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BILL



ANALYSIS

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House Bill 5776 (Substitute H-2 as passed by the House)
Sponsor: Representative Jim Tedder
House Committee: Health Policy
Senate Committee: Health Policy

Date Completed: 12-18-18

CONTENT

The bill would amend Part 181 (Counseling) of the Public Health Code to do the following:

- **Modify certain definitions related to counseling and the licensure of counselors.**
- **Revise the education requirements for a professional counselor license and professional counselor limited license to an individual.**
- **Revise provisions pertaining to statutorily regulated professions or occupations.**

The bill would take effect 90 days after its enactment.

Definitions

Under the Act, "counseling principles, methods, or procedures" means a developmental approach that systematically assists an individual through the application of any of the procedures listed under Part 181. Under the bill, the term 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.
- Preventative techniques, which would mean assisting a client in maintaining mental and emotional well-being and preventative emotional distress and mental illness.

- Establishing a counseling plan for the treatment of one of the following disorders of an individual, couple, group, or family: a) an emotional disorder, b) a mental disorder, c) an addiction disorder, or d) a physical disorder that required a counseling intervention.
- Promoting mental health wellness, which would mean the achievement of social, career, and emotional development across an individual's life span.
- Preventing and treating mental and emotional disorders, which would include the use of crisis intervention.

"Limited licensed counselor" means an individual who has been granted a limited license by the board to offer counseling services under the supervision of a licensed professional counselor. The bill specifies that the professional counselor would have to meet the requirements of Section 18106 (which the bill would add to prohibit a licensed professional counselor from supervising a limited license counselor without completing training in supervision as required by the Michigan Board of Counseling by rule).

Practice of Counseling

Under the Code, "practice of counseling" or "counseling" means the rendering to individuals, groups, families, organizations, or the general public a service involving the application of clinical counseling principles, methods, or procedures for the purpose of achieving social, personal, career, and emotional development and with the goal of promoting and enhancing healthy self-actualizing and satisfying lifestyles whether the services are rendered in an educational, business, health, private practice, or human services setting. Under the bill, the definition would include the rendering of services *in accordance with accepted and established ethics*.

The practice of counseling does not include the practice of psychology except for those preventive techniques, counseling techniques, or behavior modification techniques for which the licensed professional counselor or limited licensed counselor has been specifically trained. The practice of counseling also does not include the practice of medicine such as prescribing drugs or administering electroconvulsive therapy. A counselor may not hold himself or herself out as a psychologist or as a marriage and family counselor providing marriage counseling.

The bill specifies that the "practice of counseling" would not include osteopathic medicine and surgery, including the differential diagnosis of medical conditions or disorders. The bill would prohibit a counselor from holding himself or herself out as a psychologist, a marriage and family therapist, or licensed bachelor's social worker or licensed master's social worker as those terms were defined under the Code.

Professional Counselor License

The Code defines "licensed professional counselor" as an individual who is licensed under Article 15 (Occupations) to engage in the practice of counseling. Under the bill, "licensed professional counselor" would mean an individual who is licensed under Article 15 to engage in the practice of counseling without supervision.

The Code authorizes the Board to grant a professional counselor license to an individual who meets the following criteria:

- Is at least 21 years of age.
- Has received a masters or doctoral degree in counseling or student personnel work in a program that meets standards established by the Board that include graduate studies in the following areas: a) research, b) group techniques, c) counseling theories, d) ethics,

- e) counseling techniques, f) counseling philosophy, g) testing procedures, h) career development, i) consulting, j) practicum, and k) internship.
- Has at least two years of counseling experience under the supervision of a licensed professional counselor.

Under the bill, a prospective licensee would have to earn a master's or doctoral degree in counseling from an accredited college or university approved by the Department of Licensing and Regulatory Affairs (LARA). Additionally, the program would have to be accredited by the Council for the Accreditation of Counseling and Related Educational Programs, and include coursework and training in the diagnosis and treatment of mental and emotional disorders. A master's or doctoral degree in counseling could be from a program that was not accredited by the Council if it demonstrated to the Board's satisfaction that it was substantially equivalent.

The bill would eliminate the reference to student personnel work in a program approved by the Board.

The bill also would require a program to meet standards established by the Board for graduate studies areas in human growth and development, assessment, diagnosis, social and cultural diversity, and counseling philosophy and identity in addition to the subject matter currently required.

Professional Counselor Limited license

Under the Code, the Board may grant a limited license, for the purpose of acquiring counseling experience under the supervision of a licensed professional counselor, to an individual who meets the following criteria:

- Is at least 21 years of age.
- Has received from an accredited college or university approved by LARA a masters or doctoral degree in counseling or student personnel work in a program that met standards established by the Board that include graduate studies in the following areas: a) research, b) group techniques, c) counseling theories, d) ethics, e) counseling techniques, f) counseling philosophy, g) testing procedures, h) career development, i) consulting, j) practicum, and k) internship.

Under the bill, a prospective limited licensee would have to earn a master's or doctoral degree accredited by the Council for the Accreditation of Counseling and Related Educational Programs, and include coursework and training in the diagnosis and treatment of mental and emotional disorders. The bill would require a program to meet standards established by the Board for graduate studies areas in human growth and development, assessment, diagnosis, social and cultural diversity, and counseling philosophy and identity, in addition to the subject matter currently required.

Statutorily Regulated Professions & Counseling

The Code provides that an individual is not limited or prohibited from the practice of a statutorily regulated profession or occupation if counseling is part of the services provided by the profession or occupation, and the individual does not hold himself or herself out as a counselor regulated under Article 15. "Statutorily regulated profession or occupation" includes a physician, attorney, marriage and family therapist, debt management counselor, social worker, social service technician, licensed, limited licensed, and temporarily limited licensed psychologist, and school counselor. The bill would add licensed bachelor's social worker and licensed master's social worker to this definition.

The Code specifies the Part 181 does not apply to certain individuals, including an ordained member of a clergy under certain circumstances, an individual who performs volunteer services for a public or private nonprofit organization, church, or charity under certain circumstances, an individual who is employed by or who volunteers to work in a substance use disorder services program, or a member of any other profession whose practice may include counseling principles, methods, or procedures as long as he or she is trained in that profession and does not hold himself or herself out as a counselor.

The bill would delete from this list a member of any other profession whose practice may include counseling principles, methods, or procedures as long as he or she is trained in that profession and does not hold himself or herself out as a counselor. The bill also would include in this list a Christian Science practitioner.

Payment of Benefits; Counseling

Under the bill, Part 181 would not require new or additional third-party reimbursement or mandated worker's compensation benefits for services rendered by an individual licensed under Part 181.

MCL 333.18101 et al.

Legislative Analyst: Tyler VanHuyse

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Elizabeth Raczkowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.