



**Senate Fiscal Agency**  
**P. O. Box 30036**  
**Lansing, Michigan 48909-7536**

**BILL ANALYSIS**



**Telephone: (517) 373-5383**  
**Fax: (517) 373-1986**

House Bill 4317 (as passed by the Senate)  
 Sponsor: Representative Dan Gustafson  
 House Committee: Regulatory Affairs  
 Senate Committee: Economic Development, International Trade and Regulatory Affairs

Date Completed: 6-21-95

**RATIONALE**

Marriage and family therapists often play an integral role in approaches used to help individuals, families, and groups cope with and resolve personal problems. These professionals frequently work in conjunction with other mental health professionals, such as psychologists, who are regulated under the Public Health Code. Marriage and family therapists, however, are regulated under the Occupational Code. Some people believe that these professionals are members of a health care field similar to psychologists and, thus, should be regulated under the Public Health Code instead of the Occupational Code.

**CONTENT**

**The bill would amend the Public Health Code to provide for the licensure and regulation of marriage and family therapists; specify the application and license fees; and repeal Article 15 of the Occupational Code, which currently provides for the licensure and regulation of marriage and family therapists, and Section 19 of the State License Fee Act, which specifies the application and license fees. The bill would take effect January 1, 1996.**

The bill, in general, would place the existing licensure and regulation requirements for marriage and family therapists in the Public Health Code, and repeal those provisions as currently found in the Occupational Code. In addition, however, the bill would add three public members to the current six-member Board of Marriage and Family Therapy; require that the mandatory academic training for therapists obtained from an accredited training program, college, or university be

approved by the Board; and require the Board to grant marriage and family therapy licenses. Currently, under the Occupational Code, the Department of Commerce must grant a marriage and family therapy license to a qualified person.

The bill also specifies that the current members of the Board of Marriage and Family Therapy would serve until their successors were appointed or until their respective terms expired, whichever occurred first. If the term of a Board member had not expired on the bill's effective date, however, the member's term would expire on June 30 of the year in which the term was supposed to expire. Rules promulgated by the Board and in effect on the bill's effective date would continue in effect to the extent that they did not conflict with the Public Health Code. The rules would have to be enforced, and could be amended or rescinded, by the Board.

An individual licensed under current law on the bill's effective date would remain licensed until the license expired; he or she could renew the license under the Public Health Code.

The bill specifies that it would not mandate additional coverage, benefits, or payments by a health care payment or benefits plan, an insurer, nonprofit health care corporation, or health maintenance organization.

MCL 333.16131 et al.

**SENATE COMMITTEE ACTION**

The Senate Committee adopted an amendment specifying that the bill would not mandate additional health care coverage.

## **ARGUMENTS**

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

### **Supporting Argument**

Under the bill, the regulation of marriage and family therapists would be moved from the Occupational Code to the Public Health Code, which regulates professional counselors and doctoral and master's degree level psychologists. All of these fields have confidentiality provisions, require similar education and experience in order for individuals to enter the fields as independent practitioners, and share some individual practitioners--an individual may be both a psychologist and a marriage and family therapist, for example. It makes sense, therefore, to regulate all mental health care providers under the Public Health Code, rather than regulate some under a code that generally governs non-health care services such as accounting and real estate appraisal. Further, placing the regulation of marriage and family therapists under the code that governs other mental health professions would help applicants who are seeking registration, since State regulators, for example, could advise persons who were not qualified for one field as to their qualification in another related field.

### **Supporting Argument**

The bill would not change the regulation of marriage and family therapists. The bill reflects the current regulation of marriage and family therapists, in accordance with amendments enacted by Public Act 173 of 1991.

### **Supporting Argument**

Coordination of the regulatory process would be enhanced by having the mental health fields under one code, following uniform disciplinary standards and procedures. The Department of Commerce would be better able to identify individuals with multiple licenses and take action against all licensees for major offenses. In addition, those entities that use several types of mental health care practitioner would have the same standards and procedures to follow on such issues as handling impaired practitioners and reporting ethical violations. Consumers would not have to file complaints and attend hearings under two codes when they filed a complaint against an individual with multiple licenses.

Legislative Analyst: L. Burghardt

## **FISCAL IMPACT**

Revenue generated through license renewals and applications would be provided to the Department of Commerce, to cover the costs of licensure and regulation of marriage and family therapists. As of the end of March 1994, there were 1,137 licensed therapists. A total of 22 applications were received during FY 1992-93. Total revenue to the Department of Commerce could be as much as \$60,000 during FY 1995-96.

There would not be a fiscal impact on local governmental units.

Fiscal Analyst: K. Lindquist

A9596\S4317A

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.