

SUBSTITUTE FOR
SENATE BILL NO. 413

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 18221, 18223, 18233, and 18237 (MCL 333.18221,
333.18223, 333.18233, and 333.18237), section 18221 as amended by
2006 PA 395, section 18223 as amended by 2018 PA 24, section 18233
as amended by 1994 PA 234, and section 18237 as amended by 1998 PA
496.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 18221. (1) The Michigan board of psychology is created in
2 the department. ~~and shall consist~~ **Except as otherwise provided in**
3 **subsection (2), the board consists** of the following 9 voting
4 members who ~~shall~~ **must** meet the requirements of part 161: 5
5 psychologists, including at least 1 nondoctoral psychologist, and 4

1 public members. ~~Section 1212 does not apply to this board.~~

2 **(2) Beginning after the effective date of the amendatory act**
 3 **that added this subsection, all of the following apply to the board**
 4 **described in subsection (1):**

5 **(a) The 4 public members shall continue in office for the**
 6 **remainder of their respective terms. When the term of office of the**
 7 **first public member expires, the governor shall not appoint a**
 8 **public member to fill that position but shall instead, subject to**
 9 **part 161, appoint 1 psychologist who holds a license under section**
 10 **18223(1) to fill the position, thereby reducing the total number of**
 11 **public members on the board to 3 and increasing the number of**
 12 **psychologists who hold a license under section 18223(1) to 5.**

13 **(b) The governor shall, subject to part 161, appoint 2**
 14 **psychologists who hold a limited license under section 18223(3) to**
 15 **the board, thereby increasing the total number of psychologists who**
 16 **hold limited licenses on the board to 3 and the total number of**
 17 **voting members on the board to 11.**

18 **(3) ~~(2)~~**The terms of office of individual members of the board
 19 created under this section, except those appointed to fill
 20 vacancies, expire 4 years after appointment on December 31 of the
 21 year in which the term expires.

22 Sec. 18223. (1) The department, in consultation with the
 23 board, shall promulgate rules ~~requiring that to be~~**require an**
 24 **individual who is** granted a license under this part **to engage in**
 25 **the practice of psychology to**, except as provided in ~~subsection~~
 26 ~~(2), an individual must~~**this section**, meet both of the following
 27 requirements:

28 **(a) Have been granted a doctoral degree in psychology, or a**
 29 **doctoral degree in a closely related field, from a doctoral degree**

1 program that meets all of the following requirements:

2 (i) Is offered by a regionally accredited or other college,
3 university, or institution approved by the board, and includes
4 education and training appropriate to the practice of psychology.

5 (ii) Has obtained the Association of State and Provincial
6 Psychology Boards' national register designation, has been
7 accredited by the American Psychological Association or the
8 Canadian Psychological Association, or has obtained a similar
9 designation from or been accredited by an entity approved by the
10 board. ~~However, a program that is in the process of obtaining the~~
11 ~~designation or becoming accredited as required in this subparagraph~~
12 ~~before August 1, 2011, and that obtains the designation or becomes~~
13 ~~accredited on or before August 31, 2020, meets the requirements of~~
14 ~~this subparagraph.~~

15 (b) Have not less than 1 year of postdoctoral experience in
16 the practice of psychology in an organized health care setting or
17 other arrangement, as established by the board.

18 (2) ~~In addition to section 16182, the board shall grant~~ **To be**
19 **granted** a limited license to **engage in the practice of psychology,**
20 an individual ~~granted must hold~~ a master's degree in psychology
21 from a regionally accredited college, ~~or~~ university, or institution
22 approved by the board, ~~if the individual has~~ **and have the**
23 education, training, and experience appropriate to the practice of
24 psychology, as established by the **department, in consultation with**
25 **the** board. ~~An individual who applies for an initial limited license~~
26 ~~under this subsection before March 31, 2018 is not required to take~~
27 ~~an examination that is approved by the board to be granted a~~
28 ~~limited license under this part if the individual was granted a~~
29 ~~master's degree in psychology after January 1, 2007 but before June~~

~~30, 2010 from the college, university, or institution described in this subsection, the individual has continuously held the temporary license described in this section since it was initially granted by the board, and the disciplinary subcommittee has not imposed a sanction against the individual while holding the temporary license described in this section.~~ Except for duties performed as an employee of a governmental entity or of a nonprofit organization serving benevolent and charitable purposes, ~~the board shall place 2~~ limitations **must be placed** on a **limited** license granted to an individual under this subsection. The limitations must require supervision by a psychologist who has a license other than a limited license and must prohibit advertising or other representation to the public that will lead the public to believe the individual is engaging in the practice of psychology. A limited license granted under this subsection is renewable under part 161. An individual who is applying for a limited license under this subsection must have 1 year of supervised postgraduate experience in an organized health care setting or other arrangement, as established by the **department, in consultation with the** board. The ~~individual~~ **postgraduate experience described in this subsection** must be supervised by a psychologist who has a license other than a limited license, or if a psychologist who has a license other than a limited license is not available, by a psychologist who has at least a master's degree in psychology and at least 3 years of experience in the practice of psychology or by any other individual approved by the board. **This subsection does not limit the ability to grant a limited license under section 16182. This subsection does not apply beginning 12 months after the effective date of the amendatory act that added subsection (3).**

(3) Beginning 12 months after the effective date of the amendatory act that added this subsection, to be granted a limited license to engage in the practice of psychology, an individual must hold a master's degree in psychology from a regionally accredited college, university, or institution approved by the department in consultation with the board, and have the education, training, and experience appropriate to the practice of psychology, as established by the department, in consultation with the board. Except as otherwise provided in this subsection, an individual who is applying for a limited license under this subsection who is granted a master's degree in psychology before August 31, 2027, must have 2 years, totaling not less than 3,000 hours, of supervised postgraduate experience, and an individual who is granted a master's degree in psychology on or after August 31, 2027, must have 2 years, totaling not less than 4,000 hours, of supervised postgraduate experience. An individual who is satisfying the supervised postgraduate experience described in subsection (2) on or immediately before 12 months after the effective date of the amendatory act that added this subsection must have 1 year of supervised postgraduate experience to be granted a limited license under this subsection. The postgraduate experience described in this subsection must be completed in an organized health care setting or other arrangement, as established by the department, in consultation with the board, and must be supervised by a psychologist who is granted a license under subsection (1) or, if a psychologist who is granted a license under subsection (1) is not available, by a psychologist who has at least a master's degree in psychology and at least 3 years of experience in the practice of psychology or by any other individual approved by the department,

1 in consultation with the board. An individual who is granted a
 2 limited license under this subsection may engage in the practice of
 3 psychology without supervision and shall perform an act, task, or
 4 function within the practice of psychology for which the individual
 5 is qualified by education, training, or experience. An individual
 6 who holds a limited license under this subsection shall not
 7 perform, offer to perform, or represent that the individual is
 8 qualified to perform any of the acts, tasks, or functions within
 9 the scope of practice of psychology that the individual is not
 10 qualified by education, training, or experience to perform, or that
 11 the individual is otherwise prohibited by law from performing. An
 12 individual who holds a limited license under subsection (2) on the
 13 effective date of the amendatory act that added this subsection is
 14 considered to hold a limited license under this subsection and is
 15 not subject to the limitations on the license as described in
 16 subsection (2). The department, in consultation with the board,
 17 shall promulgate rules to implement this subsection. This
 18 subsection does not limit the ability to grant a license under
 19 section 16182.

20 (4) ~~(3) The board shall grant a temporary license to an~~ An
 21 individual described in subsection (2) **or (3) must be granted a**
 22 **temporary license** for the purpose of obtaining the ~~1 year of~~
 23 postgraduate experience described in ~~that subsection. Beginning on~~
 24 ~~March 31, 2018, a~~ **subsection (2) or (3). A** temporary license
 25 granted under this subsection is valid for 24 months and may be
 26 renewed for ~~1-2~~ additional 24-month ~~term.~~ **terms.** If an individual
 27 described in subsection (2) was granted a temporary license by the
 28 board before March 31, 2018, ~~his or her~~ **the individual's** temporary
 29 license may be renewed for 1 additional 24-month term.

1 **(5)** ~~(4) The board shall grant a temporary license to an~~ **An**
 2 individual who is enrolled in a doctoral degree program that meets
 3 the requirements of subsection (1) **must be granted a temporary**
 4 **license.** Beginning on March 31, 2018, a temporary license granted
 5 under this subsection is valid for 24 months and may be renewed for
 6 3 additional 24-month terms. If an individual enrolled in a
 7 doctoral program that meets the requirements of subsection (1) was
 8 granted a temporary license ~~by the board before March 31, 2018, his~~
 9 ~~or her~~ **the individual's** temporary license may be renewed for 3
 10 additional 24-month terms.

11 **(6) An individual whose temporary license under subsection (4)**
 12 **or (5) has lapsed for failure to renew the temporary license may**
 13 **apply for relicensure in accordance with section 16201. An**
 14 **individual who is relicensed may renew the temporary license**
 15 **described in subsection (4) or (5) for any 24-month term remaining**
 16 **before the temporary license lapsed.**

17 Sec. 18233. (1) In addition to the requirements of part 161,
 18 ~~the board may require~~ a licensee seeking renewal of a license ~~to~~
 19 **shall** furnish the ~~board~~ **department** with satisfactory evidence that
 20 during the 2 years immediately preceding application for renewal,
 21 the licensee has attended continuing education courses or programs
 22 approved by the **department, in consultation with the** board,
 23 totaling not less than a number of hours established by rule ~~of the~~
 24 ~~board~~ in subjects related to the practice of psychology and
 25 designed to further educate licensees.

26 (2) As required under section 16204, ~~the board shall~~
 27 ~~promulgate rules requiring~~ each applicant for license renewal ~~to~~
 28 **must** complete as part of the continuing education requirement of
 29 subsection (1) an appropriate number of hours or courses in pain

1 and symptom management **as prescribed by rule.**

2 Sec. 18237. A psychologist ~~licensed or allowed to use that~~
3 ~~title under this part or an individual under his or her~~ **the**
4 **psychologist's** supervision cannot be compelled to disclose
5 confidential information acquired from an individual consulting the
6 psychologist in ~~his or her~~ **the psychologist's** professional capacity
7 if the information is necessary to enable the psychologist to
8 render services. Information may be disclosed with the consent of
9 the individual consulting the psychologist, or if the individual
10 consulting the psychologist is a minor, with the consent of the
11 minor's guardian, pursuant to section 16222 if the psychologist
12 reasonably believes it is necessary to disclose the information to
13 comply with section 16222, or under section 16281. In a contest on
14 the admission of a deceased individual's will to probate, an heir
15 at law of the decedent, whether a proponent or contestant of the
16 will, and the personal representative of the decedent may waive the
17 privilege created by this section.