

HOUSE BILL No. 4534

March 13, 1991, Introduced by Reps. Law, Joe Young, Jr., Middaugh, DeMars, Pitoniak, Bankes, Rocca and Leland and referred to the Committee on State Affairs.

A bill to amend sections 1501, 1502, 1503, 1504, 1505, and 1507 of Act No. 299 of the Public Acts of 1980, entitled "Occupational code,"

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:

1 Section 1. Sections 1501, 1502, 1503, 1504, 1505, and 1507
2 of Act No. 299 of the Public Acts of 1980, section 1504 as
3 amended by Act No. 463 of the Public Acts of 1988 and section
4 1505 as amended by Act No. 83 of the Public Acts of 1981, being
5 sections 339.1501, 339.1502, 339.1503, 339.1504, 339.1505, and

1 339.1507 of the Michigan Compiled Laws, are amended and sections
2 1509 and 1511 are added to read as follows:

3 Sec. 1501. As used in this article:

4 (a) "Advertise" means ~~the~~ issuing or ~~causing to be~~
5 ~~distributed~~ ORDERING THE PRINTING OR DISTRIBUTION of a card,
6 sign, or device, ~~to a person,~~ or ~~the~~ causing, permitting, or
7 allowing ~~of~~ a sign or marking on or in a building or structure,
8 or PLACING MATERIAL in a newspaper, magazine, or directory, or on
9 radio or television.

10 (B) "MARRIAGE AND FAMILY THERAPIST" MEANS AN INDIVIDUAL
11 ENGAGED IN THE PRACTICE OF MARRIAGE AND FAMILY THERAPY.

12 (C) ~~(b) "Marriage counseling"~~ "PRACTICE OF MARRIAGE AND
13 FAMILY THERAPY" means the providing of guidance, testing, discus-
14 sions, therapy, instruction, or ~~the giving of~~ advice WHICH IS
15 INTENDED to avoid, eliminate, relieve, manage, or resolve marital
16 OR FAMILY conflict or discord, ~~or~~ to create, improve, or
17 restore marital OR FAMILY harmony, or to prepare couples for
18 marriage.

19 Sec. 1502. (1) The board of marriage ~~counselors~~ AND
20 FAMILY THERAPY is created.

21 (2) The 6 licensed members shall have BEEN LICENSED AND
22 ACTIVE IN THE PRACTICE OF MARRIAGE AND FAMILY THERAPY FOR at
23 least 3 years ~~of experience in their profession~~ PRIOR TO BEING
24 APPOINTED TO THE BOARD.

25 Sec. 1503. (1) ~~Except as otherwise specifically provided~~
26 ~~in this article, a person not registered under this article~~ AN
27 INDIVIDUAL shall not ~~advertise the following titles: "marriage~~

1 ~~counselor~~", USE THE TITLES "marriage advisor" ~~or~~ "marriage
 2 consultant"; ~~a~~ "family counselor", "family advisor", "FAMILY
 3 THERAPIST", or "family consultant"; ~~a~~ "family guidance
 4 counselor", "family guidance advisor", or "family guidance
 5 consultant"; ~~a~~ "marriage guidance counselor", "marriage guid-
 6 ance advisor", or "marriage guidance consultant"; ~~a~~ "family
 7 relations counselor"; ~~a~~ "marriage relations counselor",
 8 "marriage relations advisor", or "marriage relations consultant";
 9 "MARITAL COUNSELOR", "MARITAL THERAPIST", or any other name,
 10 style, or description denoting that the person advertising
 11 engages in marriage counseling OR THE PRACTICE OF MARRIAGE AND
 12 FAMILY THERAPY. AN INDIVIDUAL LICENSED UNDER THIS ARTICLE AS A
 13 MARRIAGE AND FAMILY THERAPIST SHALL ONLY USE THE TITLES "LICENSED
 14 MARRIAGE AND FAMILY THERAPIST" OR "LICENSED MARRIAGE COUNSELOR"
 15 OR THE ABBREVIATION "L.M.F.T." IN REPRESENTING HIS OR HER SERV-
 16 ICES IN MARRIAGE COUNSELING OR MARRIAGE AND FAMILY THERAPY TO THE
 17 PUBLIC.

18 (2) ~~Except as otherwise specifically provided in this arti-~~
 19 ~~cle, only a person registered under this article shall advertise~~
 20 ~~that the person is offering~~ ONLY AN INDIVIDUAL LICENSED UNDER
 21 THIS ARTICLE MAY REPRESENT TO THE PUBLIC THAT HE OR SHE OFFERS
 22 MARRIAGE AND FAMILY THERAPY; marriage or family counseling serv-
 23 ice or advice; marriage or family guidance service or advice;
 24 marriage or family relations service or advice; marriage or
 25 family problems service or advice; marriage or family relations
 26 advice or assistance; service in the alleviation of a marital or
 27 family problem; or service of similar import or effect.

1 (3) AN INDIVIDUAL ENGAGED IN OBTAINING EXPERIENCE REQUIRED
2 BY THIS ARTICLE MAY USE THE TITLE "MARRIAGE AND FAMILY THERAPIST
3 INTERN" OR "MARRIAGE AND FAMILY THERAPIST TRAINEE" DURING THE
4 TRAINING PERIOD.

5 Sec. 1504. (1) ~~This article shall not apply to a psycholo-~~
6 ~~gist licensed under part 182 of Act No. 368 of the Public Acts of~~
7 ~~1978, being sections 333.18201 to 333.18237 of the Michigan~~
8 ~~Compiled Laws, an attorney licensed to practice in this state, or~~
9 ~~a physician, if that individual does not advertise or represent~~
10 ~~that the individual is a marriage counselor and does not collect~~
11 ~~a fee for marriage counseling. This article shall not apply to~~
12 ~~an individual engaged in social work as defined in article 16 in~~
13 ~~the course of employment with a governmental agency or a reputa-~~
14 ~~ble social service agency regularly providing that service as an~~
15 ~~agency.~~ This article shall not apply to an ordained cleric or
16 other religious practitioner ~~recognized by the department~~ if
17 the advice or counsel is incidental to duties as a cleric or
18 other religious practitioner, and if the cleric or other reli-
19 gious practitioner does not advertise as a marriage counselor or
20 1 of the titles listed in section 1503 AND IF NO FEE OR DONATION
21 IS EXACTED FOR THE SERVICE. ~~This article shall not apply to an~~
22 ~~apprentice meeting the academic requirements of this article in~~
23 ~~training for marriage counseling and who provides that service as~~
24 ~~part of the training.~~

25 (2) THIS ARTICLE SHALL NOT LIMIT AN INDIVIDUAL IN, OR PRE-
26 VENT AN INDIVIDUAL FROM, THE PRACTICE OF A STATUTORILY REGULATED
27 PROFESSION OR OCCUPATION IF SERVICES TO FAMILIES, COUPLES, OR

1 SUBSYSTEMS OF FAMILIES ARE PART OF THE SERVICES PROVIDED BY THAT
2 PROFESSION OR OCCUPATION, AND THE INDIVIDUAL DOES NOT HOLD HIM-
3 SELF OR HERSELF OUT AS A MARRIAGE AND FAMILY THERAPIST REGULATED
4 UNDER THIS ARTICLE AS EVIDENCED BY THE USE OF A TITLE LISTED IN
5 SECTION 1503.

6 (3) AS USED IN THIS SECTION, "STATUTORILY REGULATED PROFES-
7 SION OR OCCUPATION" MEANS AN OCCUPATION OR PROFESSION THAT
8 INCLUDES, BUT IS NOT LIMITED TO, ALL OF THE FOLLOWING: A PHYSI-
9 CIAN, ATTORNEY, SOCIAL WORKER, CERTIFIED SOCIAL WORKER, SOCIAL
10 WORK TECHNICIAN, LICENSED PSYCHOLOGIST, LIMITED LICENSED PSYCHOL-
11 OGIST, TEMPORARY LIMITED LICENSED PSYCHOLOGIST, LICENSED PROFES-
12 SIONAL COUNSELOR, OR SCHOOL COUNSELOR.

13 Sec. 1505. ~~A person shall be issued a certificate of reg-~~
14 ~~istration as a marriage counselor, who meets all of the following~~
15 ~~qualifications:~~

16 ~~(a) Is a resident of the state.~~

17 ~~(b) Is of good moral character.~~

18 ~~(c) Meets the following educational qualifications: a doc-~~
19 ~~torate in psychology, sociology, psychiatry, marriage or pastoral~~
20 ~~counseling, or another equivalent doctorate together with 5~~
21 ~~years' professional experience including 1 year of specialization~~
22 ~~in marriage counseling under the direct supervision of a licensed~~
23 ~~marriage counselor; or a master's degree in social work or mar-~~
24 ~~riage or pastoral counseling from an institution approved by the~~
25 ~~department together with 5 years' professional experience. THE~~
26 DEPARTMENT SHALL ISSUE A LICENSE AS A MARRIAGE AND FAMILY
27 THERAPIST TO AN INDIVIDUAL WHO MEETS ALL OF THE FOLLOWING:

1 (A) IS OF GOOD MORAL CHARACTER.

2 (B) PROVIDES EVIDENCE OF MEETING EITHER OF THE FOLLOWING
3 EDUCATIONAL QUALIFICATIONS:

4 (i) HAS A MASTER'S OR HIGHER GRADUATE DEGREE FROM AN ACCRED-
5 ITED TRAINING PROGRAM IN MARRIAGE AND FAMILY THERAPY.

6 (ii) HAS A MASTER'S OR HIGHER GRADUATE DEGREE FROM AN
7 ACCREDITED COLLEGE OR UNIVERSITY AND PROVIDES EVIDENCE OF HAVING
8 COMPLETED THE FOLLOWING GRADUATE-LEVEL COURSES AT AN ACCREDITED
9 COLLEGE OR UNIVERSITY:

10 (A) THREE COURSES IN FAMILY STUDIES WHICH TOTAL AT LEAST 6
11 SEMESTER OR 9 QUARTER HOURS.

12 (B) THREE COURSES IN FAMILY THERAPY METHODOLOGY WHICH TOTAL
13 AT LEAST 6 SEMESTER OR 9 QUARTER HOURS.

14 (C) THREE COURSES IN HUMAN DEVELOPMENT, PERSONALITY THEORY,
15 OR PSYCHOPATHOLOGY WHICH TOTAL AT LEAST 6 SEMESTER OR 9 QUARTER
16 HOURS.

17 (D) AT LEAST 2 SEMESTER OR 3 QUARTER HOURS IN ETHICS, LAW,
18 AND STANDARDS OF PROFESSIONAL PRACTICE.

19 (E) AT LEAST 2 SEMESTER OR 3 QUARTER HOURS IN RESEARCH.

20 (C) PROVIDES PROOF VERIFIED BY A SUPERVISOR OF HAVING COM-
21 PLETED 300 HOURS OF DIRECT CLIENT CONTACT, AT LEAST 1/2 OF WHICH
22 WERE COMPLETED IN A SETTING WHERE FAMILIES, COUPLES, OR SUBSYS-
23 TEMS OF FAMILIES WERE PHYSICALLY PRESENT IN THE THERAPY ROOM, AND
24 OF HAVING COMPLETED 60 HOURS OF SUPERVISION OF THE CLINICAL
25 EXPERIENCE DESCRIBED IN THIS SUBDIVISION OVER AT LEAST 8 CONSECU-
26 TIVE 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 SUBSYS-
TEMS 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 DOC-
TORAL 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.

1 Sec. 1507. ~~Communication between a marriage counselor and~~
2 ~~the person or persons counseled is confidential. This privilege~~
3 ~~is not subject to waiver, except where the counselor is a party~~
4 ~~defendant to a civil, criminal, or disciplinary action arising~~
5 ~~from the counseling in which case the waiver is limited to that~~
6 ~~action. If a case is counseled upon court referral, the marriage~~
7 ~~counselor may submit to the appropriate court a written evalu-~~
8 ~~ation of the prospect or prognosis of a particular marriage with-~~
9 ~~out divulging a fact or revealing a confidential disclosure. An~~
10 ~~attorney representing a spouse who is the subject of an evalu-~~
11 ~~ation shall have the right to receive a copy of this report. THE~~
12 BOARD MAY PROMULGATE RULES REQUIRING AN EXAMINATION AS A QUALIFI-
13 CATION FOR LICENSURE OR REQUIRING A PROGRAM OF CONTINUING PROFES-
14 SIONAL EDUCATION AS A CONDITION OF LICENSE RENEWAL.

15 SEC. 1509. (1) EXCEPT AS PROVIDED IN SUBSECTION (3), INFOR-
16 MATION OBTAINED BY A LICENSEE REGARDING INDIVIDUALS COUNSELED IS
17 PRIVILEGED AND SHALL BE PRESERVED INVIOLEATE AS PRIVILEGED INFOR-
18 MATION NOT SUBJECT TO WAIVER, REGARDLESS OF ANY OF THE
19 FOLLOWING:

20 (A) WHETHER THE INFORMATION WAS OBTAINED DIRECTLY FROM A
21 CLIENT, FROM ANOTHER PERSON INVOLVED IN THE THERAPY, FROM A TEST
22 OR OTHER EVALUATION MECHANISM, OR FROM OTHER SOURCES.

23 (B) WHETHER THE INFORMATION WAS OBTAINED PRIOR TO, DURING,
24 OR FOLLOWING THERAPY.

25 (C) WHETHER THE INDIVIDUAL INVOLVED IS A PRESENT CLIENT OR A
26 FORMER CLIENT.

1 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), REFERRALS MADE BY
2 A CIRCUIT COURT OR ITS COUNSELING SERVICE, AS PROVIDED IN THE
3 CIRCUIT COURT FAMILY COUNSELING SERVICES ACT, ACT NO. 155 OF THE
4 PUBLIC ACTS OF 1964, BEING SECTIONS 551.331 TO 551.344 OF THE
5 MICHIGAN COMPILED LAWS, SHALL BE PRESERVED INVIOLEATE AS PRIVI-
6 LEGED INFORMATION NOT SUBJECT TO WAIVER.

7 (3) THE PRIVILEGE ESTABLISHED IN THIS SECTION MAY BE WAIVED
8 ONLY UNDER 1 OF THE FOLLOWING CIRCUMSTANCES:

9 (A) WHERE DISCLOSURE IS REQUIRED BY LAW OR NECESSARY TO PRO-
10 TECT THE HEALTH OR SAFETY OF AN INDIVIDUAL.

11 (B) WHEN THE LICENSEE IS A PARTY DEFENDANT TO A CIVIL, CRIM-
12 INAL, OR ADMINISTRATIVE ACTION ARISING FROM SERVICES PERFORMED AS
13 A LICENSEE, IN WHICH CASE THE WAIVER IS LIMITED ONLY TO THAT
14 ACTION.

15 (C) WHEN A WAIVER SPECIFYING THE TERMS OF DISCLOSURE IS
16 OBTAINED IN WRITING FROM EACH INDIVIDUAL OVER 18 INVOLVED IN THE
17 THERAPY AND THEN ONLY IN ACCORDANCE WITH THE TERMS OF THE
18 WAIVER. IF MORE THAN 1 INDIVIDUAL IS OR WAS INVOLVED IN THE
19 SERVICES PERFORMED BY A LICENSEE, THE PRIVILEGE IS NOT WAIVED FOR
20 ANY INDIVIDUAL UNLESS ALL INDIVIDUALS OVER 18 INVOLVED IN THE
21 THERAPY HAVE EXECUTED THE WAIVER.

22 SEC. 1511. THE DEPARTMENT SHALL ISSUE A LICENSE UNDER THIS
23 ARTICLE TO AN INDIVIDUAL WHO WAS REGISTERED UNDER THIS ARTICLE
24 BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
25 SECTION UPON HIS OR HER FIRST RENEWAL AFTER THE EFFECTIVE DATE OF
26 THE AMENDATORY ACT THAT ADDED THIS SECTION.