

Act No. 173  
Public Acts of 1991  
Approved by the Governor  
December 20, 1991  
Filed with the Secretary of State  
December 20, 1991

**STATE OF MICHIGAN  
86TH LEGISLATURE  
REGULAR SESSION OF 1991**

Introduced by Reps. Law, Joe Young, Jr., Middaugh, DeMars, Pitoniak, Bankes, Rocca and Leland

# **ENROLLED HOUSE BILL No. 4534**

AN ACT to amend sections 1501, 1502, 1503, 1504, 1505, and 1507 of Act No. 299 of the Public Acts of 1980, entitled as amended "An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of the department of licensing and regulation and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," section 1504 as amended by Act No. 463 of the Public Acts of 1988 and section 1505 as amended by Act No. 83 of the Public Acts of 1981, being sections 339.1501, 339.1502, 339.1503, 339.1504, 339.1505, and 339.1507 of the Michigan Compiled Laws; and to add sections 1509 and 1511.

*The People of the State of Michigan enact:*

Section 1. Sections 1501, 1502, 1503, 1504, 1505, and 1507 of Act No. 299 of the Public Acts of 1980, section 1504 as amended by Act No. 463 of the Public Acts of 1988 and section 1505 as amended by Act No. 83 of the Public Acts of 1981, being sections 339.1501, 339.1502, 339.1503, 339.1504, 339.1505, and 339.1507 of the Michigan Compiled Laws, are amended and sections 1509 and 1511 are added to read as follows:

Sec. 1501. As used in this article:

(a) "Advertise" means issuing or ordering the printing or distribution of a card, sign, or device, or causing, permitting, or allowing a sign or marking on or in a building or structure, or placing material in a newspaper, magazine, or directory, or on radio or television.

(b) "Marriage and family therapist" means an individual engaged in the practice of marriage and family therapy.

(c) "Practice of marriage and family therapy" means the providing of guidance, testing, discussions, therapy, instruction, or advice which is intended to avoid, eliminate, relieve, manage, or resolve marital or family conflict or discord, to create, improve, or restore marital or family harmony, or to prepare couples for marriage. Practice of marriage and family therapy does not include the administration and interpretation of psychological tests except for those tests which are consistent with the individual's education and training and with the code of ethics for licensed marriage and family therapists.

Sec. 1502. (1) The board of marriage and family therapy is created.

(2) The 6 licensed members shall have been licensed and active in the practice of marriage and family therapy for at least 3 years prior to being appointed to the board.

Sec. 1503. (1) An individual shall not use the titles "marriage advisor" or "marriage consultant"; "family counselor", "family advisor", "family therapist" or "family consultant"; "family guidance counselor", "family guidance advisor", or "family guidance consultant"; "marriage guidance counselor", "marriage guidance advisor", or "marriage guidance consultant"; "family relations counselor"; "marriage relations counselor", "marriage relations advisor", or "marriage relations consultant"; "marital counselor" or "marital therapist"; or any other name, style, or description denoting that the person advertising engages in marriage counseling or the practice of marriage and family therapy unless that individual is licensed under this article. An individual licensed under this article as a marriage and family therapist shall only use the title "licensed marriage and family therapist" or "licensed marriage counselor" or the abbreviation "L.M.F.T." in representing his or her services in marriage counseling or marriage and family therapy to the public.

(2) Unless exempt under section 1504(2), only an individual licensed under this article may advertise that he or she offers marriage and family therapy; marriage or family counseling service or advice; marriage or family guidance service or advice; marriage or family relations service or advice; marriage or family problems service or advice; marriage or family relations advice or assistance; service in the alleviation of a marital or family problem; or service of similar import or effect.

(3) The department may issue a limited license to an individual who has met the requirements of section 1505(a) to (c) in order to permit that individual to obtain the experience required under section 1505(d). A limited license shall not be renewed for more than 6 years. A limited licensee shall do all of the following:

(a) Use the title "limited licensed marriage and family therapist" or "limited licensed marriage counselor".

(b) Not represent that he or she is engaged in the independent practice of marriage and family therapy.

(c) Practice only under the supervision of a licensed marriage and family therapist.

(d) Confine his or her practice to an organized health care setting or other arrangement approved by the board.

(4) An individual engaged in obtaining experience required under section 1505(c) may use the title "marriage and family therapist intern" or "marriage and family therapist trainee" during the training period. The department shall not require an individual obtaining experience required under section 1505(c) to hold a limited license.

Sec. 1504. (1) This article shall not apply to an individual engaged in social work as defined in article 16 in the course of employment with a governmental agency or a reputable social service agency regularly providing that service as an agency. This article shall not apply to an ordained cleric or other religious practitioner who is employed by or working under the authority of an organization exempt from taxation under section 501(c)(3) of the internal revenue code of 1986, 26 U.S.C. 501, if the advice or counsel is incidental to duties as a cleric or other religious practitioner, and if the cleric or other religious practitioner does not advertise as a marriage counselor or 1 of the titles listed in section 1503 and if no fee or donation is exacted for the service.

(2) This article does not apply to a physician who has completed an accredited psychiatric residency program or a psychologist fully licensed under part 182 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.18201 to 333.18237 of the Michigan Compiled Laws, if both of the following circumstances exist:

(a) The individual is practicing his or her profession in a manner consistent with his or her education and training and is practicing in a manner consistent with the code of ethics of that profession.

(b) The individual does not use any of the titles described in section 1503(1) for advertising purposes. However, this subdivision does not prohibit the individual from advertising under a telephone or other business directory listing which uses those titles if the individual discloses in the listing, in an unabbreviated fashion, the profession in which he or she is licensed.

(3) This article shall not limit an individual in, or prevent an individual from, the practice of a statutorily regulated profession or occupation if services to families, couples, or subsystems of families are part of the services provided by that profession or occupation, and the individual does not hold himself or herself out as a marriage and family therapist regulated under this article as evidenced by the use of a title listed in section 1503.

(4) As used in this section, "statutorily regulated profession or occupation" means an occupation or profession that includes, but is not limited to, all of the following: a physician, attorney, social worker, certified social worker, social work technician, limited licensed psychologist, temporary limited licensed psychologist, licensed professional counselor, limited licensed counselor, or school counselor.

Sec. 1505. The department shall issue a license as a marriage and family therapist to an individual who meets all of the following:

(a) Is of good moral character.

(b) Provides evidence of meeting either of the following educational qualifications:

(i) Has a master's or higher graduate degree from an accredited training program in marriage and family therapy.

(ii) Has a master's or higher graduate degree from an accredited college or university and provides evidence of having completed the following graduate-level courses at an accredited college or university:

(A) Three courses in family studies which total at least 6 semester or 9 quarter hours.

(B) Three courses in family therapy methodology which total at least 6 semester or 9 quarter hours.

(C) Three courses in human development, personality theory, or psychopathology which total at least 6 semester or 9 quarter hours.

(D) At least 2 semester or 3 quarter hours in ethics, law, and standards of professional practice.

(E) At least 2 semester or 3 quarter hours in research.

(c) Provides proof verified by a supervisor of having completed 300 hours of direct client contact, at least 1/2 of which were completed in a setting where families, couples, or subsystems of families were physically present in the therapy room, and of having completed 60 hours of supervision of the clinical experience described in this subdivision over at least 8 consecutive months in either of the following ways:

(i) In a clinical practicum during graduate education.

(ii) In a postgraduate marriage and family therapy institute acceptable to the board.

(d) Provides evidence of having completed, over a period of not more than 5 years, a minimum of 2,000 direct client contact hours in supervised marriage and family therapy experience, 1/2 of which was completed with families, couples, or other subsystems of families physically present in the therapy room, which meets all of the following conditions:

(i) Is obtained under the supervision of a licensed marriage and family therapist and verified by a supervisor.

(ii) Is obtained following the completion of the degree required by subdivision (b)(i), the completion of the course work required by subdivision (b)(ii), or obtained as part of a doctoral program in marriage and family therapy from an accredited college or university, which experience may include experience obtained under subdivision (c)(ii).

(iii) Is supervised in a ratio of 1 hour of supervision for each 10 hours of direct client contact, for a total of 200 hours of supervision during the 2,000 hours of supervised experience. At least 100 hours of supervision shall be individual supervision with no more than 1 other supervisee present. The remaining supervision may be group supervision involving no more than 6 supervisees with 1 supervisor. The supervision shall be given in face-to-face contact with the individual obtaining experience during and concurrent to the therapy experience.

Sec. 1507. The board may promulgate rules requiring an examination as a qualification for licensure or requiring a program of continuing professional education as a condition of license renewal.

Sec. 1509. (1) Except as provided in subsection (3), information obtained by a licensee regarding individuals counseled is privileged and shall be preserved inviolate as privileged information not subject to waiver, regardless of any of the following:

(a) Whether the information was obtained directly from a client, from another person involved in the therapy, from a test or other evaluation mechanism, or from other sources.

(b) Whether the information was obtained prior to, during, or following therapy.

(c) Whether the individual involved is a present client or a former client.

(2) Except as provided in subsection (3), referrals made by a circuit court or its counseling service, as provided in the circuit court family counseling services act, Act No. 155 of the Public Acts of 1964, being sections 551.331 to 551.344 of the Michigan Compiled Laws, shall be preserved inviolate as privileged information not subject to waiver.

(3) The privilege established in this section may be waived only under 1 of the following circumstances:

(a) Where disclosure is required by law or necessary to protect the health or safety of an individual.

(b) When the licensee is a party defendant to a civil, criminal, or administrative action arising from services performed as a licensee, in which case the waiver is limited only to that action.

(c) When a waiver specifying the terms of disclosure is obtained in writing from each individual over 18 involved in the therapy and then only in accordance with the terms of the waiver. If more than 1 individual is or was involved in the services performed by a licensee, the privilege is not waived for any individual unless all individuals over 18 involved in the therapy have executed the waiver.

Sec. 1511. The department shall issue a license under this article to an individual who was registered under this article before the effective date of the amendatory act that added this section upon his or her first renewal after the effective date of the amendatory act that added this section.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved .....

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Governor.