

# SENATE BILL No. 85

January 25, 2007, Introduced by Senators McMANUS, ALLEN, GARCIA, HARDIMAN,  
RICHARDVILLE and CROPSEY and referred to the Committee on Families and Human Services.

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), section 16901 as added by 1995 PA 126  
and sections 16903 and 16905 as amended by 2006 PA 388.

## 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, or
- 4       allowing a sign or marking on or in a building or structure, or
- 5       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**

1 **INDIVIDUALS EXEMPTED FROM THIS PART BY SECTION 16905.**

2 (b) "Marriage and family therapist" means an individual  
3 licensed under this article to engage in the practice of marriage  
4 and family therapy.

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

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

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

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

1 marriage or family relations service or advice; marriage or family  
2 problems service or advice; marriage or family relations advice or  
3 assistance; service in the alleviation of a marital or family  
4 problem; or service of similar import or effect that is included in  
5 the practice of marriage and family therapy. **THIS PART DOES NOT**  
6 **PROHIBIT AN INDIVIDUAL EXEMPTED BY SECTION 16905 FROM ISSUING**  
7 **UNPAID PUBLIC AWARENESS CAMPAIGNS OR EDUCATIONAL OR PROMOTIONAL**  
8 **MATERIALS.**

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

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

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

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

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

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

1 16909(1)(B) to hold a limited license.

2 (5) The following words, titles, or letters or a combination  
3 thereof, with or without qualifying words or phrases, are  
4 restricted in use only to those individuals authorized under this  
5 part to use the terms and in a way prescribed by this part:  
6 "marriage advisor" or "marriage consultant"; "family counselor",  
7 "family advisor", "family therapist", or "family consultant";  
8 "family guidance counselor", "family guidance advisor", or "family  
9 guidance consultant"; "marriage guidance counselor", "marriage  
10 guidance advisor", or "marriage guidance consultant"; "family  
11 relations counselor"; "marriage relations counselor", "marriage  
12 relations advisor", or "marriage relations consultant"; or "marital  
13 counselor" or "marital therapist".

14 Sec. 16905. (1) This part does not apply to an individual  
15 engaged in the practice of social work as defined in part 185, in  
16 the course of employment with a governmental agency or a reputable  
17 social service agency regularly providing social work services as  
18 an agency.

19 (2) This part does not apply to an ordained cleric or other  
20 religious practitioner who ~~is employed by or working under the~~  
21 ~~authority of an organization exempt from taxation under section~~  
22 ~~501(c)(3) of the internal revenue code of 1986, 26 USC 501, if the~~  
23 ~~advice or counsel given by the cleric or other religious~~  
24 ~~practitioner is incidental to his or her duties as a cleric or~~  
25 ~~other religious practitioner, and PROVIDES ADVICE, GUIDANCE, OR~~  
26 **TEACHING BASED ON HIS OR HER RELIGIOUS BELIEFS, CREEDS, OR**  
27 **DOCTRINES** if the cleric or other religious practitioner does not

1 hold himself or herself out to the public as a marriage and family  
2 therapist licensed under this article or use 1 or more of the  
3 titles listed in section 16903 and if no fee or donation is exacted  
4 for the service. **THIS PART DOES NOT PROHIBIT AN ORDAINED CLERIC OR**  
5 **OTHER RELIGIOUS PRACTITIONER FROM ACCEPTING A VOLUNTARY**  
6 **CONTRIBUTION.**

7 (3) **THIS PART DOES NOT APPLY TO AN ORDAINED CLERIC OR OTHER**  
8 **RELIGIOUS PRACTITIONER WHO HAS BEEN AUTHORIZED BY LAW TO OFFICIATE**  
9 **AT A MARRIAGE IF THAT PERSON PROVIDES, IN WRITING, AN AFFIDAVIT**  
10 **CLEARLY STATING THAT HE OR SHE IS A MEMBER OF THE CLERGY OR A**  
11 **RELIGIOUS PRACTITIONER, IS NOT A MARRIAGE AND FAMILY THERAPIST**  
12 **LICENSED UNDER THIS ARTICLE, AND DOES NOT USE 1 OR MORE OF THE**  
13 **TITLES LISTED IN SECTION 16903, AND THAT THE ADVICE, GUIDANCE, OR**  
14 **TEACHING IS BASED ON THAT INDIVIDUAL'S RELIGIOUS BELIEFS, CREEDS,**  
15 **OR DOCTRINES.**

16 (4) ~~(3)~~—This part does not apply to a physician licensed under  
17 this article who has completed an accredited psychiatric residency  
18 program approved by the Michigan board of medicine or to a  
19 psychologist fully licensed under this article, if both of the  
20 following circumstances exist:

21 (a) The individual is practicing his or her profession in a  
22 manner consistent with his or her education and training and is  
23 practicing in a manner consistent with the code of ethics of that  
24 profession.

25 (b) The individual does not hold himself or herself out to the  
26 public as a marriage and family therapist licensed under this  
27 article or use any of the titles listed in section 16903 for

1 advertising purposes. ~~However, this~~ **THIS** subdivision does not  
2 prohibit the individual from advertising under a telephone or other  
3 business directory listing that uses those titles if the individual  
4 discloses in the listing, in an unabbreviated fashion, the  
5 profession in which he or she is licensed.

6 (5) ~~(4)~~—This part does not limit an individual in, or prevent  
7 an individual from, the practice of a statutorily regulated  
8 profession or occupation if services to families, couples, or  
9 subsystems of families are part of the services provided by that  
10 profession or occupation, and if the individual does not hold  
11 himself or herself out to the public as a marriage and family  
12 therapist licensed under this article or use 1 or more of the  
13 titles listed in section 16903. As used in this subsection,  
14 "statutorily regulated profession or occupation" means an  
15 occupation or profession regulated by statute that includes, but is  
16 not limited to, all of the following: a physician, attorney, social  
17 worker, social service technician, fully licensed psychologist,  
18 limited licensed psychologist, temporary limited licensed  
19 psychologist, licensed professional counselor, limited licensed  
20 counselor, or school counselor.