

SUBSTITUTE FOR
HOUSE BILL NO. 5474

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16901, 16903, and 16905 (MCL 333.16901,
333.16903, and 333.16905), as added by 1995 PA 126.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

2 (a) "Advertise" means issuing or ordering the printing or
3 distribution of a card, sign, or device or causing, permitting,
4 or allowing a sign or marking on or in a building or structure,
5 or placing material in a newspaper, magazine, or directory, or on
6 radio or television. **Advertise does not include unpaid public**
7 **awareness campaigns or educational or promotional materials by**
8 **individuals exempted from this part by section 16905.**

9 (b) "Marriage and family therapist" means an individual
10 licensed under this article to engage in the practice of marriage

1 and family therapy.

2 (c) "Practice of marriage and family therapy" means the
3 providing of guidance, testing, discussions, therapy,
4 instruction, or advice that is intended to avoid, eliminate,
5 relieve, manage, or resolve **individual**, marital, or family
6 conflict or discord, to create, improve, or restore **individual**,
7 marital, or family harmony, or to prepare couples for marriage.
8 Practice of marriage and family therapy does not include the
9 administration and interpretation of psychological tests except
10 for those tests that are consistent with the individual's
11 education and training and with the code of ethics for licensed
12 marriage and family therapists.

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

17 Sec. 16903. (1) An individual licensed under this part as a
18 marriage and family therapist shall use only the title "licensed
19 marriage and family therapist" or "licensed marriage counselor"
20 or the abbreviation "l.m.f.t." in representing his or her
21 services in the practice of marriage and family therapy to the
22 public.

23 (2) Unless exempt under section ~~16905(3)~~ **16905(4)**, only an
24 individual licensed under this part may advertise that he or she
25 offers marriage and family therapy; marriage or family counseling
26 service or advice; marriage or family guidance service or advice;
27 marriage or family relations service or advice; marriage or

1 family problems service or advice; marriage or family relations
2 advice or assistance; service in the alleviation of a marital or
3 family problem; or service of similar import or effect that is
4 included in the practice of marriage and family therapy. **This**
5 **part does not prohibit an individual exempted by section 16905**
6 **from issuing unpaid public awareness campaigns or educational or**
7 **promotional materials.**

8 (3) The board may grant a limited license to an individual
9 who has met the requirements of section ~~16909(a) and (b)~~
10 **16909(1)(a) and (b)** in order to permit that individual to obtain
11 the experience required under section ~~16909(c)~~ **16909(1)(c)**.
12 The board shall not renew a limited license for more than 6
13 years. A limited licensee shall do all of the following:

14 (a) Use only the title "limited licensed marriage and family
15 therapist" or "limited licensed marriage counselor".

16 (b) Not represent that he or she is engaged in the
17 independent practice of marriage and family therapy.

18 (c) Practice only under the supervision of a fully licensed
19 marriage and family therapist.

20 (d) Confine his or her practice to an organized health care
21 setting or other arrangement approved by the board.

22 (4) An individual engaged in obtaining experience required
23 under section ~~16909(b)~~ **16909(1)(b)** may use the title "marriage
24 and family therapist intern" or "marriage and family therapist
25 trainee" during the training period. The board shall not require
26 an individual obtaining experience required under section
27 ~~16909(b)~~ **16909(1)(b)** to hold a limited license.

1 Sec. 16905. (1) This part does not apply to an individual
2 engaged in social work as defined in section ~~1601 of the~~
3 ~~occupational code, Act No. 299 of the Public Acts of 1980, being~~
4 ~~section 339.1601 of the Michigan Compiled Laws~~ **18501**, in the
5 course of employment with a governmental agency or a reputable
6 social service agency regularly providing social work services as
7 an agency.

8 (2) This part does not apply to **a service provider who is** an
9 ordained cleric or other religious practitioner who ~~is employed~~
10 ~~by or working under the authority of an organization exempt from~~
11 ~~taxation under section 501(c)(3) of the internal revenue code of~~
12 ~~1986, 26 U.S.C. 501, if the advice or counsel given by the cleric~~
13 ~~or other religious practitioner is incidental to his or her~~
14 ~~duties as a cleric or other religious practitioner, and~~ **provides**
15 **advice, guidance, or teaching based on his or her religious**
16 **beliefs, creeds, or doctrines** if the cleric or other religious
17 practitioner does not hold himself or herself out to the public
18 as a marriage and family therapist licensed under this article or
19 use 1 or more of the titles listed in section ~~16263(1)(p)~~
20 **16263(1)(q)** and if no fee or donation is exacted for the
21 service. **This part does not prohibit a service provider from**
22 **accepting a voluntary contribution.**

23 (3) This part does not apply to an ordained cleric or other
24 religious practitioner who has been authorized by law to
25 officiate at a marriage if that person provides, in writing, an
26 affidavit clearly stating that the provider is a member of the
27 clergy or a religious practitioner, is not a marriage and family

1 therapist licensed under this article, and does not use 1 or more
2 of the titles listed in section 16263(1)(q), and that the advice,
3 guidance, or teaching is based on the religious beliefs, creeds,
4 or doctrines of the provider.

5 (4) ~~(3)~~ This part does not apply to a physician licensed
6 under this article who has completed an accredited psychiatric
7 residency program approved by the Michigan board of medicine or
8 to a psychologist fully licensed under this article, if both of
9 the following circumstances exist:

10 (a) The individual is practicing his or her profession in a
11 manner consistent with his or her education and training and is
12 practicing in a manner consistent with the code of ethics of that
13 profession.

14 (b) The individual does not hold himself or herself out to
15 the public as a marriage and family therapist licensed under this
16 article or use any of the titles listed in section ~~16263(1)(p)~~
17 **16263(1)(q)** for advertising purposes. However, this subdivision
18 does not prohibit the individual from advertising under a
19 telephone or other business directory listing that uses those
20 titles if the individual discloses in the listing, in an
21 unabbreviated fashion, the profession in which he or she is
22 licensed.

23 (5) ~~(4)~~ This part does not limit an individual in, or
24 prevent an individual from, the practice of a statutorily
25 regulated profession or occupation if services to families,
26 couples, or subsystems of families are part of the services
27 provided by that profession or occupation, and if the individual

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