

PUBLIC HEALTH CODE (EXCERPT)

Act 368 of 1978

PART 181

COUNSELING

333.18101 Definitions.

Sec. 18101. As used in this part:

(a) "Clinical counseling principles, methods, or procedures" means 1 or more of the following:

(i) Psychotherapy, the diagnosis and treatment planning for mental and emotional disorders, and evaluation.

(ii) 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.

(iii) Psychoeducational consulting. As used in this subparagraph, "psychoeducational consulting" means 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.

(iv) Counseling techniques. As used in this subparagraph:

(A) "Counseling techniques" means the application of basic counseling and psychotherapy skills and theories in the counseling process for the purposes of establishing and maintaining the counseling relationship; diagnosing the problem; formulating a preventative, treatment, or rehabilitative plan; and facilitating appropriate interventions.

(B) "Diagnosing the problem" means the identification of the problem through the application of recognized counseling techniques and psychotherapy skills and theories, including the use of the classifications and diagnoses in the Diagnostic and Statistical Manual for Mental Disorders, obtained through the successful completion of a qualified program. Diagnosing the problem does not include the identification of other medical or physical conditions.

(v) Behavioral modification techniques. As used in this subparagraph, "behavioral modification techniques" means assisting clients in identifying maladaptive or harmful behaviors and replacing them with adaptive and helpful behaviors.

(vi) Referral. As used in this subparagraph, "referral" includes determining the need for referral to 1 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.

(vii) Preventative techniques. As used in this subparagraph, "preventative techniques" means assisting a client in maintaining mental and emotional well-being and preventing emotional distress and mental illness.

(viii) Establishing a counseling plan for the treatment of 1 or more of the following disorders of an individual, couple, group, or family:

(A) An emotional disorder.

(B) A mental disorder.

(C) An addiction disorder.

(D) A physical disorder that requires a counseling intervention.

(ix) Promoting mental health wellness. As used in this subparagraph, "mental health wellness" means the achievement of social, career, and emotional development across an individual's life span.

(x) Preventing and treating mental and emotional disorders. As used in this subparagraph, "preventing and treating mental and emotional disorders" includes the use of crisis intervention.

(b) "Licensed professional counselor" means an individual who is licensed under this article to engage in the practice of counseling without supervision.

(c) "Limited licensed counselor" means an individual who has been granted a limited license under this article to engage in the practice of counseling under the supervision of a licensed professional counselor who meets the requirement of section 18106.

(d) Except as otherwise provided in subdivision (e), "practice of counseling" or "counseling" means the rendering to individuals, groups, families, organizations, or the general public in accordance with accepted and established ethics a service involving 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.

(e) 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 does not include the practice of medicine or osteopathic medicine and surgery, including, but not limited to, the differential diagnosis of medical conditions or disorders, prescribing drugs, or administering electroconvulsive therapy. A counselor shall not hold himself or herself out as any of the following:

(i) A psychologist as defined in section 18201.

(ii) A marriage and family therapist as defined in section 16901.

(iii) A licensed bachelor's social worker or a licensed master's social worker as those terms are defined in section 18501.

(f) "Qualified program" means any of the following:

(i) A program that is accredited by the Council for the Accreditation of Counseling and Related Educational Programs, includes coursework and training in the diagnosis and treatment of mental and emotional disorders, and is approved by the department in consultation with the board.

(ii) A program that is not accredited by the Council for the Accreditation of Counseling and Related Educational Programs, includes coursework and training in the diagnosis and treatment of mental and emotional disorders and all other coursework requirements of the Council for the Accreditation of Counseling and Related Educational Programs, including practicum and internship requirements, and is approved by the department in consultation with the board.

History: Add. 1988, Act 421, Eff. Mar. 30, 1989;—Am. 2019, Act 96, Eff. Jan. 27, 2020.

Compiler's note: For transfer of powers and duties of certain health-related functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

Popular name: Act 368

333.18103 Michigan board of counseling; creation; membership; terms of office.

Sec. 18103. (1) The Michigan board of counseling is created in the department. The board shall consist of the following 11 voting members who shall meet the requirements of part 161:

(a) Six members of the board shall be engaged in the practice of counseling and shall consist of: 3 members who are engaged primarily in providing counseling techniques, behavior modification techniques, or preventive techniques to clients; 2 members who are engaged primarily in teaching, training, or research in counseling; and 1 member who is engaged primarily in the administration of counseling services.

(b) Four members of the general public.

(c) One member who is a statutorily regulated mental health professional. As used in this subdivision, "statutorily regulated mental health professional" means any of the following: a psychiatrist, psychologist, substance abuse counselor, marriage and family therapist, or social worker.

(2) The terms of office of individual members of the board created under this section, except those appointed to fill vacancies, expire 4 years after appointment on June 30 of the year in which the term expires.

History: Add. 1988, Act 421, Eff. Mar. 30, 1989;—Am. 1993, Act 79, Eff. Apr. 1, 1994;—Am. 2006, Act 429, Imd. Eff. Oct. 5, 2006.

Popular name: Act 368

333.18105 Practice of counseling; conditions; use of words, titles, or letters.

Sec. 18105. (1) A licensee shall not perform any acts, tasks, or functions within the practice of counseling unless he or she is trained to perform such acts, tasks, or functions.

(2) Effective October 1, 1990, a person shall not engage in the practice of counseling unless licensed or otherwise authorized under this article.

(3) The following words, titles, or letters or a combination thereof, with or without qualifying words or phrases, are restricted in use only to those persons authorized under this part to use the terms and in a way prescribed in this part: "licensed professional counselor", "licensed counselor", "professional counselor", and "l.p.c.".

History: Add. 1988, Act 421, Eff. Mar. 30, 1989;—Am. 1989, Act 262, Imd. Eff. Dec. 26, 1989;—Am. 2006, Act 429, Imd. Eff. Oct. 5, 2006.

Popular name: Act 368

333.18106 Supervision of limited licensed counselor; training required.

Sec. 18106. A licensed professional counselor shall not supervise a limited licensed counselor without completing training in supervision as required by rules promulgated by the department in consultation with

the board.

History: Add. 2019, Act 96, Eff. Jan. 27, 2020.

Popular name: Act 368

333.18107 Professional counselor license; qualifications; rules.

Sec. 18107. (1) Subject to subsection (2), the department may grant a professional counselor license to an individual who meets all of the following criteria:

(a) Is not less than 18 years of age.

(b) Has received, from an accredited college or university approved by the department, a master's or doctoral degree in counseling from a qualified program, or a degree determined by the department in consultation with the board to be substantially equivalent to a counseling degree from a qualified program. The department in consultation with the board shall promulgate rules to establish standards to approve qualified programs.

(c) Has at least 2 years of counseling experience under the supervision of a licensed professional counselor. The department in consultation with the board may decrease the required length of counseling experience under the supervision of a licensed professional counselor to 1 year if an applicant has completed a doctoral degree in counseling. An applicant shall not be licensed before completing 1 year of counseling experience under the supervision of a licensed professional counselor.

(2) The department in consultation with the board shall promulgate rules under section 16145 as necessary or appropriate to supplement the requirements for licensure under this part as a licensed professional counselor, including adopting updated standards of the Council for the Accreditation of Counseling and Related Educational Programs or a successor organization.

History: Add. 1988, Act 421, Eff. Mar. 30, 1989;—Am. 1989, Act 262, Imd. Eff. Dec. 26, 1989;—Am. 2019, Act 96, Eff. Jan. 27, 2020.

Popular name: Act 368

333.18109 Limited license; qualifications; renewal; restricted practice.

Sec. 18109. (1) Until October 1, 1991, the board may grant a limited license to an individual who has received a bachelor's degree and has engaged in the practice of counseling for not less than 5 years. The limited license shall be renewable for not more than 2 years.

(2) A limited license issued under this section shall require that the individual confine his or her practice to a program of counseling experience under the supervision of a licensed professional counselor.

History: Add. 1988, Act 421, Eff. Mar. 30, 1989;—Am. 1989, Act 262, Imd. Eff. Dec. 26, 1989.

Popular name: Act 368

333.18111 Limited license; criteria; restricted practice; rules.

Sec. 18111. (1) Subject to subsection (3), the department may grant a limited license to an individual who meets both of the following criteria:

(a) Is not less than 18 years of age.

(b) Has received, from an accredited college or university approved by the department, a master's or doctoral degree in counseling from a qualified program, or a degree determined by the department in consultation with the board to be substantially equivalent to a counseling degree from a qualified program. The department in consultation with the board shall promulgate rules to establish standards to approve qualified programs.

(2) A limited license granted under this section must require that the individual confine his or her practice to a program of counseling experience under the supervision of a licensed professional counselor.

(3) The department in consultation with the board shall promulgate rules under section 16145 as necessary or appropriate to supplement the requirements for licensure under this part as a limited licensed counselor, including adopting updated standards of the Council for the Accreditation of Counseling and Related Educational Programs or a successor organization.

History: Add. 1988, Act 421, Eff. Mar. 30, 1989;—Am. 2019, Act 96, Eff. Jan. 27, 2020.

Popular name: Act 368

333.18112 Administering assessments; training required.

Sec. 18112. A licensee shall not administer an assessment unless he or she has received specific training on administering the assessment.

History: Add. 2019, Act 96, Eff. Jan. 27, 2020.

Popular name: Act 368

333.18113 Professional disclosure statement.

Sec. 18113. (1) A licensee shall furnish a professional disclosure statement to a prospective client before engaging in counseling services.

(2) A professional disclosure statement required under this section shall contain all of the following:

- (a) The licensee's name, business address, and telephone number.
- (b) A description of the licensee's practice.
- (c) A description of the education and experience of the licensee.
- (d) The licensee's counseling fee schedule.
- (e) The name, address, and telephone number of the department.

(3) The disclosure statement shall accompany the original application for licensure. Any changes in the disclosure statement shall be filed with the department within 30 days after the changes are made.

History: Add. 1988, Act 421, Eff. Mar. 30, 1989.

Popular name: Act 368

333.18114 Relicensure; application requirements; professional disclosure statement; out-of-state license verification.

Sec. 18114. (1) Except as otherwise provided in subsection (3), the department may grant relicensure as a licensed professional counselor or limited licensed counselor to an individual who is applying for relicensure less than 3 years after the expiration date of his or her license, if the individual submits to the department a completed application on a form provided by the department together with payment of the fees described in section 16201(3), and he or she complies with both of the following:

(a) Submits with his or her application a professional disclosure statement that meets the requirements of section 18113.

(b) If the individual holds or has held a license as a licensed professional counselor or limited licensed counselor in another state, ensures that the licensing agency of each out-of-state license verifies all of the following on a form provided by the department:

(i) That disciplinary proceedings are not pending against the individual at the time of his or her application for relicensure.

(ii) That if sanctions have been imposed against the individual, the sanctions are not in force at the time of his or her application for relicensure.

(2) Except as otherwise provided in subsection (3), the department may grant relicensure as a licensed professional counselor or limited licensed counselor to an individual who is applying for relicensure more than 3 years after the expiration date of his or her license, if the individual submits to the department a completed application on a form provided by the department together with payment of the fees described in section 16201(4) and a professional disclosure statement that meets the requirements of section 18113, and he or she complies with 1 of the following:

(a) Takes or retakes and passes 1 of the following:

(i) The national counselor examination developed by the National Board for Certified Counselors.

(ii) The certification examination given by the Commission on Rehabilitation Counselor Certification.

(iii) An examination that the department determines is equivalent to an examination described in subparagraph (i) or (ii).

(b) Demonstrates to the satisfaction of the department that he or she meets the requirements for certification issued by the National Board for Certified Counselors, the Commission on Rehabilitation Counselor Certification, or an equivalent program as determined by the department.

(3) The department may grant relicensure as a licensed professional counselor or limited licensed counselor to an individual who received a master's or doctoral degree in counseling or student personnel work before October 1, 1991, and completed 2 years of professional experience before October 1, 1993, if the individual submits to the department a completed application on a form provided by the department together with payment of the applicable fees described in section 16201(3) or (4) and he or she complies with 1 of the following:

(a) Submits with his or her application a professional disclosure statement that meets the requirements of section 18113.

(b) If the individual holds or has held a license as a licensed professional counselor or limited licensed counselor in another state, ensures that the licensing agency of each out-of-state license verifies all of the following on a form provided by the department:

(i) That disciplinary proceedings are not pending against the individual at the time of his or her application for relicensure.

(ii) That if sanctions have been imposed against the individual, the sanctions are not in force at the time of his or her application for relicensure.

History: Add. 2019, Act 96, Eff. Jan. 27, 2020.

Popular name: Act 368

333.18115 Practice of statutorily regulated profession or occupation not limited; definition; applicability of part; use of word "counselor."

Sec. 18115. (1) This article does not limit an individual in, nor prevent an individual from, the practice of a statutorily regulated profession or occupation if counseling is part of the services provided by that profession or occupation, and the individual does not hold himself or herself out as a counselor regulated under this article. As used in this subsection, "statutorily regulated profession or occupation" includes, but is not limited to, all of the following: a physician, attorney, marriage and family therapist, debt management counselor, licensed bachelor's social worker, licensed master's social worker, social service technician, licensed psychologist, limited licensed psychologist, temporary limited licensed psychologist, or school counselor.

(2) This part does not apply to any of the following:

(a) An ordained member of the clergy if counseling is incidental to his or her religious duties performed under the auspices or recognition of a church, denomination, religious association, or sect, that has tax-exempt status under section 501(c)(3) of the internal revenue code of 1986, 26 USC 501, if the member of the clergy does not hold himself or herself out as a counselor licensed under this article.

(b) An individual who performs volunteer services for a public or private nonprofit organization, church, or charity, if the individual is approved by the organization or agency for which the services are rendered.

(c) An individual who is employed by or who volunteers to work in a substance use disorder services program licensed by the department under part 62.

(d) A Christian Science practitioner.

(3) Notwithstanding section 18105(3), this part does not prohibit the use of the word "counselor" without the qualifying words "licensed" or "professional" used in conjunction with the word "counselor", except as otherwise provided by law.

History: Add. 1988, Act 421, Eff. Mar. 30, 1989;—Am. 2006, Act 429, Imd. Eff. Oct. 5, 2006;—Am. 2019, Act 96, Eff. Jan. 27, 2020.

Popular name: Act 368

333.18116 Third party reimbursement or mandated worker's compensation benefits.

Sec. 18116. This part does not require new or additional third party reimbursement or mandated worker's compensation benefits for services rendered by an individual licensed under this part.

History: Add. 2019, Act 96, Eff. Jan. 27, 2020.

Popular name: Act 368

333.18117 Privileged communications; disclosure of confidential information.

Sec. 18117. For the purposes of this part, the confidential relations and communications between a licensed professional counselor or a limited licensed counselor and a client of the licensed professional counselor or a limited licensed counselor are privileged communications, and this part does not require a privileged communication to be disclosed, except as otherwise provided by law. Confidential information may be disclosed only upon consent of the client, pursuant to section 16222 if the licensee reasonably believes it is necessary to disclose the information to comply with section 16222, or under section 16281.

History: Add. 1988, Act 421, Eff. Mar. 30, 1989;—Am. 1993, Act 79, Eff. Apr. 1, 1994;—Am. 1998, Act 496, Eff. Mar. 1, 1999.

Popular name: Act 368