



**House  
Legislative  
Analysis  
Section**

Olds Plaza Building, 10th Floor  
Lansing, Michigan 48909  
Phone: 517/373-6466

**LICENSE MARRIAGE COUNSELORS**

**House Bill 4534**

**Sponsor: Rep. Gerald H. Law**

**Committee: State Affairs**

**Complete to 6-25-91**

**A SUMMARY OF HOUSE BILL 4534 AS INTRODUCED 3-13-91**

Currently, the Occupational Code defines "marriage counseling" to mean "the providing of guidance, testing, discussions, therapy, instruction, or the giving of advice intended to avoid, eliminate, relieve, manage, or resolve marital conflict or discord, or to create, improve, or restore marital harmony, or to prepare couples for marriage." Marriage counselors must register with the state under the code, which restricts both the use of certain titles (the code lists 16 in all, ranging from "marriage counselor" to "marriage relations consultant") and the advertising of marriage counseling services to those who are registered. The code exempts from its provisions (1) licensed psychologists, attorneys, and physicians so long as they do not advertise as marriage counselors or accept fees for marriage counseling; (2) religious leaders (recognized by the Department of Licensing and Regulation) for whom marriage counseling is incidental to their duties and who do not advertise as marriage counselors; and (3) apprentices in training in order to meet the code's academic requirements. The code also sets certification requirements for marriage counselors, basically, state residency, good moral character, and certain educational qualifications (including a master's or doctoral degree in certain fields plus five years' "professional experience"). Finally, the code includes confidentiality provisions for communication between marriage counselors and their clients, except for certain civil, criminal, or disciplinary actions.

Licensure and definition of "marriage and family therapy." The bill would amend the Occupational Code to delete reference to, and the registration of, marriage counselors. Instead, the bill would define and license "marriage and family therapists." The bill would delete "marriage counseling" from the act's list of definitions, though it would virtually keep this as the definition of "the practice of marriage and family therapy" (only substituting the phrase "marital or family" for the word "marital" in the present definition of marriage counseling).

Protected titles. Licensees could use one of two titles when advertising their services: "licensed marriage and family therapist" (or "L.M.F.T.") or "licensed marriage counselor." No one would be allowed to use any of seventeen titles (the bill would delete "marriage counselor" and add "marital counselor" and "marital therapist" to the current list), "or any other name, style, or description denoting that the person advertising engages in marriage counseling or the practice of marriage and family therapy." People who were getting the required experience for licensure could call themselves marriage and family therapist interns or trainees during the training period.

**Advertising.** The bill would say that only someone who was licensed as a marriage and family therapist (or marriage counselor) could "represent to the public" that he or she offered marriage and family therapy (as well as an existing range of services listed in the code, ranging from marriage or family counseling services or advice to "service in the alleviation of a marital or family problem").

**Exemptions.** The bill would keep the existing exemption for ministers, though it would remove the requirement that the minister be one "recognized" by the Department of Licensing and Regulation. It would delete existing exemptions for licensed psychologists, attorneys, and physicians, and instead say that the bill would not limit the practice of statutorily regulated professions or occupations (such as those regulated by the Occupational Code or the Public Health Code) if (a) their services included services to families or couples (or "subsystems of families") and (b) they did not hold themselves out to be licensed marriage and family therapists.

**Licensing requirements.** The bill would re-write the requirements section of this part of the code. Licensees would still have to be of good moral character, but the bill would drop the state residency requirement. Licensees also would have to provide evidence or proof of (1) a master's (or higher) degree either in marriage and family therapy or a graduate degree in any area with a certain amount of required coursework (in family studies; family therapy methodology; human development, personality theory, or psychopathology; and ethics, law, and professional standards of practice) and (2) certain minimum required kinds of supervised clinical experience (the bill details two kinds of required supervised clinical experience).

**The Board of Marriage and Family Therapy.** The bill would retain the existing six-member board of marriage counselors, but rename it the board of marriage and family therapy and require that board members be licensed and active in the practice of marriage and family therapy for at least three years prior to being appointed. The board also would be able to promulgate rules requiring an examination for licensing or a program of continuing education for license renewal.

**Confidentiality.** The bill would rewrite the confidentiality provisions applying to marriage and family therapists. Information obtained by a licensed marriage and family therapist about a client (whether prior to, during, or following therapy and whether from the client directly or from other sources) would be confidential except in three instances:

- (1) when disclosure is legally required or is required to protect someone's health or safety;
- (2) when the licensee is a defendant in a civil, criminal, or administrative action (in which case, disclosure is limited only to the particular case); and
- (3) by written permission of all people over 18 involved in the therapy.

**"Grandfather" clause.** The bill would require the board to issue a license, upon their first renewal after the bill took effect, to marriage counselors who had been registered before the bill's effective date.