

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5474

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 16905 (MCL 333.16905), as added by 1995 PA
126.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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~~

1 ~~taxation under section 501(c)(3) of the internal revenue code of~~
2 ~~1986, 26 U.S.C. 501, if the advice or counsel given by the cleric~~
3 ~~or other religious practitioner is incidental to his or her~~
4 ~~duties as a cleric or other religious practitioner, and provides~~
5 **advice, guidance, or teaching based on his or her religious**
6 **beliefs, creeds, or doctrines** if the cleric or other religious
7 practitioner does not hold himself or herself out to the public
8 as a marriage and family therapist licensed under this article or
9 use 1 or more of the titles listed in section ~~16263(1)(p)~~
10 **16263(1)(q)** and if no fee or donation is exacted for the
11 service. **This part does not prohibit a service provider from**
12 **accepting a voluntary contribution.**

13 (3) **This part does not apply to an ordained cleric or other**
14 **religious practitioner who has been authorized by law to**
15 **officiate at a marriage if that person provides, in writing, an**
16 **affidavit clearly stating that the provider is a member of the**
17 **clergy or a religious practitioner, is not a marriage and family**
18 **therapist licensed under this article, and does not use 1 or more**
19 **of the titles listed in section 16263(1)(q), and that the advice,**
20 **guidance, or teaching is based on the religious beliefs, creeds,**
21 **or doctrines of the provider.**

22 (4) ~~(3)~~ **This part does not apply to a physician licensed**
23 **under this article who has completed an accredited psychiatric**
24 **residency program approved by the Michigan board of medicine or**
25 **to a psychologist fully licensed under this article, if both of**
26 **the following circumstances exist:**

27 (a) **The individual is practicing his or her profession in a**

1 manner consistent with his or her education and training and is
2 practicing in a manner consistent with the code of ethics of that
3 profession.

4 (b) The individual does not hold himself or herself out to
5 the public as a marriage and family therapist licensed under this
6 article or use any of the titles listed in section ~~16263(1)(p)~~
7 **16263(1)(q)** for advertising purposes. ~~However, this~~ **This**
8 subdivision does not prohibit the individual from advertising
9 under a telephone or other business directory listing that uses
10 those titles if the individual discloses in the listing, in an
11 unabbreviated fashion, the profession in which he or she is
12 licensed.

13 (5) ~~(4)~~ This part does not limit an individual in, or
14 prevent an individual from, the practice of a statutorily
15 regulated profession or occupation if services to families,
16 couples, or subsystems of families are part of the services
17 provided by that profession or occupation, and if the individual
18 does not hold himself or herself out to the public as a marriage
19 and family therapist licensed under this article or use 1 or more
20 of the titles listed in section ~~16263(1)(p)~~ **16263(1)(q)**. As
21 used in this subsection, "statutorily regulated profession or
22 occupation" means an occupation or profession regulated by
23 statute that includes, but is not limited to, all of the
24 following: a physician, attorney, social worker, certified
25 social worker, social work technician, fully licensed
26 psychologist, limited licensed psychologist, temporary limited
27 licensed psychologist, licensed professional counselor, limited

1 licensed counselor, or school counselor.

2 Enacting section 1. This amendatory act takes effect
3 October 1, 2004.

4 Enacting section 2. This amendatory act does not take
5 effect unless Senate Bill No. 959 of the 92nd Legislature is
6 enacted into law.