

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 6150

(As amended September 19, 2006)

[A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending sections 18103, 18105, and 18115 (MCL 333.18103,  
333.18105, and 333.18115), section 18103 as amended by 1993 PA 79,  
section 18105 as amended by 1989 PA 262, and section 18115 as added  
by 1988 PA 421, and by adding sections 16605 and 16620.]

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

[SEC. 16605. 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 FOLLOWING TERMS AND IN A WAY PRESCRIBED IN THIS PART: "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.".]

SEC. 16620. THE TERMS OF OFFICE OF INDIVIDUAL MEMBERS OF THE BOARD  
AND TASK FORCE CREATED UNDER THIS PART, EXCEPT THOSE APPOINTED TO FILL  
VACANCIES, EXPIRE 4 YEARS AFTER APPOINTMENT ON JUNE 30 OF THE YEAR IN  
WHICH THE TERM WILL EXPIRE.]

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

4       (a) Six members of the board shall be engaged in the practice  
5 of counseling and shall consist of: 3 members who are engaged  
6 primarily in providing counseling techniques, behavior modification  
7 techniques, or preventive techniques to clients; 2 members who are

1 engaged primarily in teaching, training, or research in counseling;  
2 and 1 member who is engaged primarily in the administration of  
3 counseling services.

4 (b) Four members of the general public.

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

10 (2) THE TERMS OF OFFICE OF INDIVIDUAL MEMBERS OF THE BOARD  
11 CREATED UNDER THIS SECTION, EXCEPT THOSE APPOINTED TO FILL  
12 VACANCIES, EXPIRE 4 YEARS AFTER APPOINTMENT ON JUNE 30 OF THE YEAR  
13 IN WHICH THE TERM EXPIRES.

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

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

20 (3) THE FOLLOWING WORDS, TITLES, OR LETTERS OR A COMBINATION  
21 THEREOF, WITH OR WITHOUT QUALIFYING WORDS OR PHRASES, ARE  
22 RESTRICTED IN USE ONLY TO THOSE PERSONS AUTHORIZED UNDER THIS PART  
23 TO USE THE TERMS AND IN A WAY PRESCRIBED IN THIS PART: "LICENSED  
24 PROFESSIONAL COUNSELOR", "LICENSED COUNSELOR", "PROFESSIONAL  
25 COUNSELOR", AND "L.P.C.".

26 Sec. 18115. (1) This article does not limit an individual in,  
27 nor prevent an individual from, the practice of a statutorily

1 regulated profession or occupation if counseling is part of the  
2 services provided by that profession or occupation, and the  
3 individual does not hold himself or herself out as a counselor  
4 regulated under this article. As used in this subsection,  
5 "statutorily regulated profession or occupation" includes, but is  
6 not limited to, all of the following: a physician, attorney,  
7 marriage ~~counselor~~ **AND FAMILY THERAPIST**, debt management  
8 counselor, social worker, ~~certified social worker,~~ social ~~work~~  
9 **SERVICES** technician, licensed psychologist, limited licensed  
10 psychologist, temporary limited licensed psychologist, or school  
11 counselor.

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

13 (a) An ordained member of the clergy if counseling is  
14 incidental to his or her religious duties performed under the  
15 auspices or recognition of a church, denomination, religious  
16 association, or sect, that has tax exempt status pursuant to  
17 section 501(c)(3) of the internal revenue code of 1986, 26 ~~U.S.C.~~  
18 **USC** 501, if the member of the clergy does not hold himself or  
19 herself out as a counselor licensed under this article.

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

24 (c) An individual who is employed by or who volunteers to work  
25 in a program licensed by the office of substance abuse services.

26 (d) A member of any other profession whose practice may  
27 include counseling principles, methods, or procedures from

1 practicing his or her profession as long as he or she is trained in  
2 that profession and does not hold himself or herself out as a  
3 counselor providing counseling. As used in this subdivision,  
4 "profession" includes, but is not limited to, the fields of human  
5 resources development and organizational development.

6 (3) ~~This~~ **NOTWITHSTANDING SECTION 18105(3), THIS** part does  
7 not prohibit the use of the word "counselor" without the qualifying  
8 words "licensed" or "professional" used in conjunction with the  
9 word "counselor", except as otherwise provided by law.

10 Enacting section 1. This amendatory act does not take effect  
11 unless House Bill No. 6147 of the 93rd Legislature is enacted into  
12 law.