

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4274

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16131 and 16263 (MCL 333.16131 and
333.16263), as amended by 1995 PA 126, and by adding section
16348 and part 185; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16131. The terms of office of individual members of
2 the boards and task forces, except those appointed to fill vacan-
3 cies, ~~shall~~ expire 4 years after appointment as follows:

3	NUTRITION AND DIETETICS	JUNE 30
4	Nursing	June 30
5	Optometry	June 30
6	Pharmacy	June 30
7	Podiatric medicine and surgery	June 30
8	Dentistry	June 30

HB 4274, As Passed Senate, December 10, 1998

House Bill No. 4274

2

1	Chiropractic	December 31
2	Counseling	June 30
3	Marriage and family therapy	June 30
4	Medicine	December 31
5	Occupational therapists	December 31
6	Osteopathic medicine and surgery	December 31
7	Physical therapy	December 31
8	Psychology	December 31
9	Sanitarians	December 31
10	SOCIAL WORK	DECEMBER 31
11	Veterinary medicine	December 31

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

17 (a) "Chiropractic", "doctor of chiropractic",
18 "chiropractor", "d.c.", and "chiropractic physician".

19 (b) "Dentist", "doctor of dental surgery", "oral and maxil-
20 lofacial surgeon", "orthodontist", "prosthodontist",
21 "periodontist", "endodontist", "oral pathologist", "pediatric
22 dentist", "dental hygienist", "registered dental hygienist",
23 "dental assistant", "registered dental assistant", "R.D.A.",
24 "d.d.s.", "d.m.d.", and "r.d.h.".

25 (c) "Doctor of medicine" and "m.d.".

26 (d) "Physician's assistant" and "p.a.".

HB 4274, As Passed Senate, December 10, 1998

House Bill No. 4274 as amended December 10, 1998

3

1 (e) "Registered professional nurse", "registered nurse",
2 "r.n.", "licensed practical nurse", "l.p.n.", "nurse midwife",
3 "nurse anesthetist", "nurse practitioner", "trained attendant",
4 and "t.a.".

5 (f) "Doctor of optometry", "optometrist", and "o.d.".

6 (g) "Osteopath", "osteopathy", "osteopathic practitioner",
7 "doctor of osteopathy", "diplomate in osteopathy", and "d.o.".

8 (h) "Pharmacy", "pharmacist", "apothecary", "drugstore",
9 "druggist", "medicine store", "prescriptions", and "r.ph.".

10 (i) "Physical therapy", "physical therapist",
11 "physiotherapist", "registered physical therapist", "licensed
12 physical therapist", "physical therapy technician", "p.t.",
13 "r.p.t.", "l.p.t.", and "p.t.t.".

14 (j) "Chiropodist", "chiropody", "chiropodical", "podiatry",
15 "podiatrist", "podiatric", "doctor of podiatric medicine", "foot
16 specialist", "podiatric physician and surgeon", and "d.p.m.".

17 (k) "Consulting psychologist", "psychologist",
18 "psychological assistant", and "psychological examiner",
19 "licensed psychologist", and "limited licensed psychologist".

20 (l) "Licensed professional counselor", "licensed counselor",
21 "professional counselor", and "l.p.c.".

22 (m) "Sanitarian", "registered sanitarian", and "r.s.".

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25 (N) ~~-(n)-~~ "Veterinary", "veterinarian", "veterinary doctor",
26 "veterinary surgeon", "doctor of veterinary medicine", "v.m.d.",
27 "d.v.m.", "animal technician", or "animal technologist".

(O) ~~(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) ~~(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.".

(O) "RESPIRATORY THERAPIST", "REGISTERED RESPIRATORY THERAPIST", "R.T.", AND "R.R.T.".

(R) "THERAPEUTIC RECREATOR", "T.R.", "REGISTERED THERAPEUTIC RECREATION SPECIALIST", "R.T.R.S.", "RECREATION THERAPIST", "R.T.", "RECREATIONAL THERAPIST", "CERTIFIED RECREATION THERAPIST", "C.R.T.", "THERAPEUTIC RECREATION SPECIALIST", AND "T.R.S.".

(S) "ATHLETIC TRAINER", "REGISTERED ATHLETIC TRAINER", "CERTIFIED ATHLETIC TRAINER", "ATHLETIC TRAINER CERTIFIED", "A.T.", "A.T.R.", "C.A.T.", AND "A.T.C.".

(T) "REGISTERED NUTRITIONIST AND DIETITIAN" AND "R.N.D.".

(U) "SOCIAL WORKER", "CERTIFIED SOCIAL WORKER", "SOCIAL WORK TECHNICIAN", "S.W.", "C.S.W.", AND "S.W.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. 16348. FEES FOR A PERSON REGISTERED OR SEEKING REGISTRATION AS A REGISTERED BACHELOR SOCIAL WORKER, A REGISTERED MASTER'S SOCIAL WORKER, OR A REGISTERED SOCIAL WORK TECHNICIAN UNDER PART 185 ARE AS FOLLOWS:

HB 4274, As Passed Senate, December 10, 1998

00823 '97 (S-3)

HB 4274, As Passed Senate, December 10, 1998

House Bill No. 4274

5

1 (A) APPLICATION PROCESSING FEE..... \$ 15.00
2 (B) REGISTRATION FEE, PER YEAR:
3 (i) SOCIAL WORKER..... 15.00
4 (ii) CERTIFIED SOCIAL WORKER..... 15.00
5 (iii) SOCIAL WORK TECHNICIAN..... 15.00
6 PART 185. SOCIAL WORK
7 SEC. 18501. (1) AS USED IN THIS PART:
8 (A) "SOCIAL WORK TECHNICIAN" MEANS AN INDIVIDUAL REGISTERED
9 UNDER THIS ARTICLE IN ACCORDANCE WITH SECTION 18507 AND AUTHO-
10 RIZED UNDER THIS PART TO USE THE TITLE "SOCIAL WORK TECHNICIAN"
11 OR THE ABBREVIATION "S.W.T.".
12 (B) "SOCIAL WORKER" MEANS AN INDIVIDUAL REGISTERED UNDER
13 THIS ARTICLE IN ACCORDANCE WITH SECTION 18509 AND AUTHORIZED
14 UNDER THIS PART TO USE THE TITLE "SOCIAL WORKER" OR THE ABBREVIA-
15 TION "S.W.".
16 (C) "CERTIFIED SOCIAL WORKER" MEANS AN INDIVIDUAL REGISTERED
17 UNDER THIS ARTICLE IN ACCORDANCE WITH SECTION 18511 AND AUTHO-
18 RIZED UNDER THIS PART TO USE THE TITLE "CERTIFIED SOCIAL WORKER"
19 OR THE ABBREVIATION "C.S.W.".
20 (D) "SOCIAL WORK" MEANS THE PROFESSIONAL APPLICATION OF
21 SOCIAL WORK VALUES, PRINCIPLES, AND TECHNIQUES TO COUNSELING OR
22 TO HELPING AN INDIVIDUAL, FAMILY, GROUP, OR COMMUNITY DO 1 OR
23 MORE OF THE FOLLOWING:
24 (i) ENHANCE OR RESTORE THE CAPACITY FOR SOCIAL FUNCTIONING.
25 (ii) PROVIDE, OBTAIN, OR IMPROVE TANGIBLE SOCIAL AND HEALTH
26 SERVICES.

HB 4274, As Passed Senate, December 10, 1998

House Bill No. 4274

6

1 (2) IN ADDITION TO THE DEFINITIONS OF THIS PART, ARTICLE 1
2 CONTAINS GENERAL DEFINITIONS AND PRINCIPLES OF CONSTRUCTION
3 APPLICABLE TO ALL ARTICLES IN THIS CODE AND PART 161 CONTAINS
4 DEFINITIONS APPLICABLE TO THIS PART.

5 SEC. 18503. AN INDIVIDUAL SHALL NOT REPRESENT THAT HE OR
6 SHE IS A CERTIFIED SOCIAL WORKER, SOCIAL WORKER, OR SOCIAL WORK
7 TECHNICIAN OR USE A TITLE INCLUDING "CERTIFIED SOCIAL WORKER",
8 "SOCIAL WORKER", "SOCIAL WORK TECHNICIAN", OR AN ABBREVIATION OF
9 THOSE TERMS OR THE LETTERS "C.S.W.", "S.W.", OR "S.W.T." OR SIM-
10 ILAR WORDS WHICH WOULD INDICATE THAT HE OR SHE IS REGISTERED
11 UNDER THIS ARTICLE UNLESS THE INDIVIDUAL IS REGISTERED IN THAT
12 CAPACITY UNDER THIS ARTICLE.

13 SEC. 18505. SUBJECT TO SECTION 18515(2), THE MICHIGAN BOARD
14 OF SOCIAL WORK IS CREATED IN THE DEPARTMENT AND CONSISTS OF THE
15 FOLLOWING 9 VOTING MEMBERS WHO MEET THE REQUIREMENTS OF PART
16 161:

17 (A) FOUR CERTIFIED SOCIAL WORKERS AND 2 SOCIAL WORKERS WHO
18 MEET THE REQUIREMENTS OF SECTION 16135(2).

19 (B) THREE PUBLIC MEMBERS.

20 SEC. 18507. THE BOARD MAY GRANT REGISTRATION UNDER THIS
21 ARTICLE AS A SOCIAL WORK TECHNICIAN TO AN INDIVIDUAL WHO MEETS
22 ALL OF THE FOLLOWING REQUIREMENTS:

23 (A) HAS HAD 1 YEAR OF SOCIAL WORK EXPERIENCE ACCEPTABLE TO
24 THE BOARD, OR HAS SUCCESSFULLY COMPLETED 2 YEARS OF COLLEGE.

25 (B) IS EMPLOYED IN THE PRACTICE OF SOCIAL WORK. THIS SUBDI-
26 VISION IS WAIVED IF THE INDIVIDUAL HAS THE EQUIVALENT OF 2,000
27 HOURS OF SERVICE IN SOCIAL WORK WITH AN AGENCY RECOGNIZED BY THE

HB 4274, As Passed Senate, December 10, 1998

House Bill No. 4274

7

1 BOARD OR HAS RECEIVED AN ASSOCIATE DEGREE IN SOCIAL WORK AT A
2 COLLEGE APPROVED BY THE BOARD THAT INCLUDES SUPERVISED INSTRUCC-
3 TIONAL FIELD EXPERIENCE.

4 SEC. 18509. THE BOARD MAY GRANT A REGISTRATION UNDER THIS
5 ARTICLE AS A SOCIAL WORKER TO AN INDIVIDUAL WHO MEETS ALL OF THE
6 FOLLOWING REQUIREMENTS:

7 (A) HAS OBTAINED A BACCALAUREATE DEGREE FROM A COLLEGE OR
8 UNIVERSITY APPROVED BY THE BOARD.

9 (B) HAS 2 OR MORE YEARS OF SOCIAL WORK EXPERIENCE ACCEPTABLE
10 TO THE BOARD OR IS ENROLLED IN A GRADUATE SCHOOL OF SOCIAL WORK
11 APPROVED BY THE BOARD, OR HAS A MASTER'S DEGREE FROM AN ACCREDI-
12 TED SCHOOL OF SOCIAL WORK APPROVED BY THE BOARD OR HAS THE EQUIV-
13 ALENT OF 4,000 HOURS OF SERVICE IN SOCIAL WORK WITH AN AGENCY
14 RECOGNIZED BY THE BOARD.

15 (C) IS EMPLOYED IN THE PRACTICE OF SOCIAL WORK OR IS
16 ENROLLED IN A GRADUATE SCHOOL OF SOCIAL WORK APPROVED BY THE
17 BOARD. THIS SUBDIVISION IS WAIVED IF THE INDIVIDUAL HAS RECEIVED
18 A BACHELOR'S OR MASTER'S DEGREE FROM AN ACCREDITED SCHOOL OF
19 SOCIAL WORK APPROVED BY THE BOARD.

20 SEC. 18511. THE BOARD MAY GRANT A REGISTRATION AS A CERTI-
21 FIED SOCIAL WORKER TO AN INDIVIDUAL WHO MEETS ALL OF THE FOLLOW-
22 ING REQUIREMENTS:

23 (A) POSSESSES A MASTER'S DEGREE FROM AN ACCREDITED SCHOOL OF
24 SOCIAL WORK APPROVED BY THE BOARD.

25 (B) HAS COMPLETED 2 OR MORE YEARS OF SOCIAL WORK EXPERIENCE
26 ACCEPTABLE TO THE BOARD.

HB 4274, As Passed Senate, December 10, 1998

House Bill No. 4274

8

1 SEC. 18513. (1) AN INDIVIDUAL REGISTERED UNDER THIS PART AS
2 A CERTIFIED SOCIAL WORKER, SOCIAL WORKER, OR SOCIAL WORK
3 TECHNICIAN OR AN EMPLOYEE OR OFFICER OF AN ORGANIZATION THAT
4 EMPLOYS THE CERTIFIED SOCIAL WORKER, SOCIAL WORKER, OR SOCIAL
5 WORK TECHNICIAN IS NOT REQUIRED TO DISCLOSE A COMMUNICATION OR A
6 PORTION OF A COMMUNICATION MADE BY A CLIENT TO THE INDIVIDUAL OR
7 ADVICE GIVEN IN THE COURSE OF PROFESSIONAL EMPLOYMENT.

8 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A COMMUNI-
9 CATION BETWEEN A CERTIFIED SOCIAL WORKER, SOCIAL WORKER, OR
10 SOCIAL WORK TECHNICIAN, OR AN ORGANIZATION WITH WHICH THE CERTI-
11 FIED SOCIAL WORKER, SOCIAL WORKER, OR SOCIAL WORK TECHNICIAN HAS
12 AN AGENCY RELATIONSHIP AND A CLIENT IS A PRIVILEGED
13 COMMUNICATION. THIS PRIVILEGE IS NOT SUBJECT TO WAIVER AND THE
14 COMMUNICATION SHALL NOT BE DISCLOSED, EXCEPT UNDER 1 OR MORE OF
15 THE FOLLOWING CIRCUMSTANCES:

16 (A) THE DISCLOSURE IS PART OF A REQUIRED SUPERVISORY PROCESS
17 WITHIN THE ORGANIZATION THAT EMPLOYS OR OTHERWISE HAS AN AGENCY
18 RELATIONSHIP WITH THE CERTIFIED SOCIAL WORKER, SOCIAL WORKER, OR
19 SOCIAL WORK TECHNICIAN.

20 (B) THE PRIVILEGE IS WAIVED BY THE CLIENT OR A PERSON AUTHO-
21 RIZED TO ACT IN THE CLIENT'S BEHALF.

22 (3) IF REQUESTED BY THE COURT FOR A COURT ACTION, A CERTI-
23 FIED SOCIAL WORKER, SOCIAL WORKER, OR SOCIAL WORK TECHNICIAN
24 SHALL SUBMIT TO AN APPROPRIATE COURT A WRITTEN EVALUATION OF THE
25 PROSPECT OR PROGNOSIS OF A PARTICULAR CLIENT WITHOUT DISCLOSING A
26 PRIVILEGED FACT OR A PRIVILEGED COMMUNICATION. AN ATTORNEY
27 REPRESENTING A CLIENT WHO IS THE SUBJECT OF AN EVALUATION

HB 4274, As Passed Senate, December 10, 1998

House Bill No. 4274

9

1 DESCRIBED IN THIS SUBSECTION HAS THE RIGHT TO RECEIVE A COPY OF
2 THE EVALUATION. IF REQUIRED FOR THE EXERCISE OF A PUBLIC PURPOSE
3 BY A LEGISLATIVE COMMITTEE, A CERTIFIED SOCIAL WORKER, SOCIAL
4 WORKER, SOCIAL WORK TECHNICIAN, OR AGENCY REPRESENTATIVE MAY MAKE
5 AVAILABLE STATISTICAL AND PROGRAM INFORMATION WITHOUT VIOLATING
6 THE PRIVILEGE ESTABLISHED UNDER SUBSECTION (2).

7 (4) A CERTIFIED SOCIAL WORKER, SOCIAL WORKER, OR SOCIAL WORK
8 TECHNICIAN MAY DISCLOSE A COMMUNICATION OR A PORTION OF A COMMU-
9 NICATION MADE BY A CLIENT PURSUANT TO SECTION 946 OF THE MENTAL
10 HEALTH CODE, 1974 PA 258, MCL 339.1946, IN ORDER TO COMPLY WITH
11 THE DUTY SET FORTH IN THAT SECTION.

12 SEC. 18515. (1) AN INDIVIDUAL WHO HOLDS A REGISTRATION
13 ISSUED UNDER FORMER ARTICLE 16 OF THE OCCUPATIONAL CODE, 1980
14 PA 299, ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
15 THIS PART IS REGISTERED UNDER THIS PART UNTIL THAT REGISTRATION
16 EXPIRES AND MAY RENEW HIS OR HER REGISTRATION PURSUANT TO
17 PART 161.

18 (2) THE MEMBERS OF THE BOARD OF EXAMINERS OF SOCIAL WORKERS
19 CREATED UNDER FORMER SECTION 1602 OF THE OCCUPATIONAL CODE, 1980
20 PA 299, SHALL SERVE AS THE INITIAL MEMBERS OF THE MICHIGAN BOARD
21 OF SOCIAL WORK UNTIL THEIR SUCCESSORS ARE APPOINTED UNDER THIS
22 ARTICLE OR UNTIL THE EXPIRATION OF THEIR RESPECTIVE TERMS, WHICH-
23 EVER OCCURS FIRST. HOWEVER, IF THE TERM OF A MEMBER OF THE BOARD
24 OF EXAMINERS OF SOCIAL WORKERS HAS NOT EXPIRED ON THE EFFECTIVE
25 DATE OF THE AMENDATORY ACT THAT ADDED THIS PART, THAT TERM
26 EXPIRES ON JUNE 30 OF THE YEAR IN WHICH THE TERM WILL EXPIRE.

HB 4274, As Passed Senate, December 10, 1998

House Bill No. 4274

10

1 (3) RULES PROMULGATED BY THE BOARD OF EXAMINERS OF SOCIAL
2 WORKERS OR THE DIRECTOR UNDER FORMER ARTICLE 16 OF THE
3 OCCUPATIONAL CODE, 1980 PA 299, AND IN EFFECT ON THE EFFECTIVE
4 DATE OF THE AMENDATORY ACT THAT ADDED THIS PART CONTINUE IN
5 EFFECT TO THE EXTENT THAT THEY DO NOT CONFLICT WITH THIS ARTICLE
6 AND SHALL CONTINUE TO BE ENFORCED. THE RULES MAY BE AMENDED OR
7 RESCINDED BY THE DIRECTOR.

8 Enacting section 1. (1) Article 16 of the occupational
9 code, 1980 PA 299, MCL 339.1601 to 339.1610, is repealed.

10 (2) Section 2245 of the state license fee act, 1979 PA 152,
11 MCL 338.2245, is repealed.

12 Enacting section 2. This amendatory act takes effect
13 December 31, 1998.

14 Enacting section 3. This amendatory act does not take
15 effect unless House Bill No. 5736 of the 89th Legislature is
16 enacted into law.