

# HOUSE BILL No. 4883

May 28, 1991, Introduced by Rep. Varga and referred to the Committee on Judiciary.

A bill to amend sections 16171, 18115, and 18214 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," section 16171 as amended by Act No. 82 of the Public Acts of 1985 and section 18115 as added by Act No. 421 of the Public Acts of 1988, being sections 333.16171, 333.18115, and 333.18214 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 16171, 18115, and 18214 of Act No. 368  
2 of the Public Acts of 1978, section 16171 as amended by Act  
3 No. 82 of the Public Acts of 1985 and section 18115 as added by  
4 Act No. 421 of the Public Acts of 1988, being sections 333.16171,  
5 333.18115, and 333.18214 of the Michigan Compiled Laws, are  
6 amended to read as follows:

1       Sec. 16171. Under the circumstances and subject to the  
2 limitations stated in each case, the following individuals are  
3 not required to have a license issued under this article for  
4 practice of a health profession in this state:

5       (a) A student in a health profession training program ~~—~~  
6 ~~which~~ THAT has been approved by the appropriate board ~~—~~ while  
7 performing the duties assigned in the course of training.

8       (b) An individual practicing a health profession in the dis-  
9 charge of official duties while in the military service of the  
10 United States, the United States public health service, the  
11 United States department of agriculture, or the United States  
12 veterans administration. The institution in which the individual  
13 practices shall report the name and address of the individual to  
14 the appropriate board within 30 days after the date of  
15 employment.

16       (c) An individual who by education, training, or experience  
17 substantially meets the requirements of this article for licen-  
18 sure while rendering medical care in a time of disaster or to an  
19 ill or injured individual at the scene of an emergency

20       (d) An individual who provides nonmedical nursing or similar  
21 services in the care of the ill or suffering, ~~or an individual~~  
22 ~~who in good faith ministers to the ill or suffering by spiritual~~  
23 ~~means alone, through prayer, in the exercise of a religious~~  
24 ~~freedom,~~ and who does not hold himself or herself out to be a  
25 health professional.

26       (E) AN INDIVIDUAL WHO IN GOOD FAITH MINISTERS TO THE ILL OR  
27 SUFFERING BY SPIRITUAL MEANS ALONE, THROUGH PRAYER, IN THE

1 EXERCISE OF A RELIGIOUS FREEDOM, AND WHO DOES NOT HOLD HIMSELF OR  
2 HERSELF OUT TO BE A HEALTH PROFESSIONAL. THE EXEMPTION GRANTED  
3 BY THIS SUBDIVISION DOES NOT APPLY IF THE INDIVIDUAL MAKES A  
4 FALSE OR MISLEADING ADVERTISING CLAIM REGARDING MINISTRATION TO  
5 THE ILL OR SUFFERING BY SPIRITUAL MEANS ALONE AS DESCRIBED IN  
6 THIS SUBDIVISION OR MAKES A FALSE OR MISLEADING CLAIM REGARDING  
7 HEALING OR ADVISES, PERSUADES, INDUCES, ENTICES, COERCES, OR  
8 SOLICITS OR ATTEMPTS TO ADVISE, PERSUADE, INDUCE, ENTICE, COERCE,  
9 OR SOLICIT AN INDIVIDUAL RESPONSIBLE FOR A MINOR'S HEALTH AND  
10 WELFARE TO WILLFULLY FAIL TO PROVIDE MEDICAL CARE NECESSARY FOR  
11 THE MINOR'S HEALTH AND WELFARE. IF THE EXEMPTION GRANTED BY THIS  
12 SUBDIVISION DOES NOT APPLY TO AN INDIVIDUAL, THE INDIVIDUAL IS  
13 SUBJECT TO SECTIONS 16294 AND 16296. AS USED IN THIS SUBDIVI-  
14 SION, "PERSON RESPONSIBLE FOR A MINOR'S HEALTH AND WELFARE" MEANS  
15 A MINOR'S PARENT OR GUARDIAN OR ANY OTHER INDIVIDUAL WHO CARES  
16 FOR, HAS CUSTODY OF, OR HAS AUTHORITY OVER A MINOR REGARDLESS OF  
17 THE LENGTH OF TIME THAT THE MINOR IS CARED FOR, IN THE CUSTODY  
18 OF, OR SUBJECT TO THE AUTHORITY OF THAT INDIVIDUAL.

19 (F) ~~(e)~~ An individual residing in another state or country  
20 and authorized to practice a health profession in that state or  
21 country who, in an exceptional circumstance, is called in for  
22 consultation or treatment by a health professional in this  
23 state.

24 (G) ~~(f)~~ An individual residing in another state or country  
25 and authorized to practice a health profession in that state or  
26 country, when attending meetings or conducting lectures,  
27 seminars, or demonstrations under the auspices of professional

1 associations or training institutions in this state, if the  
2 individual does not maintain an office or designate a place to  
3 meet patients or receive calls in this state.

4 (H) ~~(g)~~ An individual authorized in another country to  
5 practice a health profession and who is employed by the United  
6 States public health service or the government of another country  
7 for the exclusive use of members of its merchant marine and mem-  
8 bers of its consular and diplomatic corps, while caring for those  
9 members in the performance of his or her official duties.

10 (I) ~~(h)~~ An individual residing adjacent to the land border  
11 between this state and an adjoining state who is authorized under  
12 the laws of that state to practice a health profession and whose  
13 practice may extend into this state, but who does not maintain an  
14 office or designate a place to meet patients or receive calls in  
15 this state.

16 (J) ~~(i)~~ An individual authorized to practice a health pro-  
17 fession in another state or territory of the United States who  
18 has been appointed by the United States olympic committee to pro-  
19 vide health services exclusively to team personnel and athletes  
20 registered to train and compete at a training site in this state  
21 approved by the United States olympic committee or at an event  
22 conducted under the sanction of the United States olympic  
23 committee. The exemption granted by this subdivision ~~shall~~  
24 ~~apply~~ APPLIES to the individual while performing the duties  
25 assigned in the course of the sanctioned training program or  
26 event and for the time period specified by the United States  
27 olympic committee.

1       Sec. 18115. (1) This article does not limit an individual  
2 in, nor prevent an individual from, the practice of a statutorily  
3 regulated profession or occupation if counseling is part of the  
4 services provided by that profession or occupation, and the indi-  
5 vidual does not hold himself or herself out as a counselor regu-  
6 lated under this article. As used in this subsection,  
7 "statutorily regulated profession or occupation" includes, but is  
8 not limited to, all of the following: a physician, attorney,  
9 marriage counselor, debt management counselor, social worker,  
10 certified social worker, social work technician, licensed psy-  
11 chologist, limited licensed psychologist, temporary limited  
12 licensed psychologist, or school counselor.

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

14       (a) ~~An~~ SUBJECT TO SECTION 16171(E), AN ordained member of  
15 the clergy if counseling is incidental to his or her religious  
16 duties performed under the auspices or recognition of a church,  
17 denomination, religious association, or sect, that has tax exempt  
18 status pursuant to section ~~501(c)(3)~~ 501 of the internal reve-  
19 nue code of 1986, 26 U.S.C. 501, if the member of the clergy does  
20 not hold himself or herself out as a counselor licensed under  
21 this article.

22       (b) ~~An~~ SUBJECT TO SECTION 16171(E), AN individual who per-  
23 forms volunteer services for a public or private nonprofit orga-  
24 nization, church, or charity, if the individual is approved by  
25 the organization or agency for which the services are rendered.

1 (c) An individual who is employed by or who volunteers to  
2 work in a program licensed by the office of substance abuse  
3 services.

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

11 (3) This part does not prohibit the use of the word  
12 "counselor" without the qualifying words "licensed" or  
13 "professional" used in conjunction with the word "counselor",  
14 except as otherwise provided by law.

15 Sec. 18214. (1) This part does not prohibit an individual  
16 who holds a doctoral degree in psychology from a regionally  
17 accredited college or university from using a title including  
18 "psychologist" if the individual does not engage in the practice  
19 of psychology.

20 (2) This part does not prohibit an individual approved by  
21 the state department of education from using the title "school  
22 psychologist" and engaging in those duties and activities perti-  
23 nent to employment by a public or private elementary or secondary  
24 school.

25 (3) This part does not prohibit an individual employed by a  
26 regionally accredited college or university and involved in

1 research or the teaching of psychology from performing those  
2 duties for which he or she is employed by that institution.

3 (4) This part does not prohibit a certified, licensed, reg-  
4 istered, or otherwise statutorily recognized member of any pro-  
5 fession including a lawyer, social worker, school counselor or  
6 marriage counselor from practicing his or her profession as  
7 authorized by law.

8 (5) ~~This~~ SUBJECT TO SECTION 16171(E), THIS part does not  
9 prohibit a clergyman, professional educator, or professional  
10 counselor, including an alcoholism or drug abuse counselor, whose  
11 practice may include preventive techniques, counseling tech-  
12 niques, or behavior modification techniques from practicing his  
13 or her profession consistent with his or her training and with a  
14 code of ethics for that respective profession.

15 (6) This part ~~shall~~ DOES not apply to a participant or  
16 employee in a program licensed under part 62 or self-help, peer  
17 counseling, or support services provided by a nonprofit  
18 organization.