

Act No. 126  
Public Acts of 1995  
Approved by the Governor  
June 29, 1995  
Filed with the Secretary of State  
June 30, 1995

**STATE OF MICHIGAN  
88TH LEGISLATURE  
REGULAR SESSION OF 1995**

Introduced by Reps. Gustafson, Jamian, Bennane, Hammerstrom, Rocca, McManus and Jaye

# **ENROLLED HOUSE BILL No. 4317**

AN ACT to amend sections 16131 and 16263 of Act No. 368 of the Public Acts of 1978, entitled as amended "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," section 16131 as amended by Act No. 80 of the Public Acts of 1993 and section 16263 as amended by Act No. 216 of the Public Acts of 1990, being sections 333.16131 and 333.16263 of the Michigan Compiled Laws; to add section 16324 and part 169; and to repeal acts and parts of acts.

*The People of the State of Michigan enact:*

Section 1. Sections 16131 and 16263 of Act No. 368 of the Public Acts of 1978, section 16131 as amended by Act No. 80 of the Public Acts of 1993 and section 16263 as amended by Act No. 216 of the Public Acts of 1990, being sections 333.16131 and 333.16263 of the Michigan Compiled Laws, are amended and section 16324 and part 169 are added to read as follows:

Sec. 16131. The terms of office of individual members of the boards and task forces, except those appointed to fill vacancies, shall expire 4 years after appointment as follows:

Nursing	June 30
Optometry	June 30
Pharmacy	June 30
Podiatric medicine and surgery	June 30
Dentistry	June 30
Chiropractic	December 31
Counseling	June 30
Marriage and family therapy	June 30
Medicine	December 31
Occupational therapists	December 31

Osteopathic medicine and surgery	December 31
Physical therapy	December 31
Psychology	December 31
Sanitarians	December 31
Veterinary medicine	December 31

Sec. 16263. (1) Except as provided in subsection (2), the following words, titles, or letters or a combination thereof, with or without qualifying words or phrases, are restricted in use only to those persons authorized under this article to use the terms and in a way prescribed in this article:

- (a) "Chiropractic", "doctor of chiropractic", "chiropractor", "d.c.", and "chiropractic physician".
- (b) "Dentist", "doctor of dental surgery", "oral and maxillofacial surgeon", "orthodontist", "prosthodontist", "periodontist", "endodontist", "oral pathologist", "pediatric dentist", "dental hygienist", "registered dental hygienist", "dental assistant", "registered dental assistant", "R.D.A.", "d.d.s.", "d.m.d.", and "r.d.h.".
- (c) "Doctor of medicine" and "m.d.".
- (d) "Physician's assistant" and "p.a.".
- (e) "Registered professional nurse", "registered nurse", "r.n.", "licensed practical nurse", "l.p.n.", "nurse midwife", "nurse anesthetist", "nurse practitioner", "trained attendant", and "t.a.".
- (f) "Doctor of optometry", "optometrist", and "o.d.".
- (g) "Osteopath", "osteopathy", "osteopathic practitioner", "doctor of osteopathy", "diplomate in osteopathy", and "d.o.".
- (h) "Pharmacy", "pharmacist", "apothecary", "drugstore", "druggist", "medicine store", "prescriptions", and "r.ph.".
- (i) "Physical therapy", "physical therapist", "physiotherapist", "registered physical therapist", "licensed physical therapist", "physical therapy technician", "p.t.", "r.p.t.", "l.p.t.", and "p.t.t.".
- (j) "Chiropodist", "chiropody", "chiropodical", "podiatry", "podiatrist", "podiatric", "doctor of podiatric medicine", "foot specialist", "podiatric physician and surgeon", and "d.p.m.".
- (k) "Consulting psychologist", "psychologist", "psychological assistant", and "psychological examiner", "licensed psychologist", and "limited licensed psychologist".
- (l) "Licensed professional counselor", "licensed counselor", "professional counselor", and "l.p.c.".
- (m) "Sanitarian", "registered sanitarian", and "r.s.".
- (n) "Veterinary", "veterinarian", "veterinary doctor", "veterinary surgeon", "doctor of veterinary medicine", "v.m.d.", "d.v.m.", "animal technician", or "animal technologist".
- (o) "Occupational therapist", "occupational therapist registered", "certified occupational therapist", "o.t.", "o.t.r.", "c.o.t.", "certified occupational therapy assistant", "occupational therapy assistant", or "c.o.t.a.".
- (p) "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"; "limited licensed marriage and family therapist" or "limited licensed marriage counselor"; "licensed marriage and family therapist" or "licensed marriage counselor"; and "l.m.f.t.".

(2) Notwithstanding section 16261, a person who was specially trained at an institution of higher education in this state to assist a physician in the field of orthopedics and upon completion of training, received a 2-year associate of science degree as an orthopedic physician's assistant before January 1, 1977, may use the title "orthopedic physician's assistant" whether or not the person is licensed under this article.

Sec. 16324. Fees for a person licensed or seeking licensure to engage in the practice of marriage and family therapy under part 169 are as follows:

(a) Application processing fee .....	\$25.00
(b) License fee, per year .....	50.00

## PART 169. MARRIAGE AND FAMILY THERAPY

Sec. 16901. (1) As used in this part:

- (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 licensed under this article to engage 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 that 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 that are consistent with the individual's education and training and with the code of ethics for licensed marriage and family therapists.

(2) In addition to the definitions of this part, article 1 contains general definitions and principles of construction applicable to all articles in this code and part 161 contains definitions applicable to this part.

Sec. 16903. (1) An individual licensed under this part as a marriage and family therapist shall use only 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 the practice of marriage and family therapy to the public.

(2) Unless exempt under section 16905(3), only an individual licensed under this part 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 that is included in the practice of marriage and family therapy.

(3) The board may grant a limited license to an individual who has met the requirements of section 16909(a) and (b) in order to permit that individual to obtain the experience required under section 16909(c). The board shall not renew a limited license for more than 6 years. A limited licensee shall do all of the following:

(a) Use only 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 fully 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 16909(b) may use the title "marriage and family therapist intern" or "marriage and family therapist trainee" during the training period. The board shall not require an individual obtaining experience required under section 16909(b) to hold a limited license.

Sec. 16905. (1) This part does not apply to an individual engaged in social work as defined in section 1601 of the occupational code, Act No. 299 of the Public Acts of 1980, being section 339.1601 of the Michigan Compiled Laws, in the course of employment with a governmental agency or a reputable social service agency regularly providing social work services as an agency.

(2) This part does 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 given by the cleric or other religious practitioner is incidental to his or her duties as a cleric or other religious practitioner, and if the cleric or other religious practitioner does not hold himself or herself out to the public as a marriage and family therapist licensed under this article or use 1 or more of the titles listed in section 16263(1)(p) and if no fee or donation is exacted for the service.

(3) This part does not apply to a physician licensed under this article who has completed an accredited psychiatric residency program approved by the Michigan board of medicine or to a psychologist fully licensed under this article, 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 hold himself or herself out to the public as a marriage and family therapist licensed under this article or use any of the titles listed in section 16263(1)(p) for advertising purposes. However, this subdivision does not prohibit the individual from advertising under a telephone or other business directory listing that uses those titles if the individual discloses in the listing, in an unabbreviated fashion, the profession in which he or she is licensed.

(4) This part does 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 if the individual does not hold himself or herself out to the public as a marriage and family therapist licensed under this article or use 1 or more of the titles listed in section 16263(1)(p). As used in this subsection, "statutorily regulated profession or occupation" means an occupation or profession regulated by statute that includes, but is not limited to, all of the following: a physician, attorney, social worker, certified social worker, social work technician, fully licensed psychologist, limited licensed psychologist, temporary limited licensed psychologist, licensed professional counselor, limited licensed counselor, or school counselor.

Sec. 16907. Subject to section 16913(2), the Michigan board of marriage and family therapy is created in the department. The board consists of the following 9 voting members who shall meet the requirements of part 161: six licensed marriage and family therapists and 3 public members.

Sec. 16909. The board shall grant a license as a marriage and family therapist to an individual who meets all of the following requirements:

(a) Provides satisfactory evidence to the board 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 approved by the board.

(ii) Has a master's or higher graduate degree from an accredited college or university approved by the board and has completed all of the following graduate-level courses at an accredited college or university approved by the board:

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

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

(C) Three courses in human development, personality theory, or psychopathology that 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.

(b) Provides satisfactory evidence to the board of having completed supervised clinical marriage and family therapy experience in conjunction with the applicant's educational program. The clinical marriage and family therapy experience described in this subdivision shall meet all of the following requirements:

(i) Be obtained either in a clinical practicum during graduate education or in a postgraduate marriage and family institute training program acceptable to the board.

(ii) Be obtained over not less than 8 consecutive months.

(iii) Be verified by the supervising licensed marriage and family therapist.

(iv) Include not less than 300 direct client contact hours in supervised clinical marriage and family therapy experience, at least 1/2 of which were completed in a setting in which families, couples, or subsystems of families were physically present in the therapy room.

(v) Be supervised in a ratio of at least 1 hour of supervision for each 5 hours of direct client contact, for a total of not less than 60 hours of supervision concurrent with the 300 hours of supervised direct client contact.

(c) Provides satisfactory evidence to the board 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, at least 1/2 of which was completed with families, couples, or subsystems of families physically present in the therapy room, that meets all of the following conditions:

(i) Is verified by the supervising licensed marriage and family therapist.

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

(iii) Is supervised in a ratio of at least 1 hour of supervision for each 10 hours of experience, for a total of not less than 200 hours of supervision concurrent with the 2,000 hours of supervised experience. Not less than 100 hours of supervision under this subparagraph shall be individual supervision with no more than 1 other supervisee present. The remaining supervision under this subparagraph 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 marriage and family therapy experience.

Sec. 16911. (1) Except as provided in subsection (3), information regarding an individual to whom a licensee provided marriage and family therapy is privileged information and not subject to waiver, regardless of any of the following:

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

(b) Whether the information was obtained before, 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, is privileged information not subject to waiver.

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

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

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

Sec. 16913. (1) An individual who holds a license issued under former article 15 of Act No. 299 of the Public Acts of 1980 on the effective date of the amendatory act that added this part is licensed under this part until that license expires and may renew his or her license pursuant to part 161.

(2) The members of the board of marriage and family therapy created under former section 1502 of Act No. 299 of the Public Acts of 1980 shall serve as the initial members of the Michigan board of marriage and family therapy until their successors are appointed under this article or until the expiration of their respective terms, whichever occurs first. However, if the term of a member of the board of marriage and family therapy created under former section 1502 of Act No. 299 of the Public Acts of 1980 has not expired on the effective date of the amendatory act that added this part, that term expires on June 30 of the year in which the term will expire.

(3) Rules promulgated by the board of marriage and family therapy under former article 15 of Act No. 299 of the Public Acts of 1980 and under section 308 of the occupational code, Act No. 299 of the Public Acts of 1980, being section 339.308 of the Michigan Compiled Laws, and in effect on the effective date of the amendatory act that added this part continue in effect to the extent that they do not conflict with this article. The rules shall be enforced by and may be amended or rescinded by the Michigan board of marriage and family therapy.

Sec. 16915. The addition of this part to the code does not mandate additional coverage, payments, or benefits by a health care payment or benefits provider including, but not limited to, a health insurer, nonprofit health care corporation, or health maintenance organization.

Section 2. (1) Article 15 of Act No. 299 of the Public Acts of 1980, being sections 339.1501 to 339.1511 of the Michigan Compiled Laws, is repealed.

(2) Section 19 of Act No. 152 of the Public Acts of 1979, being section 338.2219 of the Michigan Compiled Laws, is repealed.

Section 3. This amendatory act shall take effect January 1, 1996.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved \_\_\_\_\_

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Governor.