

SUBSTITUTE FOR
SENATE BILL NO. 273

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16343, 18201, 18211, 18223, 18233, and 18237 (MCL 333.16343, 333.18201, 333.18211, 333.18223, 333.18233, and 333.18237), section 16343 as added by 1993 PA 79, section 18211 as amended by 2006 PA 395, section 18223 as amended by 2010 PA 121, section 18233 as amended by 1994 PA 234, and section 18237 as amended by 1998 PA 496, and by adding section 18239.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16343. Fees for a person licensed or seeking licensure
2 to engage in the practice of psychology **OR PRACTICE AS A**
3 **PSYCHOLOGICAL ASSOCIATE** under part 182 are as follows:

1	(a)	Application processing fee.....	\$ 50.00
2	(b)	License fee, per year:	
3	(i)	Full doctoral.....	90.00
4	(ii)	Limited doctoral.....	30.00
5	(iii)	Masters limited.....	60.00
6	(iv)	Temporary limited.....	15.00
7	(v)	PSYCHOLOGICAL ASSOCIATE.....	60.00
8	(c)	Limited license, per year.....	40.00
9	(d)	Temporary license.....	15.00
10	(e)	Examination review fee.....	20.00

11 Sec. 18201. (1) As used in this part:

12 ~~(a) "Psychologist" means an individual licensed under this~~
13 ~~article to engage in the practice of psychology.~~

14 (A) "PRACTICE AS A PSYCHOLOGICAL ASSOCIATE" MEANS RENDERING
15 SERVICES TO INDIVIDUALS, GROUPS, ORGANIZATIONS, OR THE PUBLIC
16 THAT INVOLVE THE APPLICATION OF PRINCIPLES, METHODS, AND
17 PROCEDURES OF UNDERSTANDING, PREDICTING, AND INFLUENCING BEHAVIOR
18 FOR THE PURPOSES OF THE DIAGNOSIS, PREVENTION, AMELIORATION, OR
19 TREATMENT OF MENTAL OR EMOTIONAL DISORDERS, DISABILITIES, OR
20 BEHAVIORAL ADJUSTMENT PROBLEMS BY MEANS OF PSYCHOTHERAPY,
21 COUNSELING, BEHAVIOR MODIFICATION, HYPNOSIS, BIOFEEDBACK
22 TECHNIQUES, OR OTHER VERBAL OR BEHAVIORAL MEANS. THE PRACTICE AS
23 A PSYCHOLOGICAL ASSOCIATE DOES NOT INCLUDE ANY OF THE FOLLOWING:

24 (i) THE PRACTICE OF MEDICINE, SUCH AS PRESCRIBING DRUGS,
25 PERFORMING SURGERY, OR ADMINISTERING ELECTRO-CONVULSIVE THERAPY.

26 (ii) EXCEPT AS OTHERWISE PROVIDED IN THIS PART, THE

1 ADMINISTRATION, PRODUCTION, OR DISTRIBUTION OF WRITTEN OR VERBAL
2 PSYCHOLOGICAL TESTING, EVALUATIONS, OR REPORTS, OR THE
3 DOCUMENTATION OR DISTRIBUTION OF THE PSYCHOLOGICAL TESTING,
4 EVALUATIONS, OR REPORTS IN A CLINICAL RECORD.

5 (iii) THE PRACTICE OF APPLIED BEHAVIOR ANALYSIS UNLESS THE
6 INDIVIDUAL IS LICENSED OR OTHERWISE AUTHORIZED TO ENGAGE IN THE
7 PRACTICE OF APPLIED BEHAVIOR ANALYSIS UNDER ANOTHER PART OF THIS
8 ACT OR OTHER STATE LAW.

9 (b) "Practice of psychology" means ~~the~~ rendering **SERVICES** to
10 individuals, groups, organizations, or the public ~~of services~~
11 ~~involving~~ **THAT INVOLVE** the application of principles, methods,
12 and procedures of understanding, predicting, and influencing
13 behavior for the purposes of the diagnosis, assessment related to
14 diagnosis, prevention, amelioration, or treatment of mental or
15 emotional disorders, disabilities or behavioral adjustment
16 problems by means of psychotherapy, counseling, behavior
17 modification, hypnosis, biofeedback techniques, psychological
18 tests, or other verbal or behavioral means. The practice of
19 psychology ~~shall~~ **DOES** not include the practice of medicine such
20 as prescribing drugs, performing surgery, or administering
21 electro-convulsive therapy.

22 (C) "PSYCHOLOGICAL ASSOCIATE" MEANS AN INDIVIDUAL WHO IS
23 LICENSED OR OTHERWISE AUTHORIZED UNDER THIS ARTICLE TO ENGAGE IN
24 THE PRACTICE AS A PSYCHOLOGICAL ASSOCIATE.

25 (D) "PSYCHOLOGIST" MEANS AN INDIVIDUAL WHO IS LICENSED UNDER
26 THIS ARTICLE TO ENGAGE IN THE PRACTICE OF PSYCHOLOGY.

27 (2) In addition to the definitions in this part, article 1

1 contains general definitions and principles of construction
2 applicable to all articles in this ~~code~~**ACT** and part 161 contains
3 definitions applicable to this part.

4 Sec. 18211. (1) ~~A person~~**AN INDIVIDUAL** shall not engage in
5 the practice of psychology unless **HE OR SHE IS** licensed or
6 otherwise authorized by this article. **AN INDIVIDUAL SHALL NOT**
7 **ENGAGE IN PRACTICE AS A PSYCHOLOGICAL ASSOCIATE UNLESS HE OR SHE**
8 **IS LICENSED OR OTHERWISE AUTHORIZED BY THIS ARTICLE.**

9 (2) The following words, titles, or letters or a combination
10 ~~thereof~~**, OF THE WORDS, TITLES, OR LETTERS**, with or without
11 qualifying words or phrases, are restricted in use only to those
12 persons authorized under this part to use the terms and in a way
13 prescribed in this part: "consulting psychologist",
14 "psychologist", ~~"psychological assistant"~~, "psychological
15 examiner", "licensed psychologist", ~~and~~"limited licensed
16 psychologist", **"PSYCHOLOGICAL ASSOCIATE"**, **"LICENSED PSYCHOLOGICAL**
17 **ASSOCIATE"**, **AND "LIMITED LICENSED PSYCHOLOGICAL ASSOCIATE"**.

18 Sec. 18223. (1) The **DEPARTMENT, IN CONSULTATION WITH THE**
19 board, shall promulgate rules ~~requiring~~that **REQUIRE** an
20 individual **WHO IS** granted a license under this part **TO ENGAGE IN**
21 **THE PRACTICE OF PSYCHOLOGY**, except as provided in subsection (2),
22 ~~shall~~**TO** meet ~~both~~**ALL** of the following requirements:

23 (a) ~~Been granted~~**HE OR SHE HAS** a doctoral degree in
24 psychology, or a doctoral degree in a closely related field, from
25 a regionally accredited or other college, university, or
26 institution approved by the board, ~~which~~**THAT** included education
27 and training appropriate to the practice of psychology.

1 ~~Additionally, beginning August 1, 2011, the~~
2 **(B) HIS OR HER** doctoral degree in psychology, or the
3 doctoral degree in a closely related field, ~~shall be~~**IS** from a
4 program that has obtained the association of state and provincial
5 psychology boards' national register designation or ~~has been~~**IS**
6 accredited by the American psychological association or the
7 Canadian psychological association, or has obtained a similar
8 designation from or ~~been~~**IS** accredited by an entity approved by
9 the board. ~~For purposes of the requirement added by the~~
10 ~~amendatory act that added this sentence, a~~**A** program that is in
11 the process of obtaining this designation or becoming accredited
12 as required in this subdivision before August 1, 2011, and that
13 obtains the designation or becomes accredited on or before August
14 31, 2015, meets the requirements of this subdivision.

15 **(C)** ~~(b) Have not less than~~**HE OR SHE HAS AT LEAST** 1 year of
16 postdoctoral experience in the practice of psychology in an
17 organized health care setting or other arrangement, as
18 established by the board.

19 **(2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7), THIS**
20 **SUBSECTION DOES NOT APPLY ON AND AFTER THE DATE THE BOARD BEGINS**
21 **TO GRANT LICENSES UNDER SUBSECTION (3).** In addition to section
22 16182, the board shall grant a limited license **TO ENGAGE IN THE**
23 **PRACTICE OF PSYCHOLOGY** to an individual ~~granted~~**WHO HAS** a
24 master's degree in psychology from a regionally accredited
25 college, or university, or institution approved by the board, if
26 the individual has education, training, and experience
27 appropriate to the practice of psychology, as established by the

1 board. Except for duties performed as an employee of a
2 governmental entity or of a nonprofit organization serving
3 benevolent and charitable purposes, **THE BOARD SHALL PLACE 2**
4 ~~limitations shall be placed on a LIMITED~~ license granted to an
5 individual under this subsection. The limitations ~~shall~~**MUST**
6 require supervision by a psychologist who has a license other
7 than a limited license and ~~shall~~ prohibit advertising or other
8 representation to the public ~~which~~**THAT** will lead the public to
9 believe the individual is engaging in the practice of psychology.
10 A limited license granted under this subsection ~~shall be renewed~~
11 ~~pursuant to~~**IS RENEWABLE UNDER SUBSECTION (7) AND** part 161. An
12 individual **WHO IS** applying for a limited license ~~pursuant to~~
13 **UNDER** this subsection ~~shall~~**MUST** have 1 year of supervised
14 postgraduate experience in an organized health care setting or
15 other arrangement, as established by the board. The individual
16 ~~shall~~**MUST** be supervised by a psychologist who has a license
17 other than a limited license, or if a psychologist who has a
18 license other than a limited license is not available, by a
19 psychologist who has at least a master's degree in psychology and
20 at least 3 years of experience in the practice of psychology or
21 by any other individual approved by the board. The board shall
22 ~~issue~~**GRANT** a temporary license to the individual for the purpose
23 of obtaining the 1 year of postgraduate experience.

24 (3) **ON OR BEFORE THE EXPIRATION OF 1 YEAR AFTER THE**
25 **EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION,**
26 **THE DEPARTMENT, IN CONSULTATION WITH THE BOARD, SHALL PROMULGATE**
27 **RULES TO ESTABLISH AND ADMINISTER A LICENSURE PROGRAM FOR**

1 PRACTICE AS A PSYCHOLOGICAL ASSOCIATE. NO LATER THAN 6 MONTHS
2 AFTER RULES ARE PROMULGATED UNDER THIS SUBSECTION, THE BOARD
3 SHALL GRANT A LICENSE TO ENGAGE IN PRACTICE AS A PSYCHOLOGICAL
4 ASSOCIATE, EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, TO AN
5 INDIVIDUAL WHO MEETS THE REQUIREMENTS OF SUBSECTION (4), (5), OR
6 (6), AS APPLICABLE. AN INDIVIDUAL WHO IS GRANTED A PSYCHOLOGICAL
7 ASSOCIATE LICENSE UNDER THIS PART SHALL NOT ADVERTISE OR MAKE A
8 REPRESENTATION TO THE PUBLIC THAT WILL LEAD THE PUBLIC TO BELIEVE
9 THAT THE INDIVIDUAL IS ENGAGING IN THE PRACTICE OF PSYCHOLOGY. AN
10 INDIVIDUAL WHO IS GRANTED A PSYCHOLOGICAL ASSOCIATE I LICENSE
11 UNDER SUBSECTION (4) SHALL ONLY ENGAGE IN PRACTICE AS A
12 PSYCHOLOGICAL ASSOCIATE UNDER THE SUPERVISION OF A PSYCHOLOGIST
13 WHO HAS A LICENSE OTHER THAN A LIMITED LICENSE. AN INDIVIDUAL WHO
14 IS GRANTED A PSYCHOLOGICAL ASSOCIATE II LICENSE UNDER SUBSECTION
15 (5) OR (6) MAY ENGAGE IN PRACTICE AS A PSYCHOLOGICAL ASSOCIATE
16 WITHOUT SUPERVISION.

17 (4) THE BOARD SHALL GRANT A PSYCHOLOGICAL ASSOCIATE I
18 LICENSE TO AN INDIVIDUAL WHO HAS A MASTER'S DEGREE IN PSYCHOLOGY
19 FROM A REGIONALLY ACCREDITED OR OTHER COLLEGE, UNIVERSITY, OR
20 INSTITUTION APPROVED BY THE BOARD, THE PREPARATION FOR WHICH
21 INCLUDED EDUCATION AND TRAINING APPROPRIATE TO PRACTICE AS A
22 PSYCHOLOGICAL ASSOCIATE.

23 (5) THE BOARD SHALL GRANT A PSYCHOLOGICAL ASSOCIATE II
24 LICENSE TO AN INDIVIDUAL WHO MEETS ALL OF THE FOLLOWING
25 REQUIREMENTS:

26 (A) HE OR SHE HAS A MASTER'S DEGREE IN PSYCHOLOGY FROM A
27 REGIONALLY ACCREDITED OR OTHER COLLEGE, UNIVERSITY, OR

1 INSTITUTION APPROVED BY THE BOARD, THE PREPARATION FOR WHICH
2 INCLUDED EDUCATION AND TRAINING APPROPRIATE TO PRACTICE AS A
3 PSYCHOLOGICAL ASSOCIATE.

4 (B) HE OR SHE HAS AT LEAST 6,000 HOURS OF EXPERIENCE IN
5 PRACTICE AS A PSYCHOLOGICAL ASSOCIATE IN AN ORGANIZED HEALTH CARE
6 SETTING OR OTHER ARRANGEMENT, AS ESTABLISHED BY THE BOARD. THE
7 BOARD SHALL ONLY RECOGNIZE HOURS THAT ARE ACCUMULATED IN NOT
8 FEWER THAN 3 YEARS OR MORE THAN 6 YEARS UNDER THE SUPERVISION OF
9 A PSYCHOLOGIST WHO HAS A LICENSE OTHER THAN A LIMITED LICENSE.
10 HOWEVER, IF A PSYCHOLOGIST WHO HAS A LICENSE OTHER THAN A LIMITED
11 LICENSE IS NOT AVAILABLE, THE BOARD MAY AUTHORIZE AN INDIVIDUAL
12 WHO HAS A PSYCHOLOGICAL ASSOCIATE II LICENSE THAT IS NOT A
13 LIMITED LICENSE AND WHO HAS AT LEAST 3 YEARS OF EXPERIENCE UNDER
14 THE PSYCHOLOGICAL ASSOCIATE II LICENSE TO PROVIDE THE SUPERVISION
15 REQUIRED UNDER THIS SUBDIVISION. THE BOARD SHALL GRANT A LIMITED
16 LICENSE TO AN INDIVIDUAL WHO MEETS THE OTHER REQUIREMENTS OF THIS
17 SUBSECTION FOR THE PURPOSE OF OBTAINING THE HOURS OF EXPERIENCE
18 REQUIRED UNDER THIS SUBDIVISION.

19 (C) SUBJECT TO STANDARDS INCLUDED IN THE RULES PROMULGATED
20 UNDER SUBSECTION (3), HE OR SHE HAS PASSED THE EXAMINATION FOR
21 PROFESSIONAL PRACTICE IN PSYCHOLOGY AS DEVELOPED BY THE
22 ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY BOARDS.

23 (6) THE BOARD SHALL GRANT A PSYCHOLOGICAL ASSOCIATE II
24 LICENSE TO AN INDIVIDUAL WHO HAS CONTINUOUSLY HELD A LIMITED
25 LICENSE UNDER SUBSECTION (2) SINCE JUNE 30, 2010, UNLESS THAT
26 INDIVIDUAL OPTS TO RENEW HIS OR HER LIMITED LICENSE AS PROVIDED
27 IN SUBSECTION (7).

1 (7) AN INDIVIDUAL WHO HELD A LIMITED LICENSE TO ENGAGE IN
2 THE PRACTICE OF PSYCHOLOGY UNDER SUBSECTION (2) ON THE DATE THE
3 BOARD BEGINS TO GRANT PSYCHOLOGICAL ASSOCIATE LICENSES UNDER
4 SUBSECTION (3) MAY, AT HIS OR HER OPTION, RENEW THE LIMITED
5 LICENSE UNDER SUBSECTION (2). THE BOARD SHALL RENEW A LIMITED
6 LICENSE UNDER SUBSECTION (2) AS LONG AS THE INDIVIDUAL CONTINUES
7 TO MEET THE REQUIREMENTS OF SUBSECTION (2) AND THE OTHER
8 APPLICABLE REQUIREMENTS OF THIS PART. THE BOARD SHALL GRANT A
9 PSYCHOLOGICAL ASSOCIATE LICENSE TO AN APPLICANT WHO HELD A
10 LIMITED LICENSE UNDER SUBSECTION (2) ON THE DATE THE BOARD BEGINS
11 TO GRANT PSYCHOLOGICAL ASSOCIATE LICENSES UNDER SUBSECTION (3) IF
12 THE APPLICANT MEETS THE REQUIREMENTS OF SUBSECTION (4), (5), OR
13 (6), AS APPLICABLE, AND THE OTHER APPLICABLE REQUIREMENTS OF THIS
14 PART.

15 (8) NOTWITHSTANDING SECTION 16182, AN INDIVIDUAL GRANTED A
16 LICENSE TO ENGAGE IN PRACTICE AS A PSYCHOLOGICAL ASSOCIATE UNDER
17 THIS PART SHALL NOT ADMINISTER, PRODUCE, OR DISTRIBUTE WRITTEN OR
18 VERBAL PSYCHOLOGICAL TESTING, EVALUATIONS, OR REPORTS, OR
19 DOCUMENT OR DISTRIBUTE THE PSYCHOLOGICAL TESTING, EVALUATIONS, OR
20 REPORTS IN A CLINICAL RECORD UNLESS SUPERVISED AND COUNTERSIGNED
21 BY A PSYCHOLOGIST WHO HAS A LICENSE OTHER THAN A LIMITED LICENSE.

22 Sec. 18233. (1) In addition to the requirements of part 161,
23 the board may require **THAT** a licensee seeking renewal of a
24 license ~~to~~**MUST** furnish the board with satisfactory evidence that
25 during the 2 years immediately preceding application for renewal
26 the licensee ~~has~~ attended continuing education courses or
27 programs **THAT ARE DESIGNED TO FURTHER EDUCATE LICENSEES AND ARE**

1 approved by the board. ~~totaling not less than a~~ **THE DEPARTMENT,**
 2 **IN CONSULTATION WITH THE BOARD, BY RULE MAY ESTABLISH THE MINIMUM**
 3 number of hours ~~established by rule of the board in~~ **OF** subjects
 4 related to the practice of psychology and ~~designed to further~~
 5 ~~educate licensees.~~ **OR PRACTICE AS A PSYCHOLOGICAL ASSOCIATE, AS**
 6 **APPROPRIATE, FOR CONTINUING EDUCATION COURSES OR PROGRAMS**
 7 **REQUIRED UNDER THIS SUBSECTION.**

8 (2) As required under section 16204, the **DEPARTMENT, IN**
 9 **CONSULTATION WITH THE** board, shall promulgate rules requiring
 10 each applicant for license renewal to complete as part of the
 11 continuing education requirement of subsection (1) an appropriate
 12 number of hours or courses in pain and symptom management.

13 Sec. 18237. A ~~psychologist licensed or allowed to use that~~
 14 ~~title~~ **LICENSEE** under this part or an individual under his or her
 15 supervision cannot be compelled to disclose confidential
 16 information acquired from an individual consulting the
 17 ~~psychologist~~ **LICENSEE** in his or her professional capacity if the
 18 information is necessary to enable the ~~psychologist~~ **LICENSEE** to
 19 render services. Information may be disclosed with the consent of
 20 the individual consulting the ~~psychologist~~ **LICENSEE**, or if the
 21 individual consulting the ~~psychologist~~ **LICENSEE** is a minor, with
 22 the consent of the minor's guardian, pursuant to section 16222 if
 23 the ~~psychologist~~ **LICENSEE** reasonably believes it is necessary to
 24 disclose the information to comply with section 16222, or under
 25 section 16281. In a contest on the admission of a deceased
 26 individual's will to probate, an heir at law of the decedent,
 27 whether a proponent or contestant of the will, and the personal

1 representative of the decedent may waive the privilege created by
2 this section.

3 **SEC. 18239. THE AMENDMENTS TO THIS PART MADE BY THE**
4 **AMENDATORY ACT THAT ADDED THIS SECTION DO NOT REQUIRE NEW OR**
5 **ADDITIONAL THIRD-PARTY REIMBURSEMENT OR MANDATED WORKER'S**
6 **COMPENSATION BENEFITS FOR SERVICES RENDERED BY AN INDIVIDUAL**
7 **LICENSED AS A PSYCHOLOGICAL ASSOCIATE UNDER THIS PART.**