

STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1998

Introduced by Reps. Gubow, Anthony, Gire, Leland, Martinez and Schroer

ENROLLED HOUSE BILL No. 4274

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 1995 PA 126, and by adding section 16348 and part 185; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 16131. The terms of office of individual members of the boards and task forces, except those appointed to fill vacancies, expire 4 years after appointment as follows:

Nutrition and dietetics	June 30
Nursing	June 30
Optometry	June 30
Pharmacy	June 30
Podiatric medicine and surgery	June 30
Dentistry	June 30
Chiropractic	December 31
Counseling	June 30
Marriage and family therapy	June 30
Medicine	December 31
Occupational therapists	December 31
Osteopathic medicine and surgery	December 31
Physical therapy	December 31
Psychology	December 31
Sanitarians	December 31
Social work	December 31
Veterinary medicine	December 31

Sec. 16263. (1) Except as provided in subsection (2), 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 article to use the terms and in a way prescribed in this article:

- (a) “Chiropractic”, “doctor of chiropractic”, “chiropractor”, “d.c.”, and “chiropractic physician”.
- (b) “Dentist”, “doctor of dental surgery”, “oral and maxillofacial surgeon”, “orthodontist”, “prosthodontist”, “periodontist”, “endodontist”, “oral pathologist”, “pediatric dentist”, “dental hygienist”, “registered dental hygienist”, “dental assistant”, “registered dental assistant”, “r.d.a.”, “d.d.s.”, “d.m.d.”, and “r.d.h.”.
- (c) “Doctor of medicine” and “m.d.”.
- (d) “Physician’s assistant” and “p.a.”.
- (e) “Registered professional nurse”, “registered nurse”, “r.n.”, “licensed practical nurse”, “l.p.n.”, “nurse midwife”, “nurse anesthetist”, “nurse practitioner”, “trained attendant”, and “t.a.”.
- (f) “Doctor of optometry”, “optometrist”, and “o.d.”.
- (g) “Osteopath”, “osteopathy”, “osteopathic practitioner”, “doctor of osteopathy”, “diplomate in osteopathy”, and “d.o.”.
- (h) “Pharmacy”, “pharmacist”, “apothecary”, “drugstore”, “druggist”, “medicine store”, “prescriptions”, and “r.ph.”.
- (i) “Physical therapy”, “physical therapist”, “physiotherapist”, “registered physical therapist”, “licensed physical therapist”, “physical therapy technician”, “p.t.”, “r.p.t.”, “l.p.t.”, and “p.t.t.”.
- (j) “Chiropodist”, “chiropody”, “chiropodical”, “podiatry”, “podiatrist”, “podiatric”, “doctor of podiatric medicine”, “foot specialist”, “podiatric physician and surgeon”, and “d.p.m.”.
- (k) “Consulting psychologist”, “psychologist”, “psychological assistant”, and “psychological examiner”, “licensed psychologist”, and “limited licensed psychologist”.
- (l) “Licensed professional counselor”, “licensed counselor”, “professional counselor”, and “l.p.c.”.
- (m) “Sanitarian”, “registered sanitarian”, and “r.s.”.
- (n) “Veterinary”, “veterinarian”, “veterinary doctor”, “veterinary surgeon”, “doctor of veterinary medicine”, “v.m.d.”, “d.v.m.”, “animal technician”, or “animal technologist”.
- (o) “Occupational therapist”, “occupational therapist registered”, “certified occupational therapist”, “o.t.”, “o.t.r.”, “c.o.t.”, “certified occupational therapy assistant”, “occupational therapy assistant”, or “c.o.t.a.”.
- (p) “Marriage advisor” or “marriage consultant”; “family counselor”, “family advisor”, “family therapist”, or “family consultant”; “family guidance counselor”, “family guidance advisor”, or “family guidance consultant”; “marriage guidance counselor”, “marriage guidance advisor”, or “marriage guidance consultant”; “family relations counselor”; “marriage relations counselor”, “marriage relations advisor”, or “marriage relations consultant”; “marital counselor” or “marital therapist”; “limited licensed marriage and family therapist” or “limited licensed marriage counselor”; “licensed marriage and family therapist” or “licensed marriage counselor”; and “l.m.f.t.”.
- (q) “Respiratory therapist”, “registered respiratory therapist”, “r.t.”, and “r.r.t.”.
- (r) “Therapeutic recreator”, “t.r.”, “registered therapeutic recreation specialist”, “r.t.r.s.”, “recreation therapist”, “r.t.”, “recreational therapist”, “certified recreation therapist”, “c.r.t.”, “therapeutic recreation specialist”, and “t.r.s.”.
- (s) “Athletic trainer”, “registered athletic trainer”, “certified athletic trainer”, “athletic trainer certified”, “a.t.”, “a.t.r.”, “c.a.t.”, and “a.t.c.”.
- (t) “Registered nutritionist and dietitian” and “r.n.d.”.
- (u) “Social worker”, “certified social worker”, “social work technician”, “s.w.”, “c.s.w.”, and “s.w.t.”.

(2) Notwithstanding section 16261, a person who was specially trained at an institution of higher education in this state to assist a physician in the field of orthopedics and upon completion of training, received a 2-year associate of science degree as an orthopedic physician’s assistant before January 1, 1977, may use the title “orthopedic physician’s assistant” whether or not the person is licensed under this article.

Sec. 16348. Fees for a person registered or seeking registration as a registered bachelor social worker, a registered master’s social worker, or a registered social work technician under part 185 are as follows:

(a) Application processing fee	\$	15.00
(b) Registration fee, per year:		
(i) Social worker		15.00
(ii) Certified social worker.....		15.00
(iii) Social work technician		15.00

PART 185. SOCIAL WORK

Sec. 18501. (1) As used in this part:

(a) "Social work technician" means an individual registered under this article in accordance with section 18507 and authorized under this part to use the title "social work technician" or the abbreviation "s.w.t.".

(b) "Social worker" means an individual registered under this article in accordance with section 18509 and authorized under this part to use the title "social worker" or the abbreviation "s.w.".

(c) "Certified social worker" means an individual registered under this article in accordance with section 18511 and authorized under this part to use the title "certified social worker" or the abbreviation "c.s.w.".

(d) "Social work" means the professional application of social work values, principles, and techniques to counseling or to helping an individual, family, group, or community do 1 or more of the following:

(i) Enhance or restore the capacity for social functioning.

(ii) Provide, obtain, or improve tangible social and health services.

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

Sec. 18503. An individual shall not represent that he or she is a certified social worker, social worker, or social work technician or use a title including "certified social worker", "social worker", "social work technician", or an abbreviation of those terms or the letters "c.s.w.", "s.w.", or "s.w.t." or similar words which would indicate that he or she is registered under this article unless the individual is registered in that capacity under this article.

Sec. 18505. Subject to section 18515(2), the Michigan board of social work is created in the department and consists of the following 9 voting members who meet the requirements of part 161:

(a) Four certified social workers and 2 social workers who meet the requirements of section 16135(2).

(b) Three public members.

Sec. 18507. The board may grant registration under this article as a social work technician to an individual who meets all of the following requirements:

(a) Has had 1 year of social work experience acceptable to the board, or has successfully completed 2 years of college.

(b) Is employed in the practice of social work. This subdivision is waived if the individual has the equivalent of 2,000 hours of service in social work with an agency recognized by the board or has received an associate degree in social work at a college approved by the board that includes supervised instructional field experience.

Sec. 18509. The board may grant a registration under this article as a social worker to an individual who meets all of the following requirements:

(a) Has obtained a baccalaureate degree from a college or university approved by the board.

(b) Has 2 or more years of social work experience acceptable to the board or is enrolled in a graduate school of social work approved by the board, or has a master's degree from an accredited school of social work approved by the board or has the equivalent of 4,000 hours of service in social work with an agency recognized by the board.

(c) Is employed in the practice of social work or is enrolled in a graduate school of social work approved by the board. This subdivision is waived if the individual has received a bachelor's or master's degree from an accredited school of social work approved by the board.

Sec. 18511. The board may grant a registration as a certified social worker to an individual who meets all of the following requirements:

(a) Possesses a master's degree from an accredited school of social work approved by the board.

(b) Has completed 2 or more years of social work experience acceptable to the board.

Sec. 18513. (1) An individual registered under this part as a certified social worker, social worker, or social work technician or an employee or officer of an organization that employs the certified social worker, social worker, or social work technician is not required to disclose a communication or a portion of a communication made by a client to the individual or advice given in the course of professional employment.

(2) Except as otherwise provided in this section, a communication between a certified social worker, social worker, or social work technician, or an organization with which the certified social worker, social worker, or social work technician has an agency relationship and a client is a privileged communication. This privilege is not subject to waiver and the communication shall not be disclosed, except under 1 or more of the following circumstances:

(a) The disclosure is part of a required supervisory process within the organization that employs or otherwise has an agency relationship with the certified social worker, social worker, or social work technician.

(b) The privilege is waived by the client or a person authorized to act in the client's behalf.

(3) If requested by the court for a court action, a certified social worker, social worker, or social work technician shall submit to an appropriate court a written evaluation of the prospect or prognosis of a particular client without disclosing a privileged fact or a privileged communication. An attorney representing a client who is the subject of an evaluation described in this subsection has the right to receive a copy of the evaluation. If required for the exercise of a public purpose by a legislative committee, a certified social worker, social worker, social work technician, or agency representative may make available statistical and program information without violating the privilege established under subsection (2).

(4) A certified social worker, social worker, or social work technician may disclose a communication or a portion of a communication made by a client pursuant to section 946 of the mental health code, 1974 PA 258, MCL 339.1946, in order to comply with the duty set forth in that section.

Sec. 18515. (1) An individual who holds a registration issued under former article 16 of the occupational code, 1980 PA 299, on the effective date of the amendatory act that added this part is registered under this part until that registration expires and may renew his or her registration pursuant to part 161.

(2) The members of the board of examiners of social workers created under former section 1602 of the occupational code, 1980 PA 299, shall serve as the initial members of the Michigan board of social work until their successors are appointed under this article or until the expiration of their respective terms, whichever occurs first. However, if the term of a member of the board of examiners of social workers has not expired on the effective date of the amendatory act that added this part, that term expires on June 30 of the year in which the term will expire.

(3) Rules promulgated by the board of examiners of social workers or the director under former article 16 of the occupational code, 1980 PA 299, and in effect on the effective date of the amendatory act that added this part continue in effect to the extent that they do not conflict with this article and shall continue to be enforced. The rules may be amended or rescinded by the director.

Enacting section 1. (1) Article 16 of the occupational code, 1980 PA 299, MCL 339.1601 to 339.1610, is repealed.

(2) Section 2245 of the state license fee act, 1979 PA 152, MCL 338.2245, is repealed.

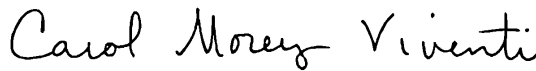
Enacting section 2. This amendatory act takes effect December 31, 1998.

Enacting section 3. This amendatory act does not take effect unless House Bill No. 5736 of the 89th Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.