

HOUSE BILL No. 5473

December 1, 2005, Introduced by Reps. Schuitmaker, Wojno, Mortimer, Gaffney and Hune
and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16204, 16263, 16343, 16905, 16909, 17015,
18115, 18201, 18211, 18212, 18214, 18221, 18223, and 18233 (MCL
333.16204, 333.16263, 333.16343, 333.16905, 333.16909, 333.17015,
333.18115, 333.18201, 333.18211, 333.18212, 333.18214, 333.18221,
333.18223, and 333.18233), section 16204 as added and section
18233 as amended by 1994 PA 234, section 16263 as amended by 2004
PA 97, section 16343 as added and section 18221 as amended by
1993 PA 79, section 16905 as added by 1995 PA 126, section 16909
as amended by 1997 PA 188, section 17015 as amended by 2002 PA
685, section 18115 as added by 1988 PA 421, section 18212 as
amended by 1987 PA 20, and section 18223 as amended by 1986 PA

174.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16204. (1) Effective for the renewal of licenses or
2 registrations issued under this article and expiring after
3 January 1, 1997 if the completion of continuing education is a
4 condition for renewal, the appropriate board shall by rule
5 require an applicant for renewal to complete an appropriate
6 number of hours or courses in pain and symptom management. Rules
7 promulgated by a board under section 16205(2) for continuing
8 education in pain and symptom management shall cover both course
9 length and content and shall take into consideration the
10 recommendation for that health care profession by the
11 interdisciplinary advisory committee created in section 16204a. A
12 board shall submit the notice of public hearing for the rules as
13 required under section 42 of the administrative procedures act of
14 1969, ~~being section 24.242 of the Michigan Compiled Laws~~ **1969**
15 **PA 306, MCL 24.242**, not later than 90 days after the first
16 interdisciplinary advisory committee makes its initial
17 recommendations and shall promulgate the rules as expeditiously
18 as possible.

19 (2) If a board proposes rules under section 16205(2) to
20 institute a requirement that continuing education be a mandatory
21 condition for the renewal of a license or registration issued
22 under this article, the rules shall require, as part of the
23 continuing education requirements, completion of an appropriate
24 number of hours or courses in pain and symptom management, taking
25 into consideration the recommendation for that health care

1 profession by the interdisciplinary advisory committee created in
2 section 16204a.

3 (3) This section does not apply to individuals licensed or
4 registered under part **182**, 184, or 188 or to an individual
5 licensed to engage in the practice as a dental hygienist under
6 part 166.

7 Sec. 16263. (1) Except as provided in subsection (2), the
8 following words, titles, or letters or a combination thereof,
9 with or without qualifying words or phrases, are restricted in
10 use only to those persons authorized under this article to use
11 the terms and in a way prescribed in this article:

12 (a) "Chiropractic", "doctor of chiropractic",
13 "chiropractor", "d.c.", and "chiropractic physician".

14 (b) "Dentist", "doctor of dental surgery", "oral and
15 maxillofacial surgeon", "orthodontist", "prosthodontist",
16 "periodontist", "endodontist", "oral pathologist", "pediatric
17 dentist", "dental hygienist", "registered dental hygienist",
18 "dental assistant", "registered dental assistant", "r.d.a.",
19 "d.d.s.", "d.m.d.", and "r.d.h.".

20 (c) "Doctor of medicine" and "m.d.".

21 (d) "Physician's assistant" and "p.a.".

22 (e) "Registered professional nurse", "registered nurse",
23 "r.n.", "licensed practical nurse", "l.p.n.", "nurse midwife",
24 "nurse anesthetist", "nurse practitioner", "trained attendant",
25 and "t.a.".

26 (f) "Doctor of optometry", "optometrist", and "o.d.".

27 (g) "Osteopath", "osteopathy", "osteopathic practitioner",

1 "doctor of osteopathy", "diplomate in osteopathy", and "d.o.".

2 (h) "Pharmacy", "pharmacist", "apothecary", "drugstore",
3 "druggist", "medicine store", "prescriptions", and "r.ph.".

4 (i) "Physical therapy", "physical therapist",
5 "physiotherapist", "registered physical therapist", "licensed
6 physical therapist", "physical therapy technician", "p.t.",
7 "r.p.t.", "l.p.t.", and "p.t.t.".

8 (j) "Chiropodist", "chiropody", "chiropodical", "podiatry",
9 "podiatrist", "podiatric", "doctor of podiatric medicine", "foot
10 specialist", "podiatric physician and surgeon", and "d.p.m.".

11 (k) ~~"Consulting"~~ **UNTIL OCTOBER 1, 2006, "CONSULTING**
12 **psychologist", "psychologist", "psychological assistant",**
13 **"psychological examiner", "licensed psychologist", and "limited**
14 **licensed psychologist". BEGINNING OCTOBER 1, 2006, "CONSULTING**
15 **PSYCHOLOGIST", "PSYCHOLOGIST", "PSYCHOLOGICAL ASSISTANT",**
16 **"PSYCHOLOGICAL EXAMINER", "LICENSED DOCTORAL PSYCHOLOGIST",**
17 **"LICENSED MASTER'S PSYCHOLOGIST", "LICENSED ASSOCIATE**
18 **PSYCHOLOGIST", "L.D.P.", "L.M.P.", AND "L.A.P.".**

19 (l) "Licensed professional counselor", "licensed counselor",
20 "professional counselor", and "l.p.c.".

21 (m) "Sanitarian", "registered sanitarian", and "r.s.".

22 (n) Until July 1, 2005, "social worker", "certified social
23 worker", "social work technician", "s.w.", "c.s.w.", and
24 "s.w.t.". Beginning July 1, 2005, "social worker", "licensed
25 master's social worker", "licensed bachelor's social worker",
26 "registered social service technician", "social service
27 technician", "l.m.s.w.", "l.b.s.w.", and "r.s.s.t.".

(o) "Veterinary", "veterinarian", "veterinary doctor", "veterinary surgeon", "doctor of veterinary medicine", "v.m.d.", "d.v.m.", "animal technician", or "animal technologist".

(p) "Occupational therapist", "occupational therapist registered", "certified occupational therapist", "o.t.", "o.t.r.", "c.o.t.", "certified occupational therapy assistant", "occupational therapy assistant", or "c.o.t.a.".

(q) "Marriage advisor" or "marriage consultant"; "family counselor", "family advisor", "family therapist", or "family consultant"; "family guidance counselor", "family guidance advisor", or "family guidance consultant"; "marriage guidance counselor", "marriage guidance advisor", or "marriage guidance consultant"; "family relations counselor"; "marriage relations counselor", "marriage relations advisor", or "marriage relations consultant"; "marital counselor" or "marital therapist"; "limited licensed marriage and family therapist" or "limited licensed marriage counselor"; "licensed marriage and family therapist" or "licensed marriage counselor"; and "l.m.f.t.".

(r) "Nursing home administrator".

(s) "Respiratory therapist", "respiratory care practitioner", "licensed respiratory therapist", "licensed respiratory care practitioner", "r.t.", "r.c.p.", "l.r.t.", and "l.r.c.p.".

(t) "Audiometrist", "audiologist", "hearing therapist", "hearing aid audiologist", "educational audiologist", "industrial audiologist", and "clinical audiologist".

(2) Notwithstanding section 16261, a person who was

1 specially trained at an institution of higher education in this
 2 state to assist a physician in the field of orthopedics and upon
 3 completion of training, received a 2-year associate of science
 4 degree as an orthopedic physician's assistant before January 1,
 5 1977, may use the title "orthopedic physician's assistant"
 6 whether or not the person is licensed under this article.

7 Sec. 16343. Fees for a person licensed or seeking licensure
 8 to engage in the practice of psychology under part 182 are as
 9 follows:

10	(a) Application processing fee.....	\$ 50.00
11	(b) License fee, per year:	
12	(i) Full doctoral DOCTORAL	90.00
13	(ii) Limited doctoral	30.00
14	(ii) (iii) Masters limited MASTER'S.....	60.00
15	(iv) Temporary limited	15.00
16	(iii) (c) Limited license, per year ASSOCIATES.....	40.00
17	(d) Temporary license	15.00
18	(C) (e) Examination review fee.....	20.00

19 Sec. 16905. (1) This part does not apply to an individual
 20 engaged in **THE PRACTICE OF** social work as defined in section
 21 ~~1601 of the occupational code, Act No. 299 of the Public Acts of~~
 22 ~~1980, being section 339.1601 of the Michigan Compiled Laws,~~
 23 **18501** in the course of employment with a governmental agency or a
 24 reputable social service agency regularly providing social work
 25 services as an agency.

26 (2) This part does not apply to an ordained cleric or other
 27 religious practitioner who is employed by or working under the

1 authority of an organization exempt from taxation under section
2 501(c)(3) of the internal revenue code of 1986 ~~—, 26 U.S.C. 501,~~
3 if the advice or counsel given by the cleric or other religious
4 practitioner is incidental to his or her duties as a cleric or
5 other religious practitioner, and if the cleric or other
6 religious practitioner does not hold himself or herself out to
7 the public as a marriage and family therapist licensed under this
8 article or use 1 or more of the titles listed in section
9 ~~16263(1)(p)~~ **16263(1)(Q)** and if no fee or donation is exacted for
10 the service.

11 (3) This part does not apply to a physician licensed under
12 this article who has completed an accredited psychiatric
13 residency program approved by the Michigan board of medicine or
14 to a psychologist ~~—fully—~~ licensed under this article, if both of
15 the following circumstances exist:

16 (a) The individual is practicing his or her profession in a
17 manner consistent with his or her education and training and is
18 practicing in a manner consistent with the code of ethics of that
19 profession.

20 (b) The individual does not hold himself or herself out to
21 the public as a marriage and family therapist licensed under this
22 article or use any of the titles listed in section ~~16263(1)(p)~~
23 **16263(1)(Q)** for advertising purposes. However, this subdivision
24 does not prohibit the individual from advertising under a
25 telephone or other business directory listing that uses those
26 titles if the individual discloses in the listing, in an
27 unabbreviated fashion, the profession in which he or she is

1 licensed.

2 (4) This part does not limit an individual in, or prevent an
 3 individual from, the practice of a statutorily regulated
 4 profession or occupation if services to families, couples, or
 5 subsystems of families are part of the services provided by that
 6 profession or occupation, and if the individual does not hold
 7 himself or herself out to the public as a marriage and family
 8 therapist licensed under this article or use 1 or more of the
 9 titles listed in section ~~16263(1)(p)~~ **16263(1)(Q)**. As used in
 10 this subsection, "statutorily regulated profession or occupation"
 11 means an occupation or profession regulated by statute that
 12 includes, but is not limited to, all of the following: a
 13 physician, attorney, social worker, ~~certified~~ **LICENSED** social
 14 worker, **REGISTERED** social ~~work~~ **SERVICE** technician, ~~fully~~
 15 licensed psychologist, ~~limited licensed psychologist, temporary~~
 16 ~~limited licensed psychologist,~~ licensed professional counselor,
 17 limited licensed counselor, or school counselor.

18 Sec. 16909. (1) The board shall grant a license as a
 19 marriage and family therapist to an individual who meets all of
 20 the following requirements:

21 (a) Provides satisfactory evidence to the board of meeting
 22 either of the following educational qualifications:

23 (i) Has a master's or higher graduate degree from an
 24 accredited training program in marriage and family therapy
 25 approved by the board.

26 (ii) Has a master's or higher graduate degree from an
 27 accredited college or university approved by the board and has

1 completed all of the following graduate-level courses at an
2 accredited college or university approved by the board:

3 (A) Three courses in family studies that total at least 6
4 semester or 9 quarter hours.

5 (B) Three courses in family therapy methodology that total
6 at least 6 semester or 9 quarter hours.

7 (C) Three courses in human development, personality theory,
8 or psychopathology that total at least 6 semester or 9 quarter
9 hours.

10 (D) At least 2 semester or 3 quarter hours in ethics, law,
11 and standards of professional practice.

12 (E) At least 2 semester or 3 quarter hours in research.

13 (b) Except as otherwise provided in subsection (2), provides
14 satisfactory evidence to the board of having completed supervised
15 clinical marriage and family therapy experience in conjunction
16 with the applicant's educational program. The clinical marriage
17 and family therapy experience described in this subdivision shall
18 meet all of the following requirements:

19 (i) Be obtained either in a clinical practicum during
20 graduate education or in a postgraduate marriage and family
21 institute training program acceptable to the board.

22 (ii) Be obtained over not less than 8 consecutive months.

23 (iii) Be verified by a supervisor who has a master's or higher
24 graduate degree from an accredited college or university approved
25 by the board and meets 1 of the following:

26 (A) Is a marriage and family therapist.

27 (B) Is a ~~certified~~ **LICENSED** social worker ~~or a social~~

1 ~~worker registered~~ under **THIS** article. ~~16 of the occupational~~
2 ~~code, 1980 PA 299, MCL 339.1601 to 339.1610.~~

3 (C) Is a licensed professional counselor as defined in
4 section 18101.

5 (D) Is a physician as defined in section 17001 or 17501 and
6 practicing in a mental health setting.

7 (E) Is a ~~fully~~ licensed psychologist as defined in section
8 18201.

9 (F) Is an approved supervisor or supervisor-in-training
10 through a program conducted by the American association for
11 marriage and family therapy and approved by the board.

12 (iv) Include not less than 300 direct client contact hours in
13 supervised clinical marriage and family therapy experience, at
14 least 1/2 of which were completed in a setting in which families,
15 couples, or subsystems of families were physically present in the
16 therapy room.

17 (v) Be supervised in a ratio of at least 1 hour of
18 supervision for each 5 hours of direct client contact, for a
19 total of not less than 60 hours of supervision concurrent with
20 the 300 hours of supervised direct client contact.

21 (c) Except as otherwise provided in subsection (2), provides
22 satisfactory evidence to the board of having completed a minimum
23 of 1,000 direct client contact hours in supervised marriage and
24 family therapy experience, at least 1/2 of which was completed
25 with families, couples, or subsystems of families physically
26 present in the therapy room, that meets all of the following
27 conditions:

1 (i) Is verified by the supervising licensed marriage and
2 family therapist.

3 (ii) Is obtained following the completion of the degree
4 required by subdivision (a)(i), is obtained following the
5 completion of the degree required by subdivision (a)(ii) and
6 concurrent with or following the course work specified in
7 subdivision (a)(ii)(A), (B), (C), (D), and (E), or is obtained as
8 part of a doctoral program in marriage and family therapy from an
9 accredited college or university approved by the board, which
10 experience may include experience obtained under subdivision
11 (b)(i).

12 (iii) Is supervised in a ratio of at least 1 hour of
13 supervision for each 5 hours of experience, for a total of not
14 less than 200 hours of supervision concurrent with the 1,000
15 hours of supervised experience. Not less than 100 hours of
16 supervision under this subparagraph shall be individual
17 supervision with no more than 1 other supervisee present. The
18 remaining supervision under this subparagraph may be group
19 supervision involving no more than 6 supervisees with 1
20 supervisor. The supervision shall be given in face-to-face
21 contact with the individual obtaining marriage and family therapy
22 experience.

23 (2) The board shall waive the requirements of subsection
24 (1)(b) and (c) for an applicant who provides satisfactory
25 evidence to the board of having obtained a doctoral degree from
26 an accredited doctoral training program in marriage and family
27 therapy approved by the board.

1 Sec. 17015. (1) Subject to subsection (10), a physician
2 shall not perform an abortion otherwise permitted by law without
3 the patient's informed written consent, given freely and without
4 coercion.

5 (2) For purposes of this section:

6 (a) "Abortion" means the intentional use of an instrument,
7 drug, or other substance or device to terminate a woman's
8 pregnancy for a purpose other than to increase the probability of
9 a live birth, to preserve the life or health of the child after
10 live birth, or to remove a dead fetus. Abortion does not include
11 the use or prescription of a drug or device intended as a
12 contraceptive.

13 (b) "Fetus" means an individual organism of the species homo
14 sapiens in utero.

15 (c) "Local health department representative" means a person
16 employed by, or under contract to provide services on behalf of,
17 a local health department who meets 1 or more of the licensing
18 requirements listed in subdivision (f).

19 (d) "Medical emergency" means that condition which, on the
20 basis of the physician's good faith clinical judgment, so
21 complicates the medical condition of a pregnant woman as to
22 necessitate the immediate abortion of her pregnancy to avert her
23 death or for which a delay will create serious risk of
24 substantial and irreversible impairment of a major bodily
25 function.

26 (e) "Medical service" means the provision of a treatment,
27 procedure, medication, examination, diagnostic test, assessment,

1 or counseling, including, but not limited to, a pregnancy test,
2 ultrasound, pelvic examination, or an abortion.

3 (f) "Qualified person assisting the physician" means another
4 physician or a physician's assistant licensed under this part or
5 part 175, a ~~fully licensed or limited licensed~~ psychologist
6 licensed under part 182, a professional counselor licensed under
7 part 181, a registered professional nurse or a licensed practical
8 nurse licensed under part 172, or a social worker ~~registered~~
9 **LICENSED** under part 185.

10 (g) "Probable gestational age of the fetus" means the
11 gestational age of the fetus at the time an abortion is planned
12 to be performed.

13 (h) "Provide the patient with a physical copy" means
14 confirming that the patient accessed the internet website
15 described in subsection (5) and received a printed valid
16 confirmation form from the website and including that form in the
17 patient's medical record or giving a patient a copy of a required
18 document by 1 or more of the following means:

19 (i) In person.

20 (ii) By registered mail, return receipt requested.

21 (iii) By parcel delivery service that requires the recipient
22 to provide a signature in order to receive delivery of a parcel.

23 (iv) By facsimile transmission.

24 (3) Subject to subsection (10), a physician or a qualified
25 person assisting the physician shall do all of the following not
26 less than 24 hours before that physician performs an abortion
27 upon a patient who is a pregnant woman:

1 (a) Confirm that, according to the best medical judgment of
2 a physician, the patient is pregnant, and determine the probable
3 gestational age of the fetus.

4 (b) Orally describe, in language designed to be understood
5 by the patient, taking into account her age, level of maturity,
6 and intellectual capability, each of the following:

7 (i) The probable gestational age of the fetus she is
8 carrying.

9 (ii) Information about what to do and whom to contact should
10 medical complications arise from the abortion.

11 (iii) Information about how to obtain pregnancy prevention
12 information through the department of community health.

13 (c) Provide the patient with a physical copy of the written
14 summary described in subsection (11)(b) that corresponds to the
15 procedure the patient will undergo and is provided by the
16 department of community health. If the procedure has not been
17 recognized by the department, but is otherwise allowed under
18 Michigan law, and the department has not provided a written
19 summary for that procedure, the physician shall develop and
20 provide a written summary that describes the procedure, any known
21 risks or complications of the procedure, and risks associated
22 with live birth and meets the requirements of subsection
23 (11)(b)(iii) through (vii).

24 (d) Provide the patient with a physical copy of a medically
25 accurate depiction, illustration, or photograph and description
26 of a fetus supplied by the department of community health
27 pursuant to subsection (11)(a) at the gestational age nearest the

1 probable gestational age of the patient's fetus.

2 (e) Provide the patient with a physical copy of the prenatal
3 care and parenting information pamphlet distributed by the
4 department of community health under section 9161.

5 (4) The requirements of subsection (3) may be fulfilled by
6 the physician or a qualified person assisting the physician at a
7 location other than the health facility where the abortion is to
8 be performed. The requirement of subsection (3)(a) that a
9 patient's pregnancy be confirmed may be fulfilled by a local
10 health department under subsection (18). The requirements of
11 subsection (3) cannot be fulfilled by the patient accessing an
12 internet website other than the internet website described in
13 subsection (5) that is maintained through the department.

14 (5) The requirements of subsection (3)(c) through (e) may be
15 fulfilled by a patient accessing the internet website maintained
16 and operated through the department and receiving a printed,
17 valid confirmation form from the website that the patient has
18 reviewed the information required in subsection (3)(c) through
19 (e) at least 24 hours before an abortion being performed on the
20 patient. The website shall not require any information be
21 supplied by the patient. The department shall not track, compile,
22 or otherwise keep a record of information that would identify a
23 patient who accesses this website. The patient shall supply the
24 valid confirmation form to the physician or qualified person
25 assisting the physician to be included in the patient's medical
26 record to comply with this subsection.

27 (6) Subject to subsection (10), before obtaining the

1 patient's signature on the acknowledgment and consent form, a
2 physician personally and in the presence of the patient shall do
3 all of the following:

4 (a) Provide the patient with the physician's name and inform
5 the patient of her right to withhold or withdraw her consent to
6 the abortion at any time before performance of the abortion.

7 (b) Orally describe, in language designed to be understood
8 by the patient, taking into account her age, level of maturity,
9 and intellectual capability, each of the following:

10 (i) The specific risk, if any, to the patient of the
11 complications that have been associated with the procedure the
12 patient will undergo, based on the patient's particular medical
13 condition and history as determined by the physician.

14 (ii) The specific risk of complications, if any, to the
15 patient if she chooses to continue the pregnancy based on the
16 patient's particular medical condition and history as determined
17 by a physician.

18 (7) To protect a patient's privacy, the information set
19 forth in subsection (3) and subsection (6) shall not be
20 disclosed to the patient in the presence of another patient.

21 (8) Before performing an abortion on a patient who is a
22 pregnant woman, a physician or a qualified person assisting the
23 physician shall do all of the following:

24 (a) Obtain the patient's signature on the acknowledgment and
25 consent form described in subsection (11)(c) confirming that she
26 has received the information required under subsection (3).

27 (b) Provide the patient with a physical copy of the signed

1 acknowledgment and consent form described in subsection (11)(c).

2 (c) Retain a copy of the signed acknowledgment and consent
3 form described in subsection (11)(c) and, if applicable, a copy
4 of the pregnancy certification form completed under subsection
5 (18)(b), in the patient's medical record.

6 (9) This subsection does not prohibit notifying the patient
7 that payment for medical services will be required or that
8 collection of payment in full for all medical services provided
9 or planned may be demanded after the 24-hour period described in
10 this subsection has expired. A physician or an agent of the
11 physician shall not collect payment, in whole or in part, for a
12 medical service provided to or planned for a patient before the
13 expiration of 24 hours from the time the patient has done either
14 or both of the following, except in the case of a physician or an
15 agent of a physician receiving capitated payments or under a
16 salary arrangement for providing those medical services:

17 (a) Inquired about obtaining an abortion after her pregnancy
18 is confirmed and she has received from that physician or a
19 qualified person assisting the physician the information required
20 under subsection (3)(c) and (d).

21 (b) Scheduled an abortion to be performed by that physician.

22 (10) If the attending physician, utilizing his or her
23 experience, judgment, and professional competence, determines
24 that a medical emergency exists and necessitates performance of
25 an abortion before the requirements of subsections (1), (3), and
26 (6) can be met, the physician is exempt from the requirements of
27 subsections (1), (3), and (6), may perform the abortion, and

1 shall maintain a written record identifying with specificity the
2 medical factors upon which the determination of the medical
3 emergency is based.

4 (11) The department of community health shall do each of the
5 following:

6 (a) Produce medically accurate depictions, illustrations, or
7 photographs of the development of a human fetus that indicate by
8 scale the actual size of the fetus at 2-week intervals from the
9 fourth week through the twenty-eighth week of gestation. Each
10 depiction, illustration, or photograph shall be accompanied by a
11 printed description, in nontechnical English, Arabic, and
12 Spanish, of the probable anatomical and physiological
13 characteristics of the fetus at that particular state of
14 gestational development.

15 (b) Subject to subdivision (g), develop, draft, and print,
16 in nontechnical English, Arabic, and Spanish, written
17 standardized summaries, based upon the various medical procedures
18 used to abort pregnancies, that do each of the following:

19 (i) Describe, individually and on separate documents, those
20 medical procedures used to perform abortions in this state that
21 are recognized by the department.

22 (ii) Identify the physical complications that have been
23 associated with each procedure described in subparagraph (i) and
24 with live birth, as determined by the department. In identifying
25 these complications, the department shall consider the annual
26 statistical report required under section 2835(6), and shall
27 consider studies concerning complications that have been

published in a peer review medical journal, with particular attention paid to the design of the study, and shall consult with the federal centers for disease control, the American college of obstetricians and gynecologists, the Michigan state medical society, or any other source that the department determines appropriate for the purpose.

(iii) State that as the result of an abortion, some women may experience depression, feelings of guilt, sleep disturbance, loss of interest in work or sex, or anger, and that if these symptoms occur and are intense or persistent, professional help is recommended.

(iv) State that not all of the complications listed in subparagraph (ii) may pertain to that particular patient and refer the patient to her physician for more personalized information.

(v) Identify services available through public agencies to assist the patient during her pregnancy and after the birth of her child, should she choose to give birth and maintain custody of her child.

(vi) Identify services available through public agencies to assist the patient in placing her child in an adoptive or foster home, should she choose to give birth but not maintain custody of her child.

(vii) Identify services available through public agencies to assist the patient and provide counseling should she experience subsequent adverse psychological effects from the abortion.

(c) Develop, draft, and print, in nontechnical English, Arabic, and Spanish, an acknowledgment and consent form that

1 includes only the following language above a signature line for
 2 the patient:

3 "I, _____, hereby authorize Dr.
 4 _____ ("the physician") and any assistant
 5 designated by the physician to perform upon me the following
 6 operation(s) or procedure(s):

7 _____
 8 (Name of operation(s) or procedure(s))
 9 _____

10 I understand that I am approximately _____ weeks pregnant. I
 11 consent to an abortion procedure to terminate my pregnancy. I
 12 understand that I have the right to withdraw my consent to the
 13 abortion procedure at any time prior to performance of that
 14 procedure. I acknowledge that at least 24 hours before the
 15 scheduled abortion I have received a physical copy of each of the
 16 following:

17 (a) A medically accurate depiction, illustration, or
 18 photograph of a fetus at the probable gestational age of the
 19 fetus I am carrying.

20 (b) A written description of the medical procedure that will
 21 be used to perform the abortion.

22 (c) A prenatal care and parenting information pamphlet. If
 23 any of the above listed documents were transmitted by facsimile,
 24 I certify that the documents were clear and legible. I
 25 acknowledge that the physician who will perform the abortion has
 26 orally described all of the following to me:

27 (i) The specific risk to me, if any, of the complications

1 that have been associated with the procedure I am scheduled to
2 undergo.

3 (ii) The specific risk to me, if any, of the complications if
4 I choose to continue the pregnancy.

5 I acknowledge that I have received all of the following
6 information:

7 (d) Information about what to do and whom to contact in the
8 event that complications arise from the abortion.

9 (e) Information pertaining to available pregnancy related
10 services.

11 I have been given an opportunity to ask questions about the
12 operation(s) or procedure(s). I certify that I have not been
13 required to make any payments for an abortion or any medical
14 service before the expiration of 24 hours after I received the
15 written materials listed in paragraphs (a), (b), and (c) above,
16 or 24 hours after the time and date listed on the confirmation
17 form if paragraphs (a), (b), and (c) were viewed from the state
18 of Michigan internet website.".

19 (d) Make available to physicians through the Michigan board
20 of medicine and the Michigan board of osteopathic medicine and
21 surgery, and any person upon request the copies of medically
22 accurate depictions, illustrations, or photographs described in
23 subdivision (a), the standardized written summaries described in
24 subdivision (b), the acknowledgment and consent form described in
25 subdivision (c), the prenatal care and parenting information
26 pamphlet described in section 9161, and the pregnancy
27 certification form described in subdivision (f).

1 (e) The department shall not develop written summaries for
2 abortion procedures under subdivision (b) that utilize medication
3 that has not been approved by the United States food and drug
4 administration for use in performing an abortion.

5 (f) Develop, draft, and print a certification form to be
6 signed by a local health department representative at the time
7 and place a patient has a pregnancy confirmed, as requested by
8 the patient, verifying the date and time the pregnancy is
9 confirmed.

10 (g) Develop and maintain an internet website that allows a
11 patient considering an abortion to review the information
12 required in subsection (3)(c) through (e). After the patient
13 reviews the required information, the department shall assure
14 that a confirmation form can be printed by the patient from the
15 internet website that will verify the time and date the
16 information was reviewed. A confirmation form printed under this
17 subdivision becomes invalid 14 days after the date and time
18 printed on the confirmation form.

19 (12) A physician's duty to inform the patient under this
20 section does not require disclosure of information beyond what a
21 reasonably well-qualified physician licensed under this article
22 would possess.

23 (13) A written consent form meeting the requirements set
24 forth in this section and signed by the patient is presumed
25 valid. The presumption created by this subsection may be rebutted
26 by evidence that establishes, by a preponderance of the evidence,
27 that consent was obtained through fraud, negligence, deception,

1 misrepresentation, coercion, or duress.

2 (14) A completed certification form described in subsection
3 (11)(f) that is signed by a local health department
4 representative is presumed valid. The presumption created by this
5 subsection may be rebutted by evidence that establishes, by a
6 preponderance of the evidence, that the physician who relied upon
7 the certification had actual knowledge that the certificate
8 contained a false or misleading statement or signature.

9 (15) This section does not create a right to abortion.

10 (16) Notwithstanding any other provision of this section, a
11 person shall not perform an abortion that is prohibited by law.

12 (17) If any portion of this act or the application of this
13 act to any person or circumstances is found invalid by a court,
14 that invalidity does not affect the remaining portions or
15 applications of the act that can be given effect without the
16 invalid portion or application, if those remaining portions are
17 not determined by the court to be inoperable.

18 (18) Upon a patient's request, each local health department
19 shall:

20 (a) Provide a pregnancy test for that patient to confirm the
21 pregnancy as required under subsection (3)(a) and determine the
22 probable gestational stage of the fetus. The local health
23 department need not comply with this subdivision if the
24 requirements of subsection (3)(a) have already been met.

25 (b) If a pregnancy is confirmed, ensure that the patient is
26 provided with a completed pregnancy certification form described
27 in subsection (11)(f) at the time the information is provided.

1 (19) The identity and address of a patient who is provided
2 information or who consents to an abortion pursuant to this
3 section is confidential and is subject to disclosure only with
4 the consent of the patient or by judicial process.

5 (20) A local health department with a file containing the
6 identity and address of a patient described in subsection (19)
7 who has been assisted by the local health department under this
8 section shall do both of the following:

9 (a) Only release the identity and address of the patient to
10 a physician or qualified person assisting the physician in order
11 to verify the receipt of the information required under this
12 section.

13 (b) Destroy the information containing the identity and
14 address of the patient within 30 days after assisting the patient
15 under this section.

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

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

2 (a) An ordained member of the clergy if counseling is
3 incidental to his or her religious duties performed under the
4 auspices or recognition of a church, denomination, religious
5 association, or sect, that has tax exempt status pursuant to
6 section 501(c)(3) of the internal revenue code of 1986 ~~—, 26~~
7 ~~U.S.C. 501,~~ if the member of the clergy does not hold himself or
8 herself out as a counselor licensed under this article.

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

13 (c) An individual who is employed by or who volunteers to
14 work in a program licensed by the office of substance abuse
15 services.

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

23 (3) This part does not prohibit the use of the word
24 "counselor" without the qualifying words "licensed" or
25 "professional" used in conjunction with the word "counselor",
26 except as otherwise provided by law.

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

1 (a) "Psychologist" means an individual licensed under this
2 article to engage in the practice of psychology **AT A DOCTORAL**
3 **LEVEL, MASTER'S LEVEL, OR ASSOCIATE'S LEVEL.**

4 (b) "Practice of psychology" means the rendering to
5 individuals, groups, organizations, or the public of services
6 involving the application of principles, methods, and procedures
7 of understanding, predicting, and influencing behavior for the
8 purposes of the diagnosis, assessment related to diagnosis,
9 prevention, amelioration, or treatment of mental or emotional
10 disorders, disabilities or behavioral adjustment problems by
11 means of psychotherapy, counseling, behavior modification,
12 hypnosis, biofeedback techniques, psychological tests, or other
13 verbal or behavioral means. The practice of psychology shall not
14 include the practice of medicine such as prescribing drugs,
15 performing surgery, or administering electro-convulsive therapy.

16 (2) In addition to the definitions in this part, article 1
17 contains general definitions and principles of construction
18 applicable to all articles in this code and part 161 contains
19 definitions applicable to this part.

20 Sec. 18211. (1) For a period of 6 months after the effective
21 date of this code, an individual may use the terms set forth in
22 section 16263(k) if the individual is authorized to use the terms
23 as of the effective date of this part under Act No. 257 of the
24 Public Acts of 1959, as amended, being sections 338.1001 to
25 338.1019 of the Michigan Compiled Laws, or if the individual is
26 authorized under this part to use the terms.

27 (2) After the period prescribed in subsection (1), a person

1 shall not engage in the practice of psychology unless licensed or
 2 otherwise authorized by this article. **AN INDIVIDUAL WHO IS A**
 3 **FULLY LICENSED PSYCHOLOGIST ON OCTOBER 1, 2006 IS A LICENSED**
 4 **DOCTORAL PSYCHOLOGIST. AN INDIVIDUAL WHO IS A LIMITED LICENSED**
 5 **PSYCHOLOGIST ON OCTOBER 1, 2006 IS A LICENSED MASTER'S**
 6 **PSYCHOLOGIST.**

7 Sec. 18212. (1) Except as otherwise provided in subsection
 8 ~~(3)~~ **(2)**, an individual shall not engage in ~~postdoctoral~~
 9 **POSTGRADUATE** training which includes the practice of psychology
 10 **AT A DOCTORAL OR MASTER'S LEVEL** without obtaining a ~~full or~~
 11 ~~limited~~ **DOCTORAL OR MASTER'S** license, **RESPECTIVELY**, to practice
 12 under this part.

13 (2) ~~A limited~~ **AN ASSOCIATE'S** license for an individual in
 14 ~~postdoctoral~~ **POSTGRADUATE** training shall require that the
 15 individual be under supervision of a licensed **DOCTORAL OR**
 16 **MASTER'S** psychologist and confine his or her practice and
 17 training to a hospital, clinic, institution, or other arrangement
 18 approved by the board for the training. The hospital, clinic, or
 19 institution and designated licensed psychologist are responsible
 20 for the training. ~~A limited~~ **AN ASSOCIATE'S** license for ~~a~~
 21 ~~postdoctoral~~ **POSTGRADUATE** training is renewable for not more
 22 than ~~5~~ 3 years.

23 ~~—— (3) The Michigan board of psychology shall waive the~~
 24 ~~requirement of having a limited license in order to engage in the~~
 25 ~~postdoctoral experience necessary to obtain a full license if all~~
 26 ~~of the following occur:~~

27 ~~—— (a) The individual has met all the other requirements of~~

1 ~~subsection (2).~~

2 ~~—— (b) The individual submits a request for the waiver in~~
3 ~~writing and pays a sum equal to the cost of a limited license.~~

4 ~~—— (c) The individual has applied for a license between July 1,~~
5 ~~1985 and July 1, 1986.~~

6 Sec. 18214. (1) This part does not prohibit an individual
7 who holds a doctoral **OR MASTER'S** degree in psychology from a
8 regionally accredited college or university from using a title
9 including "psychologist" if the individual does not engage in the
10 practice of psychology.

11 (2) This part does not prohibit an individual approved by
12 the state department of education from using the title "school
13 psychologist" and engaging in those duties and activities
14 pertinent to employment by a public or private elementary or
15 secondary school.

16 (3) This part does not prohibit an individual employed by a
17 regionally accredited college or university and involved in
18 research or the teaching of psychology from performing those
19 duties for which he or she is employed by that institution.

20 (4) This part does not prohibit a certified, licensed,
21 registered, or otherwise statutorily recognized member of any
22 profession including a lawyer, social worker, school counselor or
23 marriage counselor from practicing his or her profession as
24 authorized by law.

25 (5) This part does not prohibit a clergyman, professional
26 educator, or professional counselor, including an alcoholism or
27 drug abuse counselor, whose practice may include preventive

1 techniques, counseling techniques, or behavior modification
 2 techniques from practicing his or her profession consistent with
 3 his or her training and with a code of ethics for that respective
 4 profession.

5 (6) This part shall not apply to a participant or employee
 6 in a program licensed under part 62 or self-help, peer
 7 counseling, or support services provided by a nonprofit
 8 organization.

9 Sec. 18221. (1) The Michigan board of psychology is created
 10 in the department and shall consist of the following 9 voting
 11 members who shall meet the requirements of part 161:

12 (A) UNTIL OCTOBER 1, 2006, 5 psychologists, including at
 13 least 1 nondoctoral psychologist, and 4 public members.

14 (B) BEGINNING ON OCTOBER 1, 2006, 5 PSYCHOLOGISTS, OF WHICH
 15 THE NUMBER OF DOCTORAL AND MASTER'S LEVEL PSYCHOLOGISTS SHALL BE
 16 REPRESENTATIVE OF THE RATIO OF EACH LICENSED IN THIS STATE, AND 4
 17 PUBLIC MEMBERS.

18 (2) Section 1212 does not apply to this board.

19 Sec. 18223. (1) The board shall ~~promulgate rules requiring~~
 20 ~~that an individual granted a~~ **GRANT A DOCTORAL** license under this
 21 part ~~, except as provided in subsection (2), shall have~~ **TO AN**
 22 **INDIVIDUAL WHO HAS** been granted a doctoral degree in psychology
 23 ~~, or a doctoral degree in a closely related field,~~ from a
 24 regionally accredited ~~or other~~ college, university, or
 25 institution approved by the board, which included education, ~~and~~
 26 training, **AND EXPERIENCE** appropriate to the practice of
 27 psychology **AT THE DOCTORAL LEVEL**, and shall have not less than ~~2~~

1 3 years ~~postdoctoral~~ OF SUPERVISED POST GRADUATE experience in
2 the practice of psychology AT THE DOCTORAL LEVEL in an organized
3 health care setting, CLINIC, INSTITUTION, or other arrangement,
4 as established by the board. THE 3 YEARS OF SUPERVISED
5 POSTGRADUATE EXPERIENCE SHALL BE UNDER THE SUPERVISION OF A
6 LICENSED DOCTORAL PSYCHOLOGIST, AND THE SUPERVISION SHALL BE ON A
7 REGULARLY SCHEDULED, FACE-TO-FACE BASIS, EITHER INDIVIDUALLY OR
8 AS A GROUP, EXCEPT THAT IN THE CASE OF EXTREME HARDSHIP THE BOARD
9 MAY APPROVE AN ALTERNATE SUPERVISORY ARRANGEMENT.

10 (2) ~~In addition to section 16182, the~~ THE board shall
11 grant a ~~limited~~ MASTER'S license to an individual WHO HAS BEEN
12 granted a master's degree in psychology from a regionally
13 accredited college, ~~or~~ university, or institution approved by
14 the board, ~~if the individual has~~ WHICH INCLUDED education,
15 training, and experience appropriate to the practice of
16 psychology AT THE MASTER'S LEVEL, AND SHALL HAVE NOT LESS THAN 3
17 YEARS OF SUPERVISED POSTGRADUATE EXPERIENCE IN THE PRACTICE OF
18 PSYCHOLOGY AT THE MASTER'S LEVEL IN AN ORGANIZED HEALTH CARE
19 SETTING, CLINIC, INSTITUTION, OR OTHER ARRANGEMENT, as
20 established by the board. ~~Except for duties performed as an~~
21 ~~employee of a governmental entity or of a nonprofit organization~~
22 ~~serving benevolent and charitable purposes, 2 limitations shall~~
23 ~~be placed on a license granted to an individual under this~~
24 ~~subsection. The limitations shall require supervision by a~~
25 ~~psychologist who has a license other than a limited license and~~
26 ~~shall prohibit advertising or other representation to the public~~
27 ~~which will lead the public to believe the individual is engaging~~

1 ~~in the practice of psychology. A limited license granted under~~
2 ~~this subsection shall be renewed pursuant to part 161. An~~
3 ~~individual applying for a limited license pursuant to this~~
4 ~~subsection shall have 1 year of supervised postgraduate~~
5 ~~experience in an organized health care setting or other~~
6 ~~arrangement, as established by the board. The individual shall be~~
7 ~~supervised by a psychologist who has a license other than a~~
8 ~~limited license, or if a psychologist who has a license other~~
9 ~~than a limited license is not available, by a psychologist who~~
10 ~~has at least a master's degree in psychology and at least 3 years~~
11 ~~of experience in the practice of psychology or by any other~~
12 ~~individual approved by the board. The board shall issue a~~
13 ~~temporary license to the individual for the purpose of obtaining~~
14 ~~the 1 year of postgraduate experience.~~ **THE 3 YEARS OF SUPERVISED**
15 **POSTGRADUATE EXPERIENCE SHALL BE UNDER THE SUPERVISION OF A**
16 **LICENSED DOCTORAL OR MASTER'S PSYCHOLOGIST, AND THE SUPERVISION**
17 **SHALL BE ON A REGULARLY SCHEDULED, FACE-TO-FACE BASIS, EITHER**
18 **INDIVIDUALLY OR AS A GROUP, EXCEPT THAT IN THE CASE OF EXTREME**
19 **HARDSHIP THE BOARD MAY APPROVE AN ALTERNATE SUPERVISORY**
20 **ARRANGEMENT.**

21 **(3) THE BOARD SHALL GRANT AN ASSOCIATE'S LICENSE TO AN**
22 **INDIVIDUAL WHO HAS BEEN GRANTED A DOCTORAL OR MASTER'S DEGREE IN**
23 **PSYCHOLOGY FROM A REGIONALLY ACCREDITED COLLEGE, UNIVERSITY, OR**
24 **INSTITUTION APPROVED BY THE BOARD AND COMPLETED ALL OTHER**
25 **REQUIREMENTS FOR LICENSURE AT THE DOCTORAL OR MASTER'S LEVEL**
26 **EXCEPT FOR THE EXAMINATION AND SUPERVISED POSTGRADUATE**
27 **EXPERIENCE. THE BOARD SHALL ISSUE THE ASSOCIATE'S LICENSE TO THE**

1 INDIVIDUAL SO THAT THE INDIVIDUAL CAN OBTAIN THE 3 YEARS OF
2 SUPERVISED POSTGRADUATE EXPERIENCE.

3 Sec. 18233. ~~—(1)—~~ In addition to the requirements of part
4 161, the board may require a licensee seeking renewal of a
5 license to furnish the board with satisfactory evidence that
6 during the 2 years immediately preceding application for renewal
7 the licensee has attended continuing education courses or
8 programs approved by the board totaling not less than a number of
9 hours established by rule of the board in subjects related to the
10 practice of psychology and designed to further educate licensees.

11 ~~———(2) As required under section 16204, the board shall~~
12 ~~promulgate rules requiring each applicant for license renewal to~~
13 ~~complete as part of the continuing education requirement of~~
14 ~~subsection (1) an appropriate number of hours or courses in pain~~
15 ~~and symptom management.~~

16 Enacting section 1. This amendatory act takes effect October
17 1, 2006.