

SCOPE OF PRACTICE FOR COUNSELORS

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House Bill 5776 (H-2) as passed by the House
Sponsor: Rep. Jim Tedder
Committee: Health Policy
Complete to 12-9-18

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5776 would amend the “scope of practice” for counselors in the Public Health Code. A medical profession’s scope of practice, or the extent and limits of the medical interventions that a health care provider may perform, is typically set by a jurisdiction’s laws, regulations, and licensing bodies. The definition for “counseling principles, methods, or procedures” was last set in 1989. The bill would replace that term with ***clinical counseling principles, methods, or procedures*** and also revise and introduce some categories falling under that term.

Scope of practice and responsibilities

Clinical counseling principles, methods, or procedures, as defined in the bill, would mean one or more of the following:

- Psychotherapy, diagnosis, and evaluation.
- Selecting, administering, scoring, and interpreting assessments, tests, and appraisals that are designed to assess an individual’s aptitudes, interests, attitudes, abilities, achievements, and personal characteristics in order to use appraisal and diagnostic results in helping processes.
- **Psychoeducational consulting**, which would mean assisting a consultee that is working with an individual, small group, or organization by identifying problems, strengths, and weaknesses and making recommendations for the implementation of preventative or remedial strategies.
- **Counseling techniques**, which would mean the application of basic counseling and psychotherapy skills and theories in the counseling process to establish and maintain the counseling relationship; diagnose and identify the problem; formulate a preventative, treatment, or rehabilitative plan; and facilitate appropriate interventions.
- **Behavioral modification techniques**, which would mean assisting clients in identifying maladaptive or harmful behaviors and replacing them with adaptive and helpful behaviors.
- **Referral**, which would include determining the need for referral to one or more statutorily regulated mental health professionals whose expertise, skills, and competence are appropriate to the problems of the individual, informing the individual of the referral, and communicating as appropriate with the professional to whom the individual has been referred.
- **Preventative techniques**, which would mean assisting a client in maintaining mental and emotional well-being and preventing emotional distress and mental illness.

- Establishing a counseling plan for the treatment of one or more of the following disorders of an individual, couple, group, or family:
 - An emotional disorder.
 - A mental disorder.
 - An addiction disorder.
 - A physical disorder that requires a counseling intervention.
- **Promoting mental health wellness**, which would include the achievement of social, career, and emotional development across an individual's lifespan.
- **Preventing and treating mental and emotional disorders**, which would include the use of crisis intervention.

The bill would also amend the scopes of practice of several other counseling professions. For instance, it would clarify that a licensed professional counselor (LPC) would be licensed to engage in the practice of counseling without supervision.

It would also provide that only LPCs who completed training in supervision as required by the Board of Counseling by rule would be able to supervise a limited licensed counselor (designated a limited licensed professional counselor, or LLPC, by the Department of Licensing and Regulatory Affairs (LARA)).

The bill would add that, in addition to psychologist or marriage and family therapist, a counselor could not hold himself or herself out as a licensed bachelor's social worker or a licensed master's social worker.

Required Training

Current law requires that a person being granted a LPC or LLPC must have received a master's or doctoral degree or student personnel work in a program approved by the Board. Under the bill, the degree-granting institution must have been approved by LARA, and the program must be accredited by the Council for Accreditation of Counseling and Related Educational Programs and include coursework and training in the diagnosis and treatment of mental and emotional disorders or from a non-accredited program that demonstrates to the Board that it is substantially equivalent. The bill would also require that certain areas of study be included in the programs approved by the Board: human growth and development, social and cultural diversity, and diagnosis, among others.

Exemptions

The bill would add Christian Science practitioners to the list of groups to whom Part 181 (Counseling) of the Code would not apply, and remove from that list members of other professions whose practice may include counseling procedures but who do not hold themselves out as counselors.

MCL 333.18101 et al.; proposed MCL 333.18106

FISCAL IMPACT:

House Bill 5776 would not have any impact on the expenditures or revenues of any unit of state or local government.

POSITIONS:

Representatives of the following organizations testified in support of the bill (10-3-18):
Michigan Mental Health Counselors Association
Eastern Michigan University

The following organizations indicated support for the bill (10-3-18):
Oakland University
Spring Arbor University Master of Arts in Counseling program
University of Detroit Mercy Department of Counseling and Addiction Studies
Central Michigan University Counseling program
Eastern Michigan University Counseling program
Wayne State University Counseling program
Western Michigan University Specialty Program in Alcohol and Drug Abuse

A representative of the Michigan Psychological Association testified in opposition to the bill as written. (10-3-18)

The following organizations indicated opposition to the bill (10-3-18):
Michigan Psychiatric Society
Michigan State Medical Society

Legislative Analyst: Jenny McInerney
Fiscal Analyst: Marcus Coffin

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.