

# 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:

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

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

7 ~~—— (ii) Exploring alternative solutions.~~

8 ~~—— (iii) Developing and providing a counseling plan for mental~~  
 9 ~~and emotional development.~~

10 ~~—— (iv) Guidance.~~ **1 OR MORE OF THE FOLLOWING:**

11 **(i) PSYCHOTHERAPY, THE DIAGNOSIS AND TREATMENT PLANNING FOR**  
 12 **MENTAL AND EMOTIONAL DISORDERS, AND EVALUATION.**

13 **(ii) SELECTING, ADMINISTERING, SCORING, AND INTERPRETING**  
 14 **ASSESSMENTS, TESTS, AND APPRAISALS THAT ARE DESIGNED TO ASSESS AN**  
 15 **INDIVIDUAL'S APTITUDES, INTERESTS, ATTITUDES, ABILITIES,**  
 16 **ACHIEVEMENTS, AND PERSONAL CHARACTERISTICS IN ORDER TO USE**  
 17 **APPRAISAL AND DIAGNOSTIC RESULTS IN HELPING PROCESSES.**

18 **(iii) ~~(v)~~ Psychoeducational consulting. AS USED IN THIS**  
 19 **SUBPARAGRAPH, "PSYCHOEDUCATIONAL CONSULTING" MEANS ASSISTING A**  
 20 **CONSULTEE THAT IS WORKING WITH AN INDIVIDUAL, SMALL GROUP, OR**  
 21 **ORGANIZATION BY IDENTIFYING PROBLEMS, STRENGTHS, AND WEAKNESSES AND**  
 22 **MAKING RECOMMENDATIONS FOR THE IMPLEMENTATION OF PREVENTATIVE OR**  
 23 **REMEDIAL STRATEGIES.**

24 ~~—— (vi) Learning theory.~~

25 ~~—— (vii) Individual and group techniques emphasizing prevention.~~

26 **(iv) ~~(viii)~~ Counseling techniques. AS USED IN THIS**

27 **SUBPARAGRAPH:**

1           (A) "COUNSELING TECHNIQUES" MEANS THE APPLICATION OF BASIC  
2 COUNSELING AND PSYCHOTHERAPY SKILLS AND THEORIES IN THE COUNSELING  
3 PROCESS TO ESTABLISH AND MAINTAIN THE COUNSELING RELATIONSHIP;  
4 DIAGNOSE THE PROBLEM; FORMULATE A PREVENTATIVE, TREATMENT, OR  
5 REHABILITATIVE PLAN; AND FACILITATE APPROPRIATE INTERVENTIONS.

6           (B) "DIAGNOSE THE PROBLEM" MEANS TO IDENTIFY THE PROBLEM  
7 THROUGH THE APPLICATION OF RECOGNIZED COUNSELING TECHNIQUES AND  
8 PSYCHOTHERAPY SKILLS AND THEORIES, INCLUDING THE USE OF THE  
9 DIAGNOSTIC AND STATISTICAL MANUAL FOR MENTAL DISORDERS, OBTAINED  
10 THROUGH THE SUCCESSFUL COMPLETION OF A QUALIFIED PROGRAM. DIAGNOSE  
11 THE PROBLEM DOES NOT INCLUDE THE IDENTIFICATION OF OTHER MEDICAL OR  
12 PHYSICAL CONDITIONS IF THE IDENTIFICATION IS NOT INCLUDED WITHIN  
13 RECOGNIZED COUNSELING TECHNIQUES AND PSYCHOTHERAPY SKILLS AND  
14 THEORIES.

15           (v) ~~(ix)~~ Behavioral modification techniques. AS USED IN THIS  
16 SUBPARAGRAPH, "BEHAVIORAL MODIFICATION TECHNIQUES" MEANS ASSISTING  
17 CLIENTS IN IDENTIFYING MALADAPTIVE OR HARMFUL BEHAVIORS AND  
18 REPLACING THEM WITH ADAPTIVE AND HELPFUL BEHAVIORS.

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

26           (vii) PREVENTATIVE TECHNIQUES. AS USED IN THIS SUBPARAGRAPH,  
27 "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  
4 OR MORE OF THE FOLLOWING DISORDERS OF AN INDIVIDUAL, COUPLE, GROUP,  
5 OR 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

1 individuals, groups, families, organizations, or the general public  
 2 **IN ACCORDANCE WITH ACCEPTED AND ESTABLISHED ETHICS** a service  
 3 involving ~~the application of clinical~~ counseling principles,  
 4 methods, or procedures for the purpose of achieving social,  
 5 personal, career, and emotional development and with the goal of  
 6 promoting and enhancing healthy ~~self-actualizing~~ **SELF-ACTUALIZING**  
 7 and satisfying lifestyles whether the services are rendered in an  
 8 educational, business, health, private practice, or human services  
 9 setting.

10 **(E)** The practice of counseling does not include the practice  
 11 of psychology except for those preventive techniques, counseling  
 12 techniques, or behavior modification techniques for which the  
 13 licensed professional counselor or limited licensed counselor has  
 14 been specifically trained. The practice of counseling does not  
 15 include the practice of medicine ~~such as~~ **OR OSTEOPATHIC MEDICINE**  
 16 **AND SURGERY, INCLUDING, BUT NOT LIMITED TO, THE DIFFERENTIAL**  
 17 **DIAGNOSIS OF MEDICAL CONDITIONS OR DISORDERS**, prescribing drugs, or  
 18 administering electroconvulsive therapy. A counselor shall not hold  
 19 himself or herself out as a ~~any of the following~~ **ANY OF THE FOLLOWING:**

20 **(i)** A psychologist as defined in section 18201.

21 **(ii)** A counselor ~~shall not hold himself or herself out as a~~  
 22 marriage and family counselor ~~providing marriage counseling~~  
 23 ~~pursuant to section 1501 of the occupational code, Act No. 299 of~~  
 24 ~~the Public Acts of 1980, being section 339.1501 of the Michigan~~  
 25 ~~Compiled Laws.~~ **THERAPIST AS DEFINED IN SECTION 16901.**

26 **(iii)** A LICENSED BACHELOR'S SOCIAL WORKER OR A LICENSED  
 27 **MASTER'S SOCIAL WORKER AS THOSE TERMS ARE DEFINED IN SECTION 18501.**

1 (F) "QUALIFIED PROGRAM" MEANS ANY OF THE FOLLOWING:

2 (i) A PROGRAM THAT IS 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 IS APPROVED BY THE BOARD.

6 (ii) A PROGRAM THAT IS NOT ACCREDITED BY THE COUNCIL FOR THE  
7 ACCREDITATION OF COUNSELING AND RELATED EDUCATIONAL PROGRAMS,  
8 INCLUDES COURSEWORK AND TRAINING IN THE DIAGNOSIS AND TREATMENT OF  
9 MENTAL AND EMOTIONAL DISORDERS AND ALL OTHER COURSEWORK  
10 REQUIREMENTS OF THE COUNCIL FOR THE ACCREDITATION OF COUNSELING AND  
11 RELATED EDUCATIONAL PROGRAMS, INCLUDING PRACTICUM AND INTERNSHIP  
12 REQUIREMENTS, AND IS APPROVED BY THE BOARD.

13 SEC. 18106. A LICENSED PROFESSIONAL COUNSELOR SHALL NOT  
14 SUPERVISE A LIMITED LICENSED COUNSELOR WITHOUT COMPLETING TRAINING  
15 IN SUPERVISION AS REQUIRED BY THE BOARD BY RULE.

16 Sec. 18107. (1) ~~The~~ **SUBJECT TO SUBSECTION (2),** THE board may  
17 grant a professional counselor license to an individual who ~~is or~~  
18 ~~does~~ **MEETS** all of the 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~~

1 ~~development, consulting, practicum, and internship.~~

2 (c) Has at least 2 years of counseling experience under the  
3 supervision of a licensed professional counselor. The board may  
4 decrease the required length of counseling experience under the  
5 supervision of a licensed professional counselor to 1 year if an  
6 applicant has completed 30 hours of graduate study in counseling  
7 beyond the master's degree. An applicant shall not be licensed  
8 before completing 1 year of counseling experience under the  
9 supervision of a licensed professional counselor. ~~This subdivision~~  
10 ~~shall take effect on October 1, 1994.~~

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

16 (2) **THE BOARD MAY PROMULGATE RULES UNDER SECTION 16145 AS**  
17 **NECESSARY OR APPROPRIATE TO SUPPLEMENT THE REQUIREMENTS FOR**  
18 **LICENSURE UNDER THIS PART AS A LICENSED PROFESSIONAL COUNSELOR,**  
19 **INCLUDING ADOPTING UPDATED STANDARDS OF THAT ORGANIZATION OR**  
20 **STANDARDS OF ANY SUCCESSOR ORGANIZATION OF THE COUNCIL FOR THE**  
21 **ACCREDITATION OF COUNSELING AND RELATED EDUCATIONAL PROGRAMS.**

22 Sec. 18111. (1) ~~The~~ **SUBJECT TO SUBSECTION (3), THE** board may  
23 grant a limited license to an individual who meets both of the  
24 following criteria:

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

26 (b) Has received, from an accredited college or university  
27 approved by the department, a ~~masters~~ **MASTER'S** or doctoral degree

1 in counseling ~~or student personnel work in a program approved by~~  
2 ~~the board.~~ **FROM A QUALIFIED PROGRAM.** The board shall **PROMULGATE**  
3 **RULES TO ESTABLISH STANDARDS TO** approve ~~only these~~ **QUALIFIED**  
4 programs. ~~that include graduate studies in the following areas:~~  
5 ~~research, group techniques, counseling theories, ethics, counseling~~  
6 ~~techniques, counseling philosophy, testing procedures, career~~  
7 ~~development, consulting, practicum, and internship.~~

8 (2) A limited license ~~issued~~ **GRANTED** under this section ~~shall~~  
9 **MUST** require that the individual confine his or her practice to a  
10 program of counseling experience under the supervision of a  
11 licensed professional counselor.

12 (3) **THE BOARD MAY PROMULGATE RULES UNDER SECTION 16145 AS**  
13 **NECESSARY OR APPROPRIATE TO SUPPLEMENT THE REQUIREMENTS FOR**  
14 **LICENSURE UNDER THIS PART AS A LIMITED LICENSED COUNSELOR,**  
15 **INCLUDING ADOPTING UPDATED STANDARDS OF THAT ORGANIZATION OR**  
16 **STANDARDS OF ANY SUCCESSOR ORGANIZATION OF THE COUNCIL FOR THE**  
17 **ACCREDITATION OF COUNSELING AND RELATED EDUCATIONAL PROGRAMS.**

18 Sec. 18115. (1) This article does not limit an individual in,  
19 nor prevent an individual from, the practice of a statutorily  
20 regulated profession or occupation if counseling is part of the  
21 services provided by that profession or occupation, and the  
22 individual does not hold himself or herself out as a counselor  
23 regulated under this article. As used in this subsection,  
24 "statutorily regulated profession or occupation" includes, but is  
25 not limited to, all of the following: a physician, attorney,  
26 marriage and family therapist, debt management counselor, **LICENSED**  
27 **BACHELOR'S** social worker, **LICENSED MASTER'S SOCIAL WORKER,** social

1 ~~services~~**SERVICE** technician, licensed psychologist, limited  
 2 licensed psychologist, temporary limited licensed psychologist, or  
 3 school counselor.

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

5 (a) An ordained member of the clergy if counseling is  
 6 incidental to his or her religious duties performed under the  
 7 auspices or recognition of a church, denomination, religious  
 8 association, or sect, that has ~~tax-exempt~~**TAX-EXEMPT** status  
 9 pursuant to **UNDER** section 501(c)(3) of the internal revenue code of  
 10 1986, 26 USC 501, if the member of the clergy does not hold himself  
 11 or herself out as a counselor licensed under this article.

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

16 (c) An individual who is employed by or who volunteers to work  
 17 in a **SUBSTANCE USE DISORDER SERVICES** program licensed by the ~~office~~  
 18 ~~of substance abuse services~~**DEPARTMENT UNDER PART 62.**

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

26 **(D) A CHRISTIAN SCIENCE PRACTITIONER.**

27 (3) Notwithstanding section 18105(3), this part does not

1 prohibit the use of the word "counselor" without the qualifying  
2 words "licensed" or "professional" used in conjunction with the  
3 word "counselor", except as otherwise provided by law.

4 **SEC. 18116. THIS PART DOES NOT REQUIRE NEW OR ADDITIONAL THIRD**  
5 **PARTY REIMBURSEMENT OR MANDATED WORKER'S COMPENSATION BENEFITS FOR**  
6 **SERVICES RENDERED BY AN INDIVIDUAL LICENSED UNDER THIS PART.**

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