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Senate Bill 273 (as introduced 3-19-13)  
Sponsor: Senator Judy K. Emmons  
Committee: Regulatory Reform

Date Completed: 12-5-13

### **CONTENT**

**The bill would amend Part 182 (Psychology) of the Public Health Code to do the following:**

- **Require the Michigan Board of Psychology to promulgate rules to establish and administer a licensure program for practice as a psychological associate.**
- **Establish educational and experience requirements for licensure as a psychological associate.**
- **Prohibit a licensed psychological associate from engaging in certain activities unless supervised by a psychologist.**
- **Discontinue provisions for granting a limited license to practice psychology, but allow a person with a limited license to obtain a psychological associate license or renew the limited license.**
- **Authorize the Board to establish continuing education requirements for practice as a psychological associate.**
- **Extend restrictions on a psychologist's disclosure of confidential information to anyone licensed under Part 182.**
- **Restrict the use of certain titles.**

The bill would define "psychological associate" as an individual who is licensed or otherwise authorized to engage in practice as a psychological associate. "Practice as a psychological associate" would mean rendering services to individuals, groups, organizations, or the public that involve the application of principles, methods, and procedures of understanding, predicting, and influencing behavior for the purpose of diagnosis, prevention, amelioration, or treatment of mental or emotional disorders, disabilities, or behavioral adjustment problems by means of psychotherapy, counseling, behavior modification, hypnosis, biofeedback techniques, or other verbal or behavioral means. The term would not include any of the following:

- The practice of medicine, such as prescribing drugs, performing surgery, or administering electro-convulsive therapy.
- Except as otherwise provided in Part 182, the administration, production, or distribution of written or verbal psychological testing, evaluations, or reports, or the documentation or distribution of them in a clinical record.
- The practice of applied behavior analysis unless the person is licensed or otherwise authorized to engage in that practice under another part of the Public Health Code or other State law.

## Psychological Associate License

Under Part 182, a person may not engage in the practice of psychology unless he or she is licensed or otherwise authorized by Article 15 (Occupations) of the Public Health Code. In addition, beginning on the effective date of rules promulgated under the bill, an individual could not engage in practice as a psychological associate unless he or she were licensed or otherwise authorized by Article 15.

Part 182 requires the Michigan Board of Psychology to promulgate rules requiring an individual who is granted a license under the part to meet certain criteria for education and experience. Under the bill, within one year after its effective date, the Board also would have to promulgate rules to establish and administer a licensure program for practice as a psychological associate. Beginning on the effective date of those rules, the Board would have to grant a license to engage in practice as a psychological associate to an individual who met the requirements described below.

To receive a license as a psychological associate, a person would have to have a master's degree in psychology from a regionally accredited or other college, university, or institution approved by the Board, the preparation for which included education and training appropriate to practice as a psychological associate.

The person would have to have at least 6,000 hours of experience in practice as a psychological associate in an organized health care setting or other arrangement, as established by the Board. The Board could recognize only hours that were accumulated in not fewer than three years or more than six years under the supervision of a psychologist who had a license other than a limited license. If such a psychologist were not available, however, the Board could authorize a psychological associate to provide the required supervision if he or she had a license other than limited license, had at least a master's degree in psychology, and had at least three years of experience in practice as a psychological associate of psychotherapy. The Board would have to issue a limited license to an individual who met the other requirements for the purpose of obtaining the required hours of experience.

Subject to standards included in the rules, a person would be required to have passed the examination for the professional practice of psychology as developed by the Association of State and Provincial Psychology Boards.

A person granted a license to engage in practice as a psychological associate under Part 182 could not administer, produce, or distribute written or verbal psychological testing, evaluations, or reports, or document or distribute the psychological testing, evaluations, or reports in a clinical record unless supervised and countersigned by a psychologist who had a license other than a limited license.

## Limited License

Part 182 requires the Board to grant a limited license to engage in the practice of psychology to an individual who meets certain requirements. Under the bill, this would not apply on and after the effective date of the rules promulgated for a licensure program for practice as a psychological associate. Until one year after the effective date of those rules, however, the Board would have to grant a psychological associate license to a person who held a limited license to engage in the practice of psychology on the effective date of those rules or, at the limited licensee's option, renew his or her limited license.

### Continuing Education

Part 182 allows the Board to establish continuing education requirements in subjects related to the practice of psychology that are designed to further educate licensees, and authorizes the Board to establish the minimum number of hours. Under the bill, this also would apply to continuing education in subjects related to practice as a psychological associate.

### Confidential Information

Part 182 provides that a psychologist licensed or allowed to use that title under Part 182, or an individual under the psychologist's supervision, cannot be compelled to disclose confidential information acquired from an individual consulting the psychologist in his or her professional capacity if the information is necessary to enable the psychologist to render services. Information may be disclosed under certain circumstances, with the consent of the individual consulting the psychologist, or that person's guardian if the individual consulting the psychologist is a minor. The bill would refer to a licensee under Part 182, rather than to a psychologist, in these provisions.

### Use of Titles

The use of certain titles is restricted to those people authorized under Part 182 to use them. Under the bill, the following titles also would be restricted those authorized under Part 182 to use them: "psychological associate", "licensed psychological associate", and "limited licensed psychological associate".

MCL 333.18201 et al.

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would have a potentially negative fiscal impact on the Department of Licensing and Regulatory Affairs and no fiscal impact on local units of government. The bill would create a new class of health professional license for psychological associates. Currently, certain individuals can seek licensure as a limited license psychologist; under the bill these individuals could qualify for the new type of license. Section 16343 of the Public Health Code provides a fee structure for the licensure of psychologists, but it is not clear that this section would apply to the licensure of psychological associates proposed by the bill. The amount of revenue that would potentially be lost is not known at this time.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.