

HOUSE BILL No. 4532

March 22, 2005, Introduced by Reps. Gleason, Vander Veen, Plakas and Cushingberry and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16901, 16903, and 16905 (MCL 333.16901,
333.16903, and 333.16905), as added by 1995 PA 126.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16901. (1) As used in this part:

2 (a) "Advertise" means issuing or ordering the printing or
3 distribution of a card, sign, or device or causing, permitting, or
4 allowing a sign or marking on or in a building or structure, or
5 placing material in a newspaper, magazine, or directory, or on
6 radio or television. **ADVERTISE DOES NOT INCLUDE UNPAID PUBLIC**
7 **AWARENESS CAMPAIGNS OR EDUCATIONAL OR PROMOTIONAL MATERIALS BY**
8 **INDIVIDUALS EXEMPTED FROM THIS PART BY SECTION 16905.**

1 (b) "Marriage and family therapist" means an individual
2 licensed under this article to engage in the practice of marriage
3 and family therapy.

4 (c) "Practice of marriage and family therapy" means the
5 providing of guidance, testing, discussions, therapy, instruction,
6 or advice that is intended to avoid, eliminate, relieve, manage, or
7 resolve **INDIVIDUAL**, marital, or family conflict or discord, to
8 create, improve, or restore **INDIVIDUAL**, marital, or family harmony,
9 or to prepare couples for marriage. Practice of marriage and family
10 therapy does not include the administration and interpretation of
11 psychological tests except for those tests that are consistent with
12 the individual's education and training and with the code of ethics
13 for licensed marriage and family therapists.

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

18 Sec. 16903. (1) An individual licensed under this part as a
19 marriage and family therapist shall use only the title "licensed
20 marriage and family therapist" or "licensed marriage counselor" or
21 the abbreviation "l.m.f.t." in representing his or her services in
22 the practice of marriage and family therapy to the public.

23 (2) Unless exempt under section ~~16905(3)~~ **16905(4)**, only an
24 individual licensed under this part may advertise that he or she
25 offers marriage and family therapy; marriage or family counseling
26 service or advice; marriage or family guidance service or advice;
27 marriage or family relations service or advice; marriage or family

1 problems service or advice; marriage or family relations advice or
2 assistance; service in the alleviation of a marital or family
3 problem; or service of similar import or effect that is included in
4 the practice of marriage and family therapy. **THIS PART DOES NOT**
5 **PROHIBIT AN INDIVIDUAL EXEMPTED BY SECTION 16905 FROM ISSUING**
6 **UNPAID PUBLIC AWARENESS CAMPAIGNS OR EDUCATIONAL OR PROMOTIONAL**
7 **MATERIALS.**

8 (3) The board may grant a limited license to an individual who
9 has met the requirements of section ~~16909(a) and (b)~~ **16909(1)(A)**
10 **AND (B)** in order to permit that individual to obtain the experience
11 required under section ~~16909(e)~~ **16909(1)(C)**. The board shall not
12 renew a limited license for more than 6 years. A limited licensee
13 shall do all of the following:

14 (a) Use only the title "limited licensed marriage and family
15 therapist" or "limited licensed marriage counselor".

16 (b) Not represent that he or she is engaged in the independent
17 practice of marriage and family therapy.

18 (c) Practice only under the supervision of a fully licensed
19 marriage and family therapist.

20 (d) Confine his or her practice to an organized health care
21 setting or other arrangement approved by the board.

22 (4) An individual engaged in obtaining experience required
23 under section ~~16909(b)~~ **16909(1)(B)** may use the title "marriage
24 and family therapist intern" or "marriage and family therapist
25 trainee" during the training period. The board shall not require an
26 individual obtaining experience required under section ~~16909(b)~~
27 **16909(1)(B)** to hold a limited license.

1 Sec. 16905. (1) This part does not apply to an individual
2 engaged in **THE PRACTICE OF** social work as ~~defined~~ **DESCRIBED** in
3 section ~~1601 of the occupational code, Act No. 299 of the Public~~
4 ~~Acts of 1980, being section 339.1601 of the Michigan Compiled Laws~~
5 **18501**, in the course of employment with a governmental agency or a
6 reputable social service agency regularly providing social work
7 services as an agency.

8 (2) This part does not apply to an ordained cleric or other
9 religious practitioner who ~~is employed by or working under the~~
10 ~~authority of an organization exempt from taxation under section~~
11 ~~501(c)(3) of the internal revenue code of 1986, 26 U.S.C. 501, if~~
12 ~~the advice or counsel given by the cleric or other religious~~
13 ~~practitioner is incidental to his or her duties as a cleric or~~
14 ~~other religious practitioner, and~~ **PROVIDES ADVICE, GUIDANCE, OR**
15 **TEACHING BASED ON HIS OR HER RELIGIOUS BELIEFS, CREEDS, OR**
16 **DOCTRINES** if the cleric or other religious practitioner does not
17 hold himself or herself out to the public as a marriage and family
18 therapist licensed under this article or use 1 or more of the
19 titles listed in section ~~16263(1)(p)~~ **16263(1)(Q)** and if no fee or
20 donation is exacted for the service. **THIS PART DOES NOT PROHIBIT AN**
21 **ORDAINED CLERIC OR OTHER RELIGIOUS PRACTITIONER FROM ACCEPTING A**
22 **VOLUNTARY CONTRIBUTION.**

23 (3) **THIS PART DOES NOT APPLY TO AN ORDAINED CLERIC OR OTHER**
24 **RELIGIOUS PRACTITIONER WHO HAS BEEN AUTHORIZED BY LAW TO OFFICIATE**
25 **AT A MARRIAGE IF THAT PERSON PROVIDES, IN WRITING, AN AFFIDAVIT**
26 **CLEARLY STATING THAT HE OR SHE IS A MEMBER OF THE CLERGY OR A**
27 **RELIGIOUS PRACTITIONER, IS NOT A MARRIAGE AND FAMILY THERAPIST**

1 LICENSED UNDER THIS ARTICLE, AND DOES NOT USE 1 OR MORE OF THE
2 TITLES LISTED IN SECTION 16263(1)(Q), AND THAT THE ADVICE,
3 GUIDANCE, OR TEACHING IS BASED ON THAT INDIVIDUAL'S RELIGIOUS
4 BELIEFS, CREEDS, OR DOCTRINES.

5 (4) ~~-(3)-~~ This part does not apply to a physician licensed
6 under this article who has completed an accredited psychiatric
7 residency program approved by the Michigan board of medicine or to
8 a psychologist fully licensed under this article, if both of the
9 following circumstances exist:

10 (a) The individual is practicing his or her profession in a
11 manner consistent with his or her education and training and is
12 practicing in a manner consistent with the code of ethics of that
13 profession.

14 (b) The individual does not hold himself or herself out to the
15 public as a marriage and family therapist licensed under this
16 article or use any of the titles listed in section ~~16263(1)(p)~~
17 **16263(1)(Q)** for advertising purposes. ~~However, this~~ **THIS**
18 subdivision does not prohibit the individual from advertising under
19 a telephone or other business directory listing that uses those
20 titles if the individual discloses in the listing, in an
21 unabbreviated fashion, the profession in which he or she is
22 licensed.

23 (5) ~~-(4)-~~ This part does not limit an individual in, or
24 prevent an individual from, the practice of a statutorily regulated
25 profession or occupation if services to families, couples, or
26 subsystems of families are part of the services provided by that
27 profession or occupation, and if the individual does not hold

1 himself or herself out to the public as a marriage and family
2 therapist licensed under this article or use 1 or more of the
3 titles listed in section ~~16263(1)(p)~~ **16263(1)(Q)**. As used in this
4 subsection, "statutorily regulated profession or occupation" means
5 an occupation or profession regulated by statute that includes, but
6 is not limited to, all of the following: a physician, attorney,
7 social worker, certified social worker, social work technician,
8 fully licensed psychologist, limited licensed psychologist,
9 temporary limited licensed psychologist, licensed professional
10 counselor, limited licensed counselor, or school counselor.