Counseling and Related Educational Programs, includes coursework and training in the diagnosis and treatment of mental and emotional disorders, and is approved by the department in consultation with the board.

(ii) A program that is not accredited by the Council for the Accreditation of Counseling and Related Educational Programs, includes coursework and training in the diagnosis and treatment of mental and emotional disorders and all other coursework requirements of the Council for the Accreditation of Counseling and Related Educational Programs, including practicum and internship requirements, and is approved by the department in consultation with the board.

Sec. 18106. A licensed professional counselor shall not supervise a limited licensed counselor without completing training in supervision as required by rules promulgated by the department in consultation with the board.

Sec. 18107. (1) Subject to subsection (2), the department may grant a professional counselor license to an individual who meets all of the following criteria:

(a) Is not less than 18 years of age.

(b) Has received, from an accredited college or university approved by the department, a master’s or doctoral degree in counseling from a qualified program, or a degree determined by the department in consultation with the board to be substantially equivalent to a counseling degree from a qualified program. The department in consultation with the board shall promulgate rules to establish standards to approve qualified programs.

(c) Has at least 2 years of counseling experience under the supervision of a licensed professional counselor. The department in consultation with the board may decrease the required length of counseling experience under the supervision of a licensed professional counselor to 1 year if an applicant has completed a doctoral degree in counseling. An applicant shall not be licensed before completing 1 year of counseling experience under the supervision of a licensed professional counselor.

(2) The department in consultation with the board shall promulgate rules under section 16145 as necessary or appropriate to supplement the requirements for licensure under this part as a licensed professional counselor, including adopting updated standards of the Council for the Accreditation of Counseling and Related Educational Programs or a successor organization.

Sec. 18111. (1) Subject to subsection (3), the department may grant a limited license to an individual who meets both of the following criteria:

(a) Is not less than 18 years of age.

(b) Has received, from an accredited college or university approved by the department, a master's or doctoral degree in counseling from a qualified program, or a degree determined by the department in consultation with the board to be substantially equivalent to a counseling degree from a qualified program. The department in consultation with the board shall promulgate rules to establish standards to approve qualified programs.

(2) A limited license granted under this section must require that the individual confine his or her practice to a program of counseling experience under the supervision of a licensed professional counselor.

(3) The department in consultation with the board shall promulgate rules under section 16145 as necessary or appropriate to supplement the requirements for licensure under this part as a limited licensed counselor, including adopting updated standards of the Council for the Accreditation of Counseling and Related Educational Programs or a successor organization.

Sec. 18112. A licensee shall not administer an assessment unless he or she has received specific training on administering the assessment.

Sec. 18114. (1) Except as otherwise provided in subsection (3), the department may grant relicensure as a licensed professional counselor or limited licensed counselor to an individual who is applying for relicensure less than 3 years after the expiration date of his or her license, if the individual submits to the department a completed application on a form provided by the department together with payment of the fees described in section 16201(3), and he or she complies with both of the following:

(a) Submits with his or her application a professional disclosure statement that meets the requirements of section 18113.

(b) If the individual holds or has held a license as a licensed professional counselor or limited licensed counselor in another state, ensures that the licensing agency of each out-of-state license verifies all of the following on a form provided by the department:

(i) That disciplinary proceedings are not pending against the individual at the time of his or her application for relicensure.

(ii) That if sanctions have been imposed against the individual, the sanctions are not in force at the time of his or her application for relicensure.

(2) Except as otherwise provided in subsection (3), the department may grant relicensure as a licensed professional counselor or limited licensed counselor to an individual who is applying for relicensure more than 3 years after the expiration date of his or her license, if the individual submits to the department a completed application on a form provided by the department together with payment of the fees described in section 16201(4) and a professional disclosure statement that meets the requirements of section 18113, and he or she complies with 1 of the following:

(a) Takes or retakes and passes 1 of the following:

(i) The national counselor examination developed by the National Board for Certified Counselors.

(ii) The certification examination given by the Commission on Rehabilitation Counselor Certification.

(iii) An examination that the department determines is equivalent to an examination described in subparagraph (i) or (ii).

(b) Demonstrates to the satisfaction of the department that he or she meets the requirements for certification issued by the National Board for Certified Counselors, the Commission on Rehabilitation Counselor Certification, or an equivalent program as determined by the department.

(3) The department may grant relicensure as a licensed professional counselor or limited licensed counselor to an individual who received a master's or doctoral degree in counseling or student personnel work before October 1, 1991, and completed 2 years of professional experience before October 1, 1993, if the individual submits to the department a completed application on a form provided by the department together with payment of the applicable fees described in section 16201(3) or (4) and he or she complies with 1 of the following:

(a) Submits with his or her application a professional disclosure statement that meets the requirements of section 18113.

(b) If the individual holds or has held a license as a licensed professional counselor or limited licensed counselor in another state, ensures that the licensing agency of each out-of-state license verifies all of the following on a form provided by the department:

(i) That disciplinary proceedings are not pending against the individual at the time of his or her application for relicensure.

(ii) That if sanctions have been imposed against the individual, the sanctions are not in force at the time of his or her application for relicensure.

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

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

(a) An ordained member of the clergy if counseling is incidental to his or her religious duties performed under the auspices or recognition of a church, denomination, religious association, or sect, that has tax-exempt status under section 501(c)(3) of the internal revenue code of 1986, 26 USC 501, if the member of the clergy does not hold himself or herself out as a counselor licensed under this article.

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

(c) An individual who is employed by or who volunteers to work in a substance use disorder services program licensed by the department under part 62.

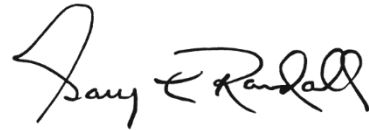
(d) A Christian Science practitioner.

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

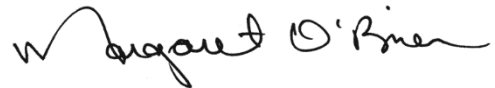
Sec. 18116. This part does not require new or additional third party reimbursement or mandated worker's compensation benefits for services rendered by an individual licensed under this part.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor