

SENATE BILL No. 804

November 9, 2011, Introduced by Senators EMMONS, PAPPAGEORGE, BOOHER, SCHUITMAKER and JONES and referred to the Committee on Health Policy.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

2 (A) "CLINICAL PSYCHOTHERAPIST" MEANS AN INDIVIDUAL LICENSED OR
3 OTHERWISE AUTHORIZED UNDER THIS ARTICLE TO ENGAGE IN THE PRACTICE
4 OF PSYCHOTHERAPY.

5 (B) ~~(a)~~—"Psychologist" means an individual licensed under this

1 article to engage in the practice of psychology.

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

14 (D) **"PRACTICE OF PSYCHOTHERAPY" MEANS THE RENDERING TO**
15 **INDIVIDUALS, GROUPS, ORGANIZATIONS, OR THE PUBLIC OF SERVICES**
16 **INVOLVING THE APPLICATION OF PRINCIPLES, METHODS, AND PROCEDURES OF**
17 **UNDERSTANDING, PREDICTING, AND INFLUENCING BEHAVIOR FOR THE**
18 **PURPOSES OF THE DIAGNOSIS, PREVENTION, AMELIORATION, OR TREATMENT**
19 **OF MENTAL OR EMOTIONAL DISORDERS, DISABILITIES, OR BEHAVIORAL**
20 **ADJUSTMENT PROBLEMS BY MEANS OF PSYCHOTHERAPY, COUNSELING, BEHAVIOR**
21 **MODIFICATION, HYPNOSIS, BIOFEEDBACK TECHNIQUES, OR OTHER VERBAL OR**
22 **BEHAVIORAL MEANS. THE PRACTICE OF PSYCHOTHERAPY DOES NOT INCLUDE**
23 **THE PRACTICE OF MEDICINE SUCH AS PRESCRIBING DRUGS, PERFORMING**
24 **SURGERY, OR ADMINISTERING ELECTRO-CONVULSIVE THERAPY.**

25 (2) In addition to the definitions in this part, article 1
26 contains general definitions and principles of construction
27 applicable to all articles in this code and part 161 contains

1 definitions applicable to this part.

2 Sec. 18211. (1) ~~A person~~**AN INDIVIDUAL** shall not engage in the
3 practice of psychology unless licensed or otherwise authorized by
4 this article. **BEGINNING ON THE EFFECTIVE DATE OF RULES PROMULGATED**
5 **UNDER SECTION 18223(3), AN INDIVIDUAL SHALL NOT ENGAGE IN THE**
6 **PRACTICE OF PSYCHOTHERAPY UNLESS LICENSED OR OTHERWISE AUTHORIZED**
7 **BY THIS ARTICLE.**

8 (2) The following words, titles, or letters or a combination
9 thereof, with or without qualifying words or phrases, are
10 restricted in use only to those persons authorized under this part
11 to use the terms and in a way prescribed in this part: "consulting
12 psychologist", "psychologist", "psychological assistant",
13 "psychological examiner", "licensed psychologist", ~~and~~ "limited
14 licensed psychologist", **"CLINICAL PSYCHOTHERAPIST", "LICENSED**
15 **CLINICAL PSYCHOTHERAPIST", AND "LIMITED LICENSED CLINICAL**
16 **PSYCHOTHERAPIST".**

17 Sec. 18223. (1) The board shall promulgate rules requiring
18 that an individual granted a license under this part **TO ENGAGE IN**
19 **THE PRACTICE OF PSYCHOLOGY**, except as provided in subsection (2),
20 shall meet both of the following requirements:

21 (a) Been granted a doctoral degree in psychology, or a
22 doctoral degree in a closely related field, from a regionally
23 accredited or other college, university, or institution approved by
24 the board, which included education and training appropriate to the
25 practice of psychology. Additionally, beginning August 1, 2011, the
26 doctoral degree in psychology, or the doctoral degree in a closely
27 related field, shall be from a program that has obtained the

1 association of state and provincial psychology boards' national
2 register designation or has been accredited by the American
3 psychological association or the Canadian psychological
4 association, or has obtained a similar designation from or been
5 accredited by an entity approved by the board. For purposes of the
6 requirement added by ~~the amendatory act that added this sentence~~
7 **2010 PA 121**, a program that is in the process of obtaining this
8 designation or becoming accredited as required in this subdivision
9 before August 1, 2011, and that obtains the designation or becomes
10 accredited on or before August 31, 2015, meets the requirements of
11 this subdivision.

12 (b) Have not less than 1 year of postdoctoral experience in
13 the practice of psychology in an organized health care setting or
14 other arrangement, as established by the board.

15 (2) **THIS SUBSECTION DOES NOT APPLY ON AND AFTER THE EFFECTIVE**
16 **DATE OF RULES PROMULGATED UNDER SUBSECTION (3)**. In addition to
17 section 16182, the board shall grant a limited **PSYCHOLOGIST** license
18 to an individual granted a master's degree in psychology from a
19 regionally accredited college, or university, or institution
20 approved by the board, if the individual has education, training,
21 and experience appropriate to the practice of psychology, as
22 established by the board. Except for duties performed as an
23 employee of a governmental entity or of a nonprofit organization
24 serving benevolent and charitable purposes, 2 limitations shall be
25 placed on a license granted to an individual under this subsection.
26 The limitations shall require supervision by a psychologist who has
27 a license other than a limited license and shall prohibit

1 advertising or other representation to the public ~~which~~ **THAT** will
2 lead the public to believe the individual is engaging in the
3 practice of psychology. A limited license granted under this
4 subsection shall be renewed pursuant to part 161. An individual
5 applying for a limited license pursuant to this subsection shall
6 have 1 year of supervised postgraduate experience in an organized
7 health care setting or other arrangement, as established by the
8 board. The individual shall be supervised by a psychologist who has
9 a license other than a limited license, or if a psychologist who
10 has a license other than a limited license is not available, by a
11 psychologist who has at least a master's degree in psychology and
12 at least 3 years of experience in the practice of psychology or by
13 any other individual approved by the board. The board shall issue a
14 temporary license to the individual for the purpose of obtaining
15 the 1 year of postgraduate experience.

16 **(3) ON OR BEFORE THE EXPIRATION OF 1 YEAR AFTER THE EFFECTIVE**
17 **DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE BOARD**
18 **SHALL PROMULGATE RULES TO ESTABLISH AND ADMINISTER A LICENSURE**
19 **PROGRAM FOR THE PRACTICE OF CLINICAL PSYCHOTHERAPY. BEGINNING ON**
20 **THE EFFECTIVE DATE OF RULES PROMULGATED UNDER THIS SUBSECTION, THE**
21 **BOARD SHALL GRANT A LICENSE TO ENGAGE IN THE PRACTICE OF**
22 **PSYCHOTHERAPY, EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, TO AN**
23 **INDIVIDUAL WHO MEETS ALL OF THE FOLLOWING REQUIREMENTS:**

24 **(A) HE OR SHE HAS BEEN GRANTED A MASTER'S DEGREE IN PSYCHOLOGY**
25 **FROM A REGIONALLY ACCREDITED OR OTHER COLLEGE, UNIVERSITY, OR**
26 **INSTITUTION APPROVED BY THE BOARD, WHICH INCLUDED EDUCATION AND**
27 **TRAINING APPROPRIATE TO THE PRACTICE OF PSYCHOTHERAPY.**

1 (B) HE OR SHE HAS NOT LESS THAN 6,000 HOURS OF EXPERIENCE IN
2 THE PRACTICE OF PSYCHOTHERAPY IN AN ORGANIZED HEALTH CARE SETTING
3 OR OTHER ARRANGEMENT, AS ESTABLISHED BY THE BOARD. THE BOARD SHALL
4 ONLY RECOGNIZE HOURS THAT HAVE BEEN ACCUMULATED IN NOT LESS THAN 3
5 YEARS OR MORE THAN 6 YEARS UNDER THE SUPERVISION OF A PSYCHOLOGIST
6 WHO HAS A LICENSE OTHER THAN A LIMITED LICENSE. HOWEVER, IF A
7 PSYCHOLOGIST WHO HAS A LICENSE OTHER THAN A LIMITED LICENSE IS NOT
8 AVAILABLE, THE BOARD MAY APPROVE THAT THE SUPERVISION REQUIRED
9 UNDER THIS SUBDIVISION BE BY A CLINICAL PSYCHOTHERAPIST WHO HAS A
10 LICENSE OTHER THAN A LIMITED LICENSE, WHO HAS AT LEAST A MASTER'S
11 DEGREE IN PSYCHOLOGY, AND WHO HAS AT LEAST 3 YEARS OF EXPERIENCE IN
12 THE PRACTICE OF PSYCHOTHERAPY. THE BOARD SHALL ISSUE A LIMITED
13 LICENSE TO AN INDIVIDUAL WHO MEETS THE OTHER REQUIREMENTS OF THIS
14 SUBSECTION FOR THE PURPOSE OF OBTAINING THE HOURS OF EXPERIENCE
15 REQUIRED UNDER THIS SUBDIVISION.

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

20 (4) UNTIL 1 YEAR AFTER THE EFFECTIVE DATE OF THE RULES
21 PROMULGATED UNDER SUBSECTION (3), THE BOARD SHALL GRANT A CLINICAL
22 PSYCHOTHERAPY LICENSE TO AN INDIVIDUAL WHO HELD A LIMITED
23 PSYCHOLOGIST LICENSE UNDER SUBSECTION (2) ON THE EFFECTIVE DATE OF
24 THE RULES PROMULGATED UNDER SUBSECTION (3).

25 (5) NOTWITHSTANDING SECTION 16182, AN INDIVIDUAL GRANTED A
26 LICENSE TO ENGAGE IN THE PRACTICE OF PSYCHOTHERAPY UNDER THIS PART
27 SHALL NOT ADMINISTER, PRODUCE, OR DISTRIBUTE WRITTEN OR VERBAL

1 PSYCHOLOGICAL TESTING, EVALUATIONS, OR REPORTS, OR DOCUMENT OR
2 DISTRIBUTE THAT PSYCHOLOGICAL TESTING IN A CLINICAL RECORD UNLESS
3 SUPERVISED AND COUNTERSIGNED BY A PSYCHOLOGIST WHO HAS A LICENSE
4 OTHER THAN A LIMITED LICENSE.

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

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

19 Sec. 18237. A ~~psychologist licensed or allowed to use that~~
20 ~~title~~**LICENSEE** under this part or an individual under his or her
21 supervision cannot be compelled to disclose confidential
22 information acquired from an individual consulting the ~~psychologist~~
23 **LICENSEE** in his or her professional capacity if the information is
24 necessary to enable the ~~psychologist~~**LICENSEE** to render services.
25 Information may be disclosed with the consent of the individual
26 consulting the ~~psychologist~~**LICENSEE**, or if the individual
27 consulting the ~~psychologist~~**LICENSEE** is a minor, with the consent

1 of the minor's guardian, pursuant to section 16222 if the
2 ~~psychologist~~**LICENSEE** reasonably believes it is necessary to
3 disclose the information to comply with section 16222, or under
4 section 16281. In a contest on the admission of a deceased
5 individual's will to probate, an heir at law of the decedent,
6 whether a proponent or contestant of the will, and the personal
7 representative of the decedent may waive the privilege created by
8 this section.