

HOUSE BILL NO. 5185

October 19, 2023, Introduced by Reps. Edwards, Brabec, Rheingans, Price, Byrnes, Wilson, Conlin, Hope, Hood, Dievendorf and Morgan and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16177, 16348, 18101, and 18501 (MCL 333.16177, 333.16348, 333.18101, and 333.18501), section 16177 as amended by 2006 PA 481, sections 16348 and 18501 as amended by 2004 PA 61, section 18101 as amended by 2019 PA 96.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16177. (1) An individual applying for licensure or
2 registration under this article shall do so on a form provided by

1 the department. The department shall require each applicant to
2 include on the application form ~~his or her social security~~ **the**
3 **applicant's Social Security** number. The department shall not
4 display an applicant's ~~social security~~ **Social Security** number on
5 ~~his or her~~ **the applicant's** license or registration. If the facts
6 set forth in the application meet the requirements of the board or
7 task force and this article for licensure or registration, the
8 board or task force shall grant a license or registration to the
9 applicant. ~~A~~ **Except as otherwise provided in this article, a** board
10 or task force may require the applicant to take an examination to
11 determine if the applicant meets the qualifications for licensure
12 or registration. The examination ~~shall~~ **must** include subjects
13 determined by the board or task force to be essential to the safe
14 and competent practice of the health profession, the appropriate
15 use of a title, or both. Passing scores or the procedure used to
16 determine passing scores ~~shall~~ **must** be established before an
17 examination is administered.

18 (2) In addition to the information required under subsection
19 (1), an applicant for licensure or registration or a licensee or
20 registrant applying for renewal shall include on a form provided by
21 the department all of the following information, if applicable:

22 (a) A felony conviction.

23 (b) A misdemeanor conviction punishable by imprisonment for a
24 maximum term of 2 years or a misdemeanor conviction involving the
25 illegal delivery, possession, or use of alcohol or a controlled
26 substance.

27 (c) Sanctions imposed against the applicant by a similar
28 licensure, registration, certification, or disciplinary board of
29 another state or country.

1 (3) In addition to the information required under subsections
2 (1) and (2), a physician, osteopathic physician, dentist, or
3 podiatrist applying for licensure or renewal under this article
4 shall report to the department on a form provided by the department
5 the name of each hospital with which ~~he or she~~ **the applicant** is
6 employed or under contract, and each hospital in which ~~he or she~~
7 **the applicant** is allowed to practice.

8 (4) In addition to the information required under subsections
9 (1), (2), and (3), an applicant for licensure and, beginning the
10 license renewal cycle after ~~the effective date of the amendatory~~
11 ~~act that added section 16213, December 6, 2006,~~ a licensee applying
12 for renewal shall provide the department, on the application or the
13 license renewal form, with an affidavit stating that ~~he or she~~ **the**
14 **applicant** has a written policy for protecting, maintaining, and
15 providing access to ~~his or her~~ **the applicant's** medical records in
16 accordance with section 16213 and for complying with section 16213
17 in the event that ~~he or she~~ **the applicant** sells or closes ~~his or~~
18 ~~her~~ **the applicant's** practice, retires from practice, or otherwise
19 ceases to practice under this article. The applicant or licensee
20 shall make the written policy available to the department upon
21 request.

22 (5) A requirement under this section to include a ~~social~~
23 ~~security~~ **Social Security** number on an application does not apply to
24 an applicant who demonstrates ~~he or she~~ **that the applicant** is
25 exempt under law from obtaining a ~~social security~~ **Social Security**
26 number or to an applicant who for religious convictions is exempt
27 under law from disclosure of ~~his or her social security~~ **the**
28 **applicant's Social Security** number under these circumstances. The
29 department shall inform the applicant of this possible exemption.

1 Sec. 16348. Fees for ~~a person~~**an individual** licensed or
 2 seeking licensure ~~as a licensed bachelor's~~**to engage in the**
 3 **practice of** social worker ~~or a licensed work at the bachelor's~~
 4 **level, the practice of social work at the** master's ~~social worker~~
 5 **level, or the practice of social work at the clinical level,** or a
 6 ~~person~~**an individual** registered or seeking registration as a
 7 registered social service technician under part 185 are as follows:

- 8 (a) Application processing fee..... \$ 15.00
- 9 (b) License fee, per year:
- 10 (i) Licensed bachelor's social worker..... 25.00
- 11 (ii) Licensed master's social worker..... 25.00
- 12 **(iii) Licensed clinical social worker 25.00**
- 13 (c) Registration fee, per year, for a social service
- 14 technician..... 25.00

15 Sec. 18101. As used in this part:

16 (a) "Clinical counseling principles, methods, or procedures"
 17 means 1 or more of the following:

18 (i) Psychotherapy, the diagnosis and treatment planning for
 19 mental and emotional disorders, and evaluation.

20 (ii) Selecting, administering, scoring, and interpreting
 21 assessments, tests, and appraisals that are designed to assess an
 22 individual's aptitudes, interests, attitudes, abilities,
 23 achievements, and personal characteristics in order to use
 24 appraisal and diagnostic results in helping processes.

25 (iii) Psychoeducational consulting. As used in this
 26 subparagraph, "psychoeducational consulting" means assisting a
 27 consultee that is working with an individual, small group, or
 28 organization by identifying problems, strengths, and weaknesses and
 29 making recommendations for the implementation of preventative or

1 remedial strategies.

2 (iv) Counseling techniques. As used in this subparagraph:

3 (A) "Counseling techniques" means the application of basic
4 counseling and psychotherapy skills and theories in the counseling
5 process for the purposes of establishing and maintaining the
6 counseling relationship; diagnosing the problem; formulating a
7 preventative, treatment, or rehabilitative plan; and facilitating
8 appropriate interventions.

9 (B) "Diagnosing the problem" means the identification of the
10 problem through the application of recognized counseling techniques
11 and psychotherapy skills and theories, including the use of the
12 classifications and diagnoses in the Diagnostic and Statistical
13 Manual for Mental Disorders, obtained through the successful
14 completion of a qualified program. Diagnosing the problem does not
15 include the identification of other medical or physical conditions.

16 (v) Behavioral modification techniques. As used in this
17 subparagraph, "behavioral modification techniques" means assisting
18 clients in identifying maladaptive or harmful behaviors and
19 replacing them with adaptive and helpful behaviors.

20 (vi) Referral. As used in this subparagraph, "referral"
21 includes determining the need for referral to 1 or more statutorily
22 regulated mental health professionals whose expertise, skills, and
23 competence are appropriate to the problems of the individual,
24 informing the individual of the referral, and communicating as
25 appropriate with the professional to whom the individual has been
26 referred.

27 (vii) Preventative techniques. As used in this subparagraph,
28 "preventative techniques" means assisting a client in maintaining
29 mental and emotional well-being and preventing emotional distress

1 and mental illness.

2 (viii) Establishing a counseling plan for the treatment of 1 or
3 more of the following disorders of an individual, couple, group, or
4 family:

5 (A) An emotional disorder.

6 (B) A mental disorder.

7 (C) An addiction disorder.

8 (D) A physical disorder that requires a counseling
9 intervention.

10 (ix) Promoting mental health wellness. As used in this
11 subparagraph, "mental health wellness" means the achievement of
12 social, career, and emotional development across an individual's
13 life span.

14 (x) Preventing and treating mental and emotional disorders. As
15 used in this subparagraph, "preventing and treating mental and
16 emotional disorders" includes the use of crisis intervention.

17 (b) "Licensed professional counselor" means an individual who
18 is licensed under this article to engage in the practice of
19 counseling without supervision.

20 (c) "Limited licensed counselor" means an individual who has
21 been granted a limited license under this article to engage in the
22 practice of counseling under the supervision of a licensed
23 professional counselor who meets the requirement of section 18106.

24 (d) Except as otherwise provided in subdivision (e), "practice
25 of counseling" or "counseling" means the rendering to individuals,
26 groups, families, organizations, or the general public in
27 accordance with accepted and established ethics a service involving
28 clinical counseling principles, methods, or procedures for the
29 purpose of achieving social, personal, career, and emotional

1 development and with the goal of promoting and enhancing healthy
2 self-actualizing and satisfying lifestyles whether the services are
3 rendered in an educational, business, health, private practice, or
4 human services setting.

5 (e) The practice of counseling does not include the practice
6 of psychology except for those preventive techniques, counseling
7 techniques, or behavior modification techniques for which the
8 licensed professional counselor or limited licensed counselor has
9 been specifically trained. The practice of counseling does not
10 include the practice of medicine or osteopathic medicine and
11 surgery, including, but not limited to, the differential diagnosis
12 of medical conditions or disorders, prescribing drugs, or
13 administering electroconvulsive therapy. A counselor shall not hold
14 himself or herself out as any of the following:

15 (i) A psychologist as defined in section 18201.

16 (ii) A marriage and family therapist as defined in section
17 16901.

18 (iii) A licensed bachelor's social worker, ~~or~~ a licensed
19 master's social worker, **or a licensed clinical social worker** as
20 those terms are defined in section 18501.

21 (f) "Qualified program" means any of the following:

22 (i) A program that is accredited by the Council for the
23 Accreditation of Counseling and Related Educational Programs,
24 includes coursework and training in the diagnosis and treatment of
25 mental and emotional disorders, and is approved by the department
26 in consultation with the board.

27 (ii) A program that is not accredited by the Council for the
28 Accreditation of Counseling and Related Educational Programs,
29 includes coursework and training in the diagnosis and treatment of

1 mental and emotional disorders and all other coursework
 2 requirements of the Council for the Accreditation of Counseling and
 3 Related Educational Programs, including practicum and internship
 4 requirements, and is approved by the department in consultation
 5 with the board.

6 Sec. 18501. (1) As used in this part:

7 (a) "Health facility" means a health facility or agency
 8 licensed under article 17 or a hospital, psychiatric hospital, or
 9 psychiatric unit licensed under the mental health code, 1974 PA
 10 258, MCL 330.1001 to 330.2106.

11 (b) "Licensed bachelor's social worker" means an individual
 12 **who is** licensed under this article to engage in the practice of
 13 social work at the bachelor's level.

14 (c) **"Licensed clinical social worker" means an individual who**
 15 **is licensed under this article to engage in the practice of social**
 16 **work at the clinical level.**

17 (d) ~~(e)~~—"Licensed master's social worker" means an individual
 18 **who is** licensed under this article to engage in the practice of
 19 social work at the master's level.

20 (e) ~~(d)~~—"Practice of medicine" means that term as defined in
 21 section 17001.

22 (f) ~~(e)~~—"Practice of osteopathic medicine and surgery" means
 23 that term as defined in section 17501.

24 (g) ~~(f)~~—"Practice of social work at the bachelor's level"
 25 means, subject to subsections (2) and ~~(4)~~, **(3)**, all of the
 26 following applied within the scope of social work values, ethics,
 27 principles, and skills:

28 (i) The application of social work theory, knowledge, methods,
 29 and ethics to restore or enhance social, psychosocial, or

1 biopsychosocial functioning of individuals, couples, families,
2 groups, organizations, or communities, with particular attention to
3 the person-in-environment configuration.

4 (ii) Social work case management and casework, including
5 assessments, planning, referral, and intervention with individuals,
6 families, couples, groups, communities, or organizations within the
7 context of social work values, ethics, principles, and skills.

8 (iii) Helping communities, organizations, individuals, or groups
9 improve their social or health services by utilizing social work
10 practice skills.

11 (iv) The administration of assessment checklists that do not
12 require special training and that do not require interpretation.

13 (h) "Practice of social work at the clinical level" means,
14 subject to subsection (4), all of the following applied within the
15 scope of social work values, ethics, principles, and advanced
16 skills:

17 (i) The advanced application of the knowledge of human
18 development and behavior and social, economic, and cultural
19 institutions.

20 (ii) The advanced application of macro social work processes
21 and systems to improve the social or health services of
22 communities, groups, or organizations through planned
23 interventions.

24 (iii) The independent application of specialized clinical
25 knowledge and advanced clinical skills in the areas of assessment,
26 diagnosis, and treatment of mental, emotional, and behavioral
27 disorders, conditions, and addictions. Treatment methods include
28 the provision of advanced social work case management and casework
29 and individual, couple, family, or group counseling and

1 **psychotherapy whether in private practice or other settings.**

2 (i) ~~(g)~~—"Practice of social work at the master's level" means,
3 subject to subsection ~~(5)~~, **(4)**, all of the following applied within
4 the scope of social work values, ethics, principles, and advanced
5 skills:

6 (i) The advanced application of the knowledge of human
7 development and behavior and social, economic, and cultural
8 institutions.

9 (ii) The advanced application of macro social work processes
10 and systems to improve the social or health services of
11 communities, groups, or organizations through planned
12 interventions.

13 (iii) ~~The~~ **Through December 31, 2024, the** application of
14 specialized clinical knowledge and advanced clinical skills in the
15 areas of assessment, diagnosis, and treatment of mental, emotional,
16 and behavioral disorders, conditions, and addictions. **Beginning**
17 **January 1, 2025, the application of specialized clinical knowledge**
18 **and skills in the areas of assessment, diagnosis, and treatment of**
19 **mental, emotional, and behavioral disorders, conditions, and**
20 **addictions under the supervision of a licensed clinical social**
21 **worker.** Treatment methods include the provision of advanced social
22 work case management and casework and individual, couple, family,
23 or group counseling and psychotherapy whether in private practice
24 or other settings.

25 (j) ~~(h)~~—"Social service technician" means an individual
26 registered under this article who is specially trained to practice
27 only under the supervision of a licensed master's social worker or
28 a licensed bachelor's social worker.

29 (2) An individual who performs 1 or more of the functions

1 described in ~~subdivision (f) (i) through (iv)~~ **subsection (1) (g) (i) to**
 2 **(iv)** but not all of those functions is not considered engaged in the
 3 practice of social work at the bachelor's level.

4 ~~(3) In addition to the definitions of this part, article 1~~
 5 ~~contains general definitions and principles of construction~~
 6 ~~applicable to all articles in this code and part 161 contains~~
 7 ~~definitions applicable to this part.~~

8 **(3)** ~~(4)~~ The practice of social work at the bachelor's level
 9 does not include the practice of medicine or the practice of
 10 osteopathic medicine and surgery, including, but not limited to,
 11 the prescribing of drugs, the administration of electroconvulsive
 12 therapy, the practice of psychotherapy, and other advanced clinical
 13 skills ~~pursuant to section 18501(g) (iii)~~ **under subsection (1) (i) (iii)**
 14 or the administration or interpretation of psychological tests,
 15 except as otherwise provided in ~~subdivision (f) (iv)~~ **subsection**
 16 **(1) (g) (iv) .**

17 **(4)** ~~(5)~~ The practice of social work at the master's level ~~does~~
 18 **and the practice of social work at the clinical level do** not
 19 include the practice of medicine or the practice of osteopathic
 20 medicine and surgery, including, but not limited to, the
 21 prescribing of drugs or administration of electroconvulsive
 22 therapy.

23 **(5) In addition to the definitions of this part, article 1**
 24 **contains general definitions and principles of construction**
 25 **applicable to all articles in this code, and part 161 contains**
 26 **definitions applicable to this part.**

27 Enacting section 1. This amendatory act does not take effect
 28 unless Senate Bill No. ____ or House Bill No. 5184 (request no.
 29 02589'23) of the 102nd Legislature is enacted into law.