

# HOUSE BILL No. 6150

June 7, 2006, Introduced by Rep. Gleason and referred to the Committee on Health Policy.

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.

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

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

1 techniques, or preventive techniques to clients; 2 members who are  
2 engaged primarily in teaching, training, or research in counseling;  
3 and 1 member who is engaged primarily in the administration of  
4 counseling services.

5 (b) Four members of the general public.

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

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

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

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

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

27 Sec. 18115. (1) This article does not limit an individual in,

1 nor prevent an individual from, the practice of a statutorily  
2 regulated profession or occupation if counseling is part of the  
3 services provided by that profession or occupation, and the  
4 individual does not hold himself or herself out as a counselor  
5 regulated under this article. As used in this subsection,  
6 "statutorily regulated profession or occupation" includes, but is  
7 not limited to, all of the following: a physician, attorney,  
8 marriage counselor, debt management counselor, social worker,  
9 ~~certified social worker,~~ social ~~work~~ **SERVICES** technician,  
10 licensed psychologist, limited licensed psychologist, temporary  
11 limited licensed psychologist, or school 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 Senate Bill No.\_\_\_\_ or House Bill No. 6147(request no.  
12 05150'05) of the 93rd Legislature is enacted into law.