

HOUSE BILL No. 4758

May 27, 2003, Introduced by Reps. Ruth Johnson, Ward, Brandenburg, Tobocman, Spade, Rocca, Shaffer, Stewart, DeRossett, Anderson, Jamnick, Lipsey, Pumford, Richardville, Gleason and Voorhees and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16263, 18501, 18503, 18505, 18507, 18509, 18511, 18513, and 18515 (MCL 333.16263, 333.18501, 333.18503, 333.18505, 333.18507, 333.18509, 333.18511, 333.18513, and 333.18515), section 16263 as amended by 2001 PA 139 and sections 18501, 18503, 18505, 18507, 18509, 18511, 18513, and 18515 as added by 2000 PA 11, and by adding sections 18504, 18506, and 18516.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16263. (1) Except as provided in subsection (2), the
2 following words, titles, or letters or a combination thereof,
3 with or without qualifying words or phrases, are restricted in
4 use only to those persons authorized under this article to use
5 the terms and in a way prescribed in this article:

1 (a) "Chiropractic", "doctor of chiropractic", "chiropractor",
2 "d.c.", and "chiropractic physician".

3 (b) "Dentist", "doctor of dental surgery", "oral and
4 maxillofacial surgeon", "orthodontist", "prosthodontist",
5 "periodontist", "endodontist", "oral pathologist", "pediatric
6 dentist", "dental hygienist", "registered dental hygienist",
7 "dental assistant", "registered dental assistant", "r.d.a.",
8 "d.d.s.", "d.m.d.", and "r.d.h.".

9 (c) "Doctor of medicine" and "m.d.".

10 (d) "Physician's assistant" and "p.a.".

11 (e) "Registered professional nurse", "registered nurse",
12 "r.n.", "licensed practical nurse", "l.p.n.", "nurse midwife",
13 "nurse anesthetist", "nurse practitioner", "trained attendant",
14 and "t.a.".

15 (f) "Doctor of optometry", "optometrist", and "o.d.".

16 (g) "Osteopath", "osteopathy", "osteopathic practitioner",
17 "doctor of osteopathy", "diplomate in osteopathy", and "d.o.".

18 (h) "Pharmacy", "pharmacist", "apothecary", "drugstore",
19 "druggist", "medicine store", "prescriptions", and "r.ph.".

20 (i) "Physical therapy", "physical therapist",
21 "physiotherapist", "registered physical therapist", "licensed
22 physical therapist", "physical therapy technician", "p.t.",
23 "r.p.t.", "l.p.t.", and "p.t.t.".

24 (j) "Chiropodist", "chiropody", "chiropodical", "podiatry",
25 "podiatrist", "podiatric", "doctor of podiatric medicine", "foot
26 specialist", "podiatric physician and surgeon", and "d.p.m.".

27 (k) "Consulting psychologist", "psychologist", "psychological

1 assistant", "psychological examiner", "licensed psychologist",
2 and "limited licensed psychologist".

3 (l) "Licensed professional counselor", "licensed counselor",
4 "professional counselor", and "l.p.c.".

5 (m) "Sanitarian", "registered sanitarian", and "r.s.".

6 (n) "Social worker", ~~"certified"~~ **"licensed master's** social
7 worker", **"licensed bachelor's social worker"**, **"registered** social
8 ~~work~~ **service** technician", ~~"s.w.", "c.s.w.", and "s.w.t."~~
9 **"social service technician", "l.m.s.w.", "l.b.s.w.", and**
10 **"r.s.w.t."**.

11 (o) "Veterinary", "veterinarian", "veterinary doctor",
12 "veterinary surgeon", "doctor of veterinary medicine", "v.m.d.",
13 "d.v.m.", "animal technician", or "animal technologist".

14 (p) "Occupational therapist", "occupational therapist
15 registered", "certified occupational therapist", "o.t.",
16 "o.t.r.", "c.o.t.", "certified occupational therapy assistant",
17 "occupational therapy assistant", or "c.o.t.a.".

18 (q) "Marriage advisor" or "marriage consultant"; "family
19 counselor", "family advisor", "family therapist", or "family
20 consultant"; "family guidance counselor", "family guidance
21 advisor", or "family guidance consultant"; "marriage guidance
22 counselor", "marriage guidance advisor", or "marriage guidance
23 consultant"; "family relations counselor"; "marriage relations
24 counselor", "marriage relations advisor", or "marriage relations
25 consultant"; "marital counselor" or "marital therapist"; "limited
26 licensed marriage and family therapist" or "limited licensed
27 marriage counselor"; "licensed marriage and family therapist" or

1 "licensed marriage counselor"; and "l.m.f.t.".

2 (r) "Nursing home administrator".

3 (2) Notwithstanding section 16261, a person who was specially
4 trained at an institution of higher education in this state to
5 assist a physician in the field of orthopedics and upon
6 completion of training, received a 2-year associate of science
7 degree as an orthopedic physician's assistant before January 1,
8 1977, may use the title "orthopedic physician's assistant"
9 whether or not the person is licensed under this article.

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

11 (a) "Health facility" means a health facility or agency
12 licensed under article 17 or a hospital, psychiatric hospital, or
13 psychiatric unit licensed under the mental health code, 1974
14 PA 258, MCL 330.1001 to 330.2106.

15 (b) "Licensed bachelor social worker" means an individual
16 licensed under this article to engage in the practice of social
17 work at the bachelor's level.

18 (c) "Licensed master's social worker" means an individual
19 licensed under this article to engage in the practice of social
20 work at the master's level.

21 (d) "Practice of medicine" means that term as defined in
22 section 17001.

23 (e) "Practice of osteopathic medicine and surgery" means that
24 term as defined in section 17501.

25 (f) "Practice of social work at the bachelor's level" means
26 all of the following applied within the scope of social work
27 values, principles, and techniques, not to include the practice

1 of medicine or the practice of osteopathic medicine and surgery
2 and including, but not limited to, the prescribing of drugs, the
3 administration of electroconvulsive therapy, the practice of
4 psychotherapy, or, except as provided in subparagraph (iv), the
5 administration or interpretation of psychological tests:

6 (i) The application of the knowledge of human development and
7 behavior and social, economic, and cultural institutions.

8 (ii) Social work case management and casework, including, but
9 not limited to, assessments, planning, referral, and intervention
10 with individuals, families, couples, groups, communities, or
11 institutions.

12 (iii) Helping communities, organizations, or groups improve
13 their social or health services by utilizing social work values,
14 practices, and techniques.

15 (iv) The administration of assessment checklists that do not
16 require special training and that do not require interpretation.

17 (g) "Practice of social work at the master's level" means all
18 of the following applied within the scope of social work values,
19 principles, and techniques, not to include the practice of
20 medicine or the practice of osteopathic medicine and surgery and
21 including, but not limited to, the prescribing of drugs or the
22 administration of electroconvulsive therapy:

23 (i) The application of the knowledge of human development and
24 behavior and social, economic, and cultural institutions.

25 (ii) Advanced social work case management and casework,
26 advanced social emotional assessments, planning, referral,
27 counseling, diagnosis of emotional and behavioral dysfunctions,

1 and intervention with individuals, families, couples, groups,
2 communities, and institutions.

3 (iii) Helping communities, organizations, or groups improve
4 their social or health services by the advanced use of social
5 work values, practices, and techniques.

6 (iv) Psychotherapy with individuals, families, couples, or
7 groups and the diagnosis and treatment of mental, emotional, and
8 behavioral disorders, but only pursuant to section 18511.

9 (h) ~~(a)~~ "Social ~~work~~ **service** technician" means an
10 individual registered under this article ~~in accordance with~~
11 ~~section 18507 and authorized under this part to use the title~~
12 ~~"social work technician" or the abbreviation "s.w.t."~~ who is
13 specially trained to assist a licensed master's social worker or
14 a licensed bachelor social worker and who is authorized to
15 practice only under the supervision of a licensed master's social
16 worker or a licensed bachelor social worker.

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

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

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

1 ~~more of the following:~~

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

3 ~~—— (ii) Provide, obtain, or improve tangible social and health~~
4 ~~services.~~

5 (i) "Social work values, principles, and techniques" means a
6 biopsychosocial approach of systematic intervention to enhance
7 the developmental, problem solving, functioning, and coping
8 capacities of individuals, couples, families, groups,
9 communities, and institutions.

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

14 Sec. 18503. (1) An individual shall not represent that he
15 or she is a ~~certified social worker, social worker, or social~~
16 ~~work~~ **service** technician or use a title including ~~certified~~
17 ~~social worker~~", ~~social worker~~", ~~social work~~ **service**
18 technician" ~~—~~ or an abbreviation of those terms or the letters
19 ~~"e.s.w.", "s.w.", or "s.w.t."~~ **"s.s.t."** or similar words which
20 would indicate that he or she is registered under this article
21 unless the individual is registered in that capacity under this
22 article.

23 (2) A licensed bachelor social worker shall only use the
24 titles "licensed bachelor social worker", "social worker", or
25 "l.b.s.w.". A licensed master's social worker shall only use the
26 titles "licensed master's social worker", "social worker", or
27 "l.m.s.w.".

1 Sec. 18504. Beginning 1 year after the effective date of
2 the amendatory act that added this section, an individual shall
3 not engage in the practice of social work at the bachelor's or
4 master's level or use a title described in section 18503 unless
5 licensed or otherwise allowed under this part.

6 Sec. 18505. (1) Subject to section 18515(2) and subsection
7 (2), the Michigan board of social work is created in the
8 department and consists of the following 9 voting members who
9 meet the requirements of part 161:

10 (a) ~~Four~~ Until the effective date of the amendatory act
11 that amended this subdivision, 4 certified social workers and 2
12 social workers who meet the requirements of section 16135(2).
13 Beginning the effective date of the amendatory act that amended
14 this subdivision, 6 individuals engaged primarily in the practice
15 of social work.

16 (b) Three public members.

17 (2) For board members appointed after the effective date of
18 the amendatory act that added this subsection, the 6 members
19 appointed that are primarily engaged in the practice of social
20 work shall be licensed under this part within 3 years after the
21 effective date of the amendatory act that added this subsection.

22 Sec. 18506. (1) An individual who is granted a limited
23 license under section 18509(2) to engage in the 2-year postdegree
24 experience in the practice of social work at the bachelor's or
25 master's level shall practice under the supervision of a licensed
26 master's social worker and confine his or her practice to an
27 agency, a health facility, an institution, or another entity

1 approved by the board.

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

3 (a) An individual who is engaged in a course of study leading
4 to a degree in social work and participating in an internship
5 supervised by a licensed master's social worker.

6 (b) An individual who is not licensed or otherwise authorized
7 under this part to engage in the practice of social work at the
8 bachelor's or master's level or registered as a social service
9 technician who donates his or her services, other than
10 psychotherapy services, to a charitable nonprofit organization so
11 long as the individual does not hold himself or herself out to
12 the public as a social worker licensed, registered, or otherwise
13 authorized under this part.

14 (c) An ordained cleric if counseling is an element of his or
15 her religious duties performed under the auspices or recognition
16 of a church, denomination, religious association, or sect that
17 has tax-exempt status pursuant to section 501(c)(3) of the
18 internal revenue code of 1986, if he or she does not hold himself
19 or herself out as a social worker licensed, registered, or
20 otherwise authorized under this article.

21 (d) A certified, licensed, or otherwise statutorily
22 recognized member of any other profession who practices his or
23 her profession as authorized by law so long as the individual
24 does not hold himself or herself out to the public as a social
25 worker licensed, registered, or otherwise authorized under this
26 part.

27 (e) An individual who is a participant in a self-help, peer

1 counseling, or support services program provided by a charitable,
2 nonprofit organization so long as the individual does not hold
3 himself or herself out to the public as a social worker licensed,
4 registered, or otherwise authorized under this part.

5 (3) This part does not prohibit an individual who holds a
6 master's or doctorate degree in social work from an accredited
7 college or university from using a title including "social work"
8 if the individual does not engage in the practice of social work
9 at the bachelor's or master's level.

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

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

15 (b) Is employed in the practice of social work. This
16 subdivision is waived if the individual has the equivalent of
17 2,000 hours of service in social work with an agency recognized
18 by the board or has received an associate degree in social work
19 at a college approved by the board that includes supervised
20 instructional field experience.

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

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

26 ~~— (b) Has 2 or more years of social work experience acceptable~~
27 ~~to the board or is enrolled in a graduate school of social work~~

1 ~~approved by the board, or has a master's degree from an~~
2 ~~accredited school of social work approved by the board or has the~~
3 ~~equivalent of 4,000 hours of service in social work with an~~
4 ~~agency recognized by the board.~~

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

10 (1) Except as otherwise provided in section 18515, an
11 individual granted a license under this part shall meet the
12 following requirements:

13 (a) A licensed bachelor social worker shall have been awarded
14 a bachelor's degree in social work from a college or university
15 social work program approved by the board and shall have
16 completed at least 2 years of full-time postbachelor's degree
17 experience, or the equivalent in part-time hours, in the practice
18 of social work at the bachelor's level under the supervision of a
19 licensed master's social worker. However, during a period ending
20 3 years after the effective date of the amendatory act that added
21 this subsection, the required experience in the practice of
22 social work at the bachelor's level shall be performed under the
23 supervision of a person who has been awarded a master's or
24 doctoral degree in social work from a college or university
25 school of social work.

26 (b) A licensed master's social worker shall have been awarded
27 a master's or doctoral degree in the field of social work from a

1 college or university social work program approved by the board
2 and shall have completed at least 2 years of full-time
3 postmaster's or postdoctoral degree experience, or the equivalent
4 in part-time hours, in the practice of social work at the
5 master's level under the supervision of a licensed master's
6 social worker. However, during a period ending 3 years after the
7 effective date of the amendatory act that added this subsection,
8 the required experience in the practice of social work at the
9 master's level shall be performed under the supervision of a
10 person who has been awarded a master's or doctoral degree in the
11 field of social work from a college or university school of
12 social work and has engaged in the practice of social work for
13 not less than 2 years. In addition to the requirements set forth
14 in this subdivision, a licensed master's social worker employed
15 by a school district shall meet the requirements for employment
16 as a school social worker contained in the revised school code,
17 1976 PA 451, MCL 380.1 to 380.1852, and the rules promulgated
18 under that act.

19 (2) The board may grant a limited license to engage in the
20 2-year postdegree experience required under subsection (1) to an
21 individual who has completed all the educational requirements for
22 licensure as a bachelor social worker or a master's social
23 worker. A limited license granted under this subsection is
24 renewable for not more than 6 years.

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

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

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

5 (1) A licensee shall not perform an act, task, or function
6 within the practice of social work unless he or she is trained to
7 perform the act, task, or function.

8 (2) A licensed master's social worker shall not engage in the
9 activities described in section 18501(g)(iv) except as provided
10 in this section.

11 (3) Before he or she engages in the activities described in
12 section 18501(g)(iv), a licensed master's social worker who is
13 licensed under section 18515(5) shall file with the department,
14 on a form provided by the department, an affidavit stating that
15 the licensee meets all of the requirements of this subsection.
16 Upon receipt of the affidavit required under this subsection and
17 a determination that the licensee has met the requirements of
18 subdivisions (c) and (d), the department shall certify the
19 licensee as qualified to engage in the activities described in
20 section 18501(g)(iv). The affidavit shall state that the
21 licensee meets all of the following requirements:

22 (a) Possesses a master's degree.

23 (b) Has engaged in the activities described in section
24 18501(g)(iv) as part of his or her practice as a certified social
25 worker.

26 (c) Has completed course work in normal human development and
27 psychopathology and has completed courses in diagnosis,

1 assessment, and treatment of individuals, couples, families, and
2 groups.

3 (d) Has completed not less than 2 years of supervised
4 postmaster's degree experience in the practice of psychotherapy.

5 (4) The board shall certify a licensee who is licensed other
6 than under section 18515(5) and who meets the requirements of
7 section 18509(1)(b) as qualified to engage in the activities
8 described in section 18501(g)(iv) if the licensee meets all of
9 the following requirements:

10 (a) Has completed course work in normal human development and
11 psychopathology and has completed courses in diagnosis,
12 assessment, and treatment of individuals, couples, families, and
13 groups.

14 (b) Has completed not less than 2 years of postmaster's
15 degree experience in the practice of psychotherapy under the
16 supervision of a licensed master's social worker.

17 (5) The board may modify, but shall not diminish, the
18 requirements of subsection (4) by rule. The board may allow a
19 licensee to submit an affidavit, on a form provided by the
20 department, as evidence that he or she meets the requirements of
21 subsection (4) or the rules promulgated under this subsection.
22 The board shall not modify the requirements of this subsection.

23 Sec. 18513. (1) An individual registered **or licensed** under
24 this part ~~as a certified social worker, social worker, or social~~
25 ~~work technician~~ or an employee or officer of an organization
26 that employs the ~~certified social worker, social worker, or~~
27 ~~social work technician~~ **registrant or licensee** is not required to

1 disclose a communication or a portion of a communication made by
2 a client to the individual or advice given in the course of
3 professional employment.

4 (2) Except as otherwise provided in this section, a
5 communication between a ~~certified social worker, social worker,~~
6 ~~or social work technician,~~ **registrant or licensee** or an
7 organization with which the ~~certified social worker, social~~
8 ~~worker, or social work technician~~ **registrant or licensee** has an
9 agency relationship and a client is a confidential
10 communication. A confidential communication shall not be
11 disclosed, except under 1 or more of the following
12 circumstances:

13 (a) The disclosure is part of a required supervisory process
14 within the organization that employs or otherwise has an agency
15 relationship with the ~~certified social worker, social worker, or~~
16 ~~social work technician~~ **registrant or licensee**.

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

19 (3) If requested by the court for a court action, a
20 ~~certified social worker, social worker, or social work~~
21 ~~technician~~ **registrant or licensee** shall submit to an appropriate
22 court a written evaluation of the prospect or prognosis of a
23 particular client without disclosing a privileged fact or a
24 privileged communication. An attorney representing a client who
25 is the subject of an evaluation described in this subsection has
26 the right to receive a copy of the evaluation. If required for
27 the exercise of a public purpose by a legislative committee, a

1 ~~certified social worker, social worker, social work technician,~~
2 **registrant or licensee** or agency representative may make
3 available statistical and program information without violating
4 the privilege established under subsection (2).

5 (4) A ~~certified social worker, social worker, or social work~~
6 ~~technician~~ **registrant or licensee** may disclose a communication
7 or a portion of a communication made by a client pursuant to
8 section 946 of the mental health code, 1974 PA 258, MCL 330.1946,
9 in order to comply with the duty set forth in that section.

10 Sec. 18515. (1) An individual who holds a registration
11 issued under former article 16 of the occupational code, 1980
12 PA 299, on ~~the effective date of the amendatory act that added~~
13 ~~this part~~ **March 7, 2000** is registered under this part until that
14 registration expires and may renew his or her registration
15 pursuant to part 161.

16 (2) The members of the board of examiners of social workers
17 created under former section 1602 of the occupational code, 1980
18 PA 299, shall serve as the initial members of the Michigan board
19 of social work until their successors are appointed under this
20 article or until the expiration of their respective terms,
21 whichever occurs first. However, if the term of a member of the
22 board of examiners of social workers has not expired on ~~the~~
23 ~~effective date of the amendatory act that added this part~~ **March**
24 **7, 2000**, that term expires on June 30 of the year in which the
25 term will expire.

26 (3) Rules promulgated by the board of examiners of social
27 workers or the director under former article 16 of the

1 occupational code, 1980 PA 299, and in effect on ~~the effective~~
2 ~~date of the amendatory act that added this part~~ **March 7, 2000**
3 continue in effect to the extent that they do not conflict with
4 this article and shall continue to be enforced. The rules may be
5 amended or rescinded by the director.

6 (4) The board shall grant a full license as a licensed
7 bachelor social worker to an individual who holds a certificate
8 of registration as a social worker issued before the effective
9 date of the amendatory act that added this subsection and who
10 applies to the board for licensure on or before the required date
11 for renewal of the registration.

12 (5) The board shall grant a full license as a licensed
13 master's social worker to an individual who holds a registration
14 as a certified social worker issued before the effective date of
15 the amendatory act that added this subsection and who applies to
16 the board for licensure on or before the required date for
17 renewal of the certificate of registration.

18 (6) An individual licensed under this part shall meet the
19 continuing education requirements of section 18516 when renewing
20 his or her license.

21 Sec. 18516. (1) The board shall promulgate rules to require
22 a licensee seeking renewal to furnish evidence that during the 3
23 years immediately preceding application for renewal, the licensee
24 or registrant attended training courses or programs related to
25 the practice of social work and designed to further educate
26 licensees and registrants.

27 (2) The board shall establish by rule the total number of

1 course or program hours required by this section, but the total
2 shall not be less than 60 clock hours. A portion of those 60
3 clock hours must be in social work ethics.