

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

***** 333.18101.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 27, 2020 *****

333.18101.amended Definitions.

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.

History: Add. 1988, Act 421, Eff. Mar. 30, 1989;—Am. 2019, Act 96, Eff. Jan. 27, 2020.

Compiler's note: For transfer of powers and duties of certain health-related functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

Popular name: Act 368