

**SUBSTITUTE FOR
HOUSE BILL NO. 4325**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16201, 18101, 18107, 18111, and 18115 (MCL
333.16201, 333.18101, 333.18107, 333.18111, and 333.18115), section
16201 as amended by 2016 PA 49, 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, 18114, and 18116.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16201. (1) A licensee or registrant shall renew the
2 license or registration on or before the expiration date as
3 prescribed by rule. The department shall mail a notice to the
4 licensee or registrant at the last known address on file with a



1 board, or may send the notice by electronic mail to a licensee or
2 registrant described in section 16192(4), advising of the time,
3 procedure, and fee for renewal. Failure of the licensee or
4 registrant to receive notice under this subsection does not relieve
5 the licensee or registrant of the responsibility for renewing his
6 or her license or registration.

7 (2) A license or registration not renewed by the expiration
8 date may be renewed within 60 days after the expiration date on
9 application, payment of renewal and late renewal fees, and
10 fulfillment of any continued competency or continuing education
11 requirements set forth in this article or rules promulgated under
12 this article. The licensee or registrant may continue to practice
13 and use the title during the 60-day time period.

14 (3) If a license or registration is not renewed within 60 days
15 after the expiration date under subsection (2), the license or
16 registration is considered null and void. The licensee shall not
17 practice or use the title and a registrant shall not use the title.
18 Except as otherwise provided **in this article or** by rule, ~~a person~~
19 **an individual** may be relicensed or reregistered within 3 years
20 after the expiration date on application, payment of the
21 application processing, renewal, and late renewal fees, and
22 fulfillment of any continued competency or continuing education
23 requirements in effect on the expiration date, or that would have
24 been required had the individual renewed his or her license or
25 registration under subsection (1). A temporary license or
26 registration may be issued under section 16181 pending the results
27 of action taken under this subsection.

28 (4) Except as otherwise provided in this article or by rule, ~~a~~
29 ~~person~~**an individual** may be relicensed or reregistered more than 3



1 years after the expiration date on application as a new applicant,
 2 meeting all licensure or registration requirements in effect at the
 3 time of application, taking or retaking and passing any
 4 examinations required for initial licensure or registration, and
 5 payment of fees required of new applicants.

6 (5) The expiration or surrender of a license or registration
 7 does not terminate the board's authority to impose sanctions on the
 8 licensee or registrant whose license or registration has expired or
 9 been surrendered.

10 Sec. 18101. As used in this part:

11 (a) ~~"Counseling"~~ **Clinical counseling** principles, methods, or
 12 procedures" means ~~a developmental approach that systematically~~
 13 ~~assists an individual through the application of any of the~~
 14 ~~following procedures:~~

15 ~~(i) Evaluation and appraisal techniques. As used in this~~
 16 ~~subparagraph, "appraisal techniques" means selecting,~~
 17 ~~administering, scoring, and interpreting instruments and procedures~~
 18 ~~designed to assess an individual's aptitudes, interests, attitudes,~~
 19 ~~abilities, achievements, and personal characteristics for~~
 20 ~~developmental purposes and not for psychodiagnostic purposes.~~

21 ~~(ii) Exploring alternative solutions.~~

22 ~~(iii) Developing and providing a counseling plan for mental and~~
 23 ~~emotional development.~~

24 ~~(iv) Guidance.~~ **1 or more of the following:**

25 **(i) Psychotherapy, the diagnosis and treatment planning for**
 26 **mental and emotional disorders, and evaluation.**

27 **(ii) Selecting, administering, scoring, and interpreting**
 28 **assessments, tests, and appraisals that are designed to assess an**
 29 **individual's aptitudes, interests, attitudes, abilities,**



1 achievements, and personal characteristics in order to use
2 appraisal and diagnostic results in helping processes.

3 (iii) ~~(v)~~—Psychoeducational consulting. As used in this
4 subparagraph, "psychoeducational consulting" means assisting a
5 consultee that is working with an individual, small group, or
6 organization by identifying problems, strengths, and weaknesses and
7 making recommendations for the implementation of preventative or
8 remedial strategies.

9 ~~(vi)~~ Learning theory.

10 ~~(vii)~~ Individual and group techniques emphasizing prevention.

11 (iv) ~~(viii)~~—Counseling techniques. As used in this subparagraph:

12 (A) "Counseling techniques" means the application of basic
13 counseling and psychotherapy skills and theories in the counseling
14 process to establish and maintain the counseling relationship;
15 diagnose the problem; formulate a preventative, treatment, or
16 rehabilitative plan; and facilitate appropriate interventions.

17 (B) "Diagnose the problem" means to identify the problem
18 through the application of recognized counseling techniques and
19 psychotherapy skills and theories, including the use of the
20 Diagnostic and Statistical Manual for Mental Disorders, obtained
21 through the successful completion of a qualified program. Diagnose
22 the problem does not include the identification of other medical or
23 physical conditions if the identification is not included within
24 recognized counseling techniques and psychotherapy skills and
25 theories.

26 (v) ~~(ix)~~—Behavioral modification techniques. As used in this
27 subparagraph, "behavioral modification techniques" means assisting
28 clients in identifying maladaptive or harmful behaviors and
29 replacing them with adaptive and helpful behaviors.



1 (vi) ~~(x) Referrals.~~ **Referral.** As used in this subparagraph,
2 ~~referral~~ **"referral"** includes determining the need for referral to 1
3 or more statutorily regulated mental health professionals whose
4 expertise, skills, and competence are appropriate to the problems
5 of the individual, informing the individual of the referral, and
6 communicating as appropriate with the professional to whom the
7 individual has been referred.

8 (vii) **Preventative techniques.** As used in this subparagraph,
9 **"preventative techniques"** means assisting a client in maintaining
10 mental and emotional well-being and preventing emotional distress
11 and mental illness.

12 (viii) **Establishing a counseling plan for the treatment of 1 or**
13 **more of the following disorders of an individual, couple, group, or**
14 **family:**

15 (A) **An emotional disorder.**

16 (B) **A mental disorder.**

17 (C) **An addiction disorder.**

18 (D) **A physical disorder that requires a counseling**
19 **intervention.**

20 (ix) **Promoting mental health wellness.** As used in this
21 subparagraph, **"mental health wellness"** means the achievement of
22 social, career, and emotional development across an individual's
23 life span.

24 (x) **Preventing and treating mental and emotional disorders.** As
25 used in this subparagraph, **"preventing and treating mental and**
26 **emotional disorders"** includes the use of crisis intervention.

27 (b) **"Licensed professional counselor"** means an individual **who**
28 **is** licensed under this article to engage in the practice of
29 counseling **without supervision.**



1 (c) "Limited licensed counselor" means an individual who has
 2 been granted a limited license ~~by the board~~ **under this article** to
 3 ~~offer~~ **engage in the practice of** counseling services under the
 4 supervision of a licensed professional counselor **who meets the**
 5 **requirement of section 18106.**

6 (d) ~~"Practice~~ **Except as otherwise provided in subdivision (e),**
 7 **"practice** of counseling" or "counseling" means the rendering to
 8 individuals, groups, families, organizations, or the general public
 9 **in accordance with accepted and established ethics** a service
 10 involving ~~the application of~~ clinical counseling principles,
 11 methods, or procedures for the purpose of achieving social,
 12 personal, career, and emotional development and with the goal of
 13 promoting and enhancing healthy ~~self-actualizing~~ **self-actualizing**
 14 and satisfying lifestyles whether the services are rendered in an
 15 educational, business, health, private practice, or human services
 16 setting.

17 (e) The practice of counseling does not include the practice
 18 of psychology except for those preventive techniques, counseling
 19 techniques, or behavior modification techniques for which the
 20 licensed professional counselor or limited licensed counselor has
 21 been specifically trained. The practice of counseling does not
 22 include the practice of medicine ~~such as~~ **or osteopathic medicine**
 23 **and surgery, including, but not limited to, the differential**
 24 **diagnosis of medical conditions or disorders,** prescribing drugs, or
 25 administering electroconvulsive therapy. A counselor shall not hold
 26 himself or herself out as ~~a~~ **any of the following:**

27 (i) A psychologist as defined in section 18201.

28 (ii) A ~~counselor shall not hold himself or herself out as a~~
 29 marriage and family ~~counselor providing marriage counseling~~



1 ~~pursuant to section 1501 of the occupational code, Act No. 299 of~~
 2 ~~the Public Acts of 1980, being section 339.1501 of the Michigan~~
 3 ~~Compiled Laws. therapist as defined in section 16901.~~

4 (iii) A licensed bachelor's social worker or a licensed master's
 5 social worker as those terms are defined in section 18501.

6 (f) "Qualified program" means any of the following:

7 (i) A program that is accredited by the Council for the
 8 Accreditation of Counseling and Related Educational Programs,
 9 includes coursework and training in the diagnosis and treatment of
 10 mental and emotional disorders, and is approved by the department
 11 in consultation with the board.

12 (ii) A program that is not accredited by the Council for the
 13 Accreditation of Counseling and Related Educational Programs,
 14 includes coursework and training in the diagnosis and treatment of
 15 mental and emotional disorders and all other coursework
 16 requirements of the Council for the Accreditation of Counseling and
 17 Related Educational Programs, including practicum and internship
 18 requirements, and is approved by the department in consultation
 19 with the board.

20 Sec. 18106. A licensed professional counselor shall not
 21 supervise a limited licensed counselor without completing training
 22 in supervision as required by rules promulgated by the department
 23 in consultation with the board.

24 Sec. 18107. (1) ~~The board~~ **Subject to subsection (2), the**
 25 **department** may grant a professional counselor license to an
 26 individual who ~~is or does~~ **meets** all of the following **criteria**:

27 (a) Is not less than ~~21~~ **18** years of age.

28 (b) Has received, **from an accredited college or university**
 29 **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, or a degree determined by the**
 3 **department in consultation with the board to be substantially**
 4 **equivalent to a counseling degree from a qualified program.** The
 5 **department in consultation with the** board shall promulgate rules to
 6 establish standards to approve ~~only these qualified programs. that~~
 7 ~~include graduate studies in the following areas: research, group~~
 8 ~~techniques, counseling theories, ethics, counseling techniques,~~
 9 ~~counseling philosophy, testing procedures, career development,~~
 10 ~~consulting, practicum, and internship.~~

11 (c) Has at least 2 years of counseling experience under the
 12 supervision of a licensed professional counselor. The **department in**
 13 **consultation with the** board may decrease the required length of
 14 counseling experience under the supervision of a licensed
 15 professional counselor to 1 year if an applicant has completed ~~30~~
 16 ~~hours of graduate study~~ **a doctoral degree** in counseling. ~~beyond the~~
 17 ~~master's degree.~~ An applicant shall not be licensed before
 18 completing 1 year of counseling experience under the supervision of
 19 a licensed professional counselor. ~~This subdivision shall take~~
 20 ~~effect on October 1, 1994.~~

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

26 (2) **The department in consultation with the board shall**
 27 **promulgate rules under section 16145 as necessary or appropriate to**
 28 **supplement the requirements for licensure under this part as a**
 29 **licensed professional counselor, including adopting updated**



1 standards of the Council for the Accreditation of Counseling and
2 Related Educational Programs or a successor organization.

3 Sec. 18111. (1) ~~The board~~ **Subject to subsection (3), the**
4 **department** may grant a limited license to an individual who meets
5 both of the following criteria:

6 (a) Is not less than ~~21~~**18** years of age.

7 (b) Has received, from an accredited college or university
8 approved by the department, a ~~masters~~**master's** or doctoral degree
9 in counseling ~~or student personnel work in a program approved by~~
10 ~~the board.~~**from a qualified program, or a degree determined by the**
11 **department in consultation with the board to be substantially**
12 **equivalent to a counseling degree from a qualified program.** The
13 **department in consultation with the board shall promulgate rules to**
14 **establish standards to** approve ~~only these~~**qualified** programs. ~~that~~
15 ~~include graduate studies in the following areas: research, group~~
16 ~~techniques, counseling theories, ethics, counseling techniques,~~
17 ~~counseling philosophy, testing procedures, career development,~~
18 ~~consulting, practicum, and internship.~~

19 (2) A limited license ~~issued~~**granted** under this section shall
20 **must** require that the individual confine his or her practice to a
21 program of counseling experience under the supervision of a
22 licensed professional counselor.

23 (3) **The department in consultation with the board shall**
24 **promulgate rules under section 16145 as necessary or appropriate to**
25 **supplement the requirements for licensure under this part as a**
26 **limited licensed counselor, including adopting updated standards of**
27 **the Council for the Accreditation of Counseling and Related**
28 **Educational Programs or a successor organization.**

29 Sec. 18114. (1) **Except as otherwise provided in subsection**



1 (3), the department may grant relicensure as a licensed
2 professional counselor or limited licensed counselor to an
3 individual who is applying for relicensure less than 3 years after
4 the expiration date of his or her license, if the individual
5 submits to the department a completed application on a form
6 provided by the department together with payment of the fees
7 described in section 16201(3), and he or she complies with both of
8 the following:

9 (a) Submits with his or her application a professional
10 disclosure statement that meets the requirements of section 18113.

11 (b) If the individual holds or has held a license as a
12 licensed professional counselor or limited licensed counselor in
13 another state, ensures that the licensing agency of each out-of-
14 state license verifies all of the following on a form provided by
15 the department:

16 (i) That disciplinary proceedings are not pending against the
17 individual at the time of his or her application for relicensure.

18 (ii) That if sanctions have been imposed against the
19 individual, the sanctions are not in force at the time of his or
20 her application for relicensure.

21 (2) Except as otherwise provided in subsection (3), the
22 department may grant relicensure as a licensed professional
23 counselor or limited licensed counselor to an individual who is
24 applying for relicensure more than 3 years after the expiration
25 date of his or her license, if the individual submits to the
26 department a completed application on a form provided by the
27 department together with payment of the fees described in section
28 16201(4) and a professional disclosure statement that meets the
29 requirements of section 18113, and he or she complies with 1 of the



1 following:

2 (a) Takes or retakes and passes 1 of the following:

3 (i) The national counselor examination developed by the
4 National Board for Certified Counselors.

5 (ii) The certification examination given by the Commission on
6 Rehabilitation Counselor Certification.

7 (iii) An examination that the department determines is
8 equivalent to an examination described in subparagraph (i) or (ii).

9 (b) Demonstrates to the satisfaction of the department that he
10 or she meets the requirements for certification issued by the
11 National Board for Certified Counselors, the Commission on
12 Rehabilitation Counselor Certification, or an equivalent program as
13 determined by the department.

14 (3) The department may grant relicensure as a licensed
15 professional counselor or limited licensed counselor to an
16 individual who received a master's or doctoral degree in counseling
17 or student personnel work before October 1, 1991, and completed 2
18 years of professional experience before October 1, 1993, if the
19 individual submits to the department a completed application on a
20 form provided by the department together with payment of the
21 applicable fees described in section 16201(3) or (4) and he or she
22 complies with 1 of the following:

23 (a) Submits with his or her application a professional
24 disclosure statement that meets the requirements of section 18113.

25 (b) If the individual holds or has held a license as a
26 licensed professional counselor or limited licensed counselor in
27 another state, ensures that the licensing agency of each out-of-
28 state license verifies all of the following on a form provided by
29 the department:



1 (i) That disciplinary proceedings are not pending against the
2 individual at the time of his or her application for relicensure.

3 (ii) That if sanctions have been imposed against the
4 individual, the sanctions are not in force at the time of his or
5 her application for relicensure.

6 Sec. 18115. (1) This article does not limit an individual in,
7 nor prevent an individual from, the practice of a statutorily
8 regulated profession or occupation if counseling is part of the
9 services provided by that profession or occupation, and the
10 individual does not hold himself or herself out as a counselor
11 regulated under this article. As used in this subsection,
12 "statutorily regulated profession or occupation" includes, but is
13 not limited to, all of the following: a physician, attorney,
14 marriage and family therapist, debt management counselor, **licensed**
15 **bachelor's** social worker, **licensed master's social worker**, social
16 ~~services~~**service** technician, licensed psychologist, limited
17 licensed psychologist, temporary limited licensed psychologist, or
18 school counselor.

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

20 (a) An ordained member of the clergy if counseling is
21 incidental to his or her religious duties performed under the
22 auspices or recognition of a church, denomination, religious
23 association, or sect, that has ~~tax-exempt~~**tax-exempt** status
24 ~~pursuant to~~**under** section 501(c)(3) of the internal revenue code of
25 1986, 26 USC 501, if the member of the clergy does not hold himself
26 or herself out as a counselor licensed under this article.

27 (b) An individual who performs volunteer services for a public
28 or private nonprofit organization, church, or charity, if the
29 individual is approved by the organization or agency for which the



1 services are rendered.

2 (c) An individual who is employed by or who volunteers to work
3 in a **substance use disorder services** program licensed by the office
4 of ~~substance abuse services~~. **department under part 62.**

5 ~~(d) A member of any other profession whose practice may
6 include counseling principles, methods, or procedures from
7 practicing his or her profession as long as he or she is trained in
8 that profession and does not hold himself or herself out as a
9 counselor providing counseling. As used in this subdivision,
10 "profession" includes, but is not limited to, the fields of human
11 resources development and organizational development.~~

12 **(d) A Christian Science practitioner.**

13 (3) Notwithstanding section 18105(3), this part does not
14 prohibit the use of the word "counselor" without the qualifying
15 words "licensed" or "professional" used in conjunction with the
16 word "counselor", except as otherwise provided by law.

17 **Sec. 18116. This part does not require new or additional third
18 party reimbursement or mandated worker's compensation benefits for
19 services rendered by an individual licensed under this part.**

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

