

SENATE BILL No. 548

June 30, 2011, Introduced by Senators EMMONS, MOOLENAAR, GLEASON, GREEN, HILDENBRAND, CASWELL, HUNTER, MEEKHOF, JANSEN, JONES and KOWALL and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16901, 16903, and 16905 (MCL 333.16901, 333.16903, and 333.16905), section 16901 as added by 1995 PA 126 and sections 16903 and 16905 as amended by 2006 PA 388.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16901. (1) As used in this part:

2 (a) "Advertise" means issuing or ordering the printing or
3 distribution of a card, sign, or device or causing, permitting, or
4 allowing a sign or marking on or in a building or structure, or
5 placing material in a newspaper, magazine, or directory, or on
6 radio or television. **ADVERTISE DOES NOT INCLUDE UNPAID PUBLIC**
7 **AWARENESS CAMPAIGNS OR EDUCATIONAL OR PROMOTIONAL MATERIALS BY**
8 **INDIVIDUALS EXEMPT FROM THIS PART UNDER SECTION 16905.**

1 (b) "Marriage and family therapist" means an individual
2 licensed under this article to engage in the practice of marriage
3 and family therapy.

4 (C) "MEMBER OF THE CLERGY" MEANS A PRIEST, RABBI, CHRISTIAN
5 SCIENCE PRACTITIONER, OR OTHER RELIGIOUS PRACTITIONER OR SIMILAR
6 FUNCTIONARY OF A CHURCH, TEMPLE, OR RECOGNIZED RELIGIOUS BODY,
7 DENOMINATION, OR ORGANIZATION EXEMPT FROM TAXATION UNDER SECTION
8 501(C) (3) OF THE INTERNAL REVENUE CODE, 26 USC 501.

9 (D) ~~(e)~~—"Practice of marriage and family therapy" means the
10 providing of guidance, testing, discussions, therapy, instruction,
11 or advice that is intended to avoid, eliminate, relieve, manage, or
12 resolve marital or family conflict or discord, to create, improve,
13 or restore marital or family harmony, or to prepare couples for
14 marriage. Practice of marriage and family therapy does not include
15 the administration and interpretation of psychological tests except
16 for those tests that are consistent with the individual's education
17 and training and with the code of ethics for licensed marriage and
18 family therapists.

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

23 Sec. 16903. (1) An individual licensed under this part as a
24 marriage and family therapist shall use only the title "licensed
25 marriage and family therapist" or "licensed marriage counselor" or
26 the abbreviation "l.m.f.t." in representing his or her services in
27 the practice of marriage and family therapy to the public.

1 (2) Unless exempt under section 16905(3), only an individual
2 licensed under this part may advertise that he or she offers
3 marriage and family therapy; marriage or family counseling service
4 or advice; marriage or family guidance service or advice; marriage
5 or family relations service or advice; marriage or family problems
6 service or advice; marriage or family relations advice or
7 assistance; service in the alleviation of a marital or family
8 problem; or service of similar import or effect that is included in
9 the practice of marriage and family therapy. **THIS PART DOES NOT**
10 **PROHIBIT AN INDIVIDUAL EXEMPT UNDER SECTION 16905 FROM ISSUING**
11 **UNPAID PUBLIC AWARENESS CAMPAIGNS OR EDUCATIONAL OR PROMOTIONAL**
12 **MATERIALS.**

13 (3) The board may grant a limited license to an individual who
14 has met the requirements of section ~~16909(a) and (b)~~ **16909(1)(A)**
15 **AND (B)** in order to permit that individual to obtain the experience
16 required under section ~~16909(e)~~ **16909(1)(C)**. The board shall not
17 renew a limited license for more than 6 years. A limited licensee
18 shall do all of the following:

19 (a) Use only the title "limited licensed marriage and family
20 therapist" or "limited licensed marriage counselor".

21 (b) Not represent that he or she is engaged in the independent
22 practice of marriage and family therapy.

23 (c) Practice only under the supervision of a fully licensed
24 marriage and family therapist.

25 (d) Confine his or her practice to an organized health care
26 setting or other arrangement approved by the board.

27 (4) An individual engaged in obtaining experience required

1 under section ~~16909(b)~~**16909(1)(B)** may use the title "marriage and
 2 family therapist intern" or "marriage and family therapist trainee"
 3 during the training period. The board shall not require an
 4 individual obtaining experience required under section ~~16909(b)~~
 5 **16909(1)(B)** to hold a limited license.

6 (5) The following words, titles, or letters or a combination
 7 thereof, with or without qualifying words or phrases, are
 8 restricted in use only to those individuals authorized under this
 9 part to use the terms and in a way prescribed by this part:

10 "marriage advisor" or "marriage consultant"; "family counselor",
 11 "family advisor", "family therapist", or "family consultant";
 12 "family guidance counselor", "family guidance advisor", or "family
 13 guidance consultant"; "marriage guidance counselor", "marriage
 14 guidance advisor", or "marriage guidance consultant"; "family
 15 relations counselor"; "marriage relations counselor", "marriage
 16 relations advisor", or "marriage relations consultant"; or "marital
 17 counselor" or "marital therapist".

18 Sec. 16905. (1) This part does not apply to an individual
 19 engaged in the practice of social work as defined in part 185, in
 20 the course of employment with a governmental agency or a reputable
 21 social service agency regularly providing social work services as
 22 an agency.

23 (2) This part does not apply to ~~an ordained cleric~~**A SERVICE**
 24 **PROVIDER WHO IS A MEMBER OF THE CLERGY** or other religious
 25 practitioner, who is employed by or working under the authority of
 26 an organization exempt from taxation under section 501(c)(3) of the
 27 internal revenue code, ~~of 1986,~~ 26 USC 501, ~~if the advice or~~

1 ~~counsel given by the cleric or other religious practitioner is~~
2 ~~incidental to his or her duties as a cleric or other religious~~
3 ~~practitioner,~~ and **WHO PROVIDES ADVICE, GUIDANCE, OR TEACHING BASED**
4 **ON HIS OR HER RELIGIOUS BELIEFS, CREEDS, OR DOCTRINES** if the cleric
5 ~~or other religious practitioner~~ **SERVICE PROVIDER** does not hold
6 himself or herself out to the public as a marriage and family
7 therapist licensed under this article or use 1 or more of the
8 titles listed in section 16903 and if no fee or donation is exacted
9 for the service. **THIS PART DOES NOT PROHIBIT A SERVICE PROVIDER**
10 **FROM ACCEPTING A VOLUNTARY CONTRIBUTION.**

11 (3) This part does not apply to a physician licensed under
12 this article who has completed an accredited psychiatric residency
13 program approved by the Michigan board of medicine or to a
14 psychologist fully licensed under this article, if both of the
15 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 the
21 public as a marriage and family therapist licensed under this
22 article or use any of the titles listed in section 16903 for
23 advertising purposes. However, this subdivision does not prohibit
24 the individual from advertising under a telephone or other business
25 directory listing that uses those titles if the individual
26 discloses in the listing, in an unabbreviated fashion, the
27 profession in which he or she is licensed.

1 (4) This part does not limit an individual in, or prevent an
2 individual from, the practice of a statutorily regulated profession
3 or occupation if services to families, couples, or subsystems of
4 families are part of the services provided by that profession or
5 occupation, and if the individual does not hold himself or herself
6 out to the public as a marriage and family therapist licensed under
7 this article or use 1 or more of the titles listed in section
8 16903. As used in this subsection, "statutorily regulated
9 profession or occupation" means an occupation or profession
10 regulated by statute that includes, but is not limited to, all of
11 the following: a physician, attorney, social worker, social service
12 technician, fully licensed psychologist, limited licensed
13 psychologist, temporary limited licensed psychologist, licensed
14 professional counselor, limited licensed counselor, or school
15 counselor.

16 (5) THIS PART DOES NOT APPLY TO A SERVICE PROVIDER WHO IS A
17 MEMBER OF THE CLERGY OR OTHER RELIGIOUS PRACTITIONER AND WHO HAS
18 BEEN AUTHORIZED BY LAW TO OFFICIATE AT A MARRIAGE IF THE SERVICE
19 PROVIDER PROVIDES, IN WRITING, AN AFFIDAVIT CLEARLY STATING THAT
20 THE SERVICE PROVIDER IS A MEMBER OF THE CLERGY OR A RELIGIOUS
21 PRACTITIONER, IS NOT A MARRIAGE AND FAMILY THERAPIST LICENSED UNDER
22 THIS ARTICLE, AND DOES NOT USE 1 OR MORE OF THE TITLES LISTED IN
23 SECTION 16903, AND THAT THE ADVICE, GUIDANCE, OR TEACHING IS BASED
24 ON THE RELIGIOUS BELIEFS, CREEDS, OR DOCTRINES OF THE SERVICE
25 PROVIDER.

26 (6) THIS PART DOES NOT APPLY TO AN INDIVIDUAL WHO ONLY
27 PROVIDES PRAYER TO ADDRESS INDIVIDUAL, MARITAL, OR FAMILY CONFLICT

1 OR DISCORD, IF THE INDIVIDUAL DOES NOT HOLD HIMSELF OR HERSELF OUT
2 TO THE PUBLIC AS A MARRIAGE AND FAMILY THERAPIST LICENSED UNDER
3 THIS ARTICLE AND DOES NOT USE 1 OR MORE OF THE TITLES LISTED IN
4 SECTION 16903.

5 Enacting section 1. This amendatory act takes effect October
6 1, 2011.