

HOUSE BILL NO. 5785

June 05, 2024, Introduced by Reps. Brabec, McKinney, Hope, Rheingans, Tsernoglou, Morgan, Steckloff, Scott, Coffia, Edwards, Arbit, MacDonell, Paiz, Dievendorf, Breen, Snyder, Young, Glanville, O'Neal, Neeley, Hood, Wilson, McFall, Hoskins, Hill, Price, Byrnes, Whitsett, Brenda Carter, Roth and Bollin and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 18221, 18223, 18233, and 18237 (MCL 333.18221, 333.18223, 333.18233, and 333.18237), section 18221 as amended by 2006 PA 395, section 18223 as amended by 2018 PA 24, section 18233 as amended by 1994 PA 234, and section 18237 as amended by 1998 PA 496.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 18221. (1) The Michigan board of psychology is created in

1 the department. ~~and shall consist~~ **Except as otherwise provided in**
2 **subsection (2), the board consists** of the following 9 voting
3 members who ~~shall~~ **must** meet the requirements of part 161: 5
4 psychologists, including at least 1 nondoctoral psychologist, and 4
5 public members. ~~Section 1212 does not apply to this board.~~

6 (2) **Beginning after the effective date of the amendatory act**
7 **that added this subsection, all of the following apply to the**
8 **members of the board described in subsection (1):**

9 (a) **The 4 public members shall continue in office for the**
10 **remainder of their respective terms.**

11 (b) **When the term of office of the first 2 public members**
12 **expires, the governor shall not appoint public members to fill the**
13 **positions but shall instead, subject to part 161, appoint 2**
14 **psychologists who hold a limited license under section 18223(3) to**
15 **fill the positions, thereby reducing the total number of public**
16 **members on the board to 2 and increasing the total number of**
17 **psychologists who hold limited licenses on the board to 3.**

18 (c) **When the term of office of the third public member**
19 **expires, the governor shall not appoint a public member to fill**
20 **that position but shall instead, subject to part 161, appoint 1**
21 **psychologist who holds a license under section 18223(1) to fill the**
22 **position, thereby reducing the total number of public members on**
23 **the board to 1 and increasing the number of psychologists who hold**
24 **a license under section 18223(1) to 5.**

25 (3) ~~(2)~~ **The terms of office of individual members of the board**
26 **created under this section, except those appointed to fill**
27 **vacancies, expire 4 years after appointment on December 31 of the**
28 **year in which the term expires.**

29 (4) **Section 1212 does not apply to the board.**

1 Sec. 18223. (1) The department, in consultation with the
2 board, shall promulgate rules ~~requiring that to be~~ **require an**
3 **individual who is** granted a license under this part **to engage in**
4 **the practice of psychology to**, except as provided in ~~subsection~~
5 ~~(2), an individual must~~ **this section**, meet both of the following
6 requirements:

7 (a) ~~Have~~ **Has** been granted a doctoral degree in psychology, or
8 a doctoral degree in a closely related field, from a doctoral
9 degree program that meets all of the following requirements:

10 (i) Is offered by a regionally accredited or other college,
11 university, or institution approved by the board, and includes
12 education and training appropriate to the practice of psychology.

13 (ii) Has obtained the Association of State and Provincial
14 Psychology Boards' national register designation, has been
15 accredited by the American Psychological Association or the
16 Canadian Psychological Association, or has obtained a similar
17 designation from or been accredited by an entity approved by the
18 board. However, a program that is in the process of obtaining the
19 designation or becoming accredited as required in this subparagraph
20 before August 1, 2011, and that obtains the designation or becomes
21 accredited on or before August 31, 2020, meets the requirements of
22 this subparagraph.

23 (b) ~~Have~~ **Has** not less than 1 year of postdoctoral experience
24 in the practice of psychology in an organized health care setting
25 or other arrangement, as established by the board.

26 (2) In addition to section 16182, the board shall grant a
27 limited license to **engage in the practice of psychology to** an
28 individual ~~granted who has~~ a master's degree in psychology from a
29 regionally accredited college, ~~or~~ university, or institution

1 approved by the board, if the individual has education, training,
2 and experience appropriate to the practice of psychology, as
3 established by the board. An individual who applies for an initial
4 limited license under this subsection before March 31, 2018 is not
5 required to take an examination that is approved by the board to be
6 granted a limited license under this part if the individual was
7 granted a master's degree in psychology after January 1, 2007 but
8 before June 30, 2010 from the college, university, or institution
9 described in this subsection, the individual has continuously held
10 the temporary license described in this section since it was
11 initially granted by the board, and the disciplinary subcommittee
12 has not imposed a sanction against the individual while holding the
13 temporary license described in this section. Except for duties
14 performed as an employee of a governmental entity or of a nonprofit
15 organization serving benevolent and charitable purposes, the board
16 shall place 2 limitations on a **limited** license granted to an
17 individual under this subsection. The limitations must require
18 supervision by a psychologist who has a license other than a
19 limited license and must prohibit advertising or other
20 representation to the public that will lead the public to believe
21 the individual is engaging in the practice of psychology. A limited
22 license granted under this subsection is renewable under part 161.
23 An individual who is applying for a limited license under this
24 subsection must have 1 year of supervised postgraduate experience
25 in an organized health care setting or other arrangement, as
26 established by the board. The ~~individual~~ **postgraduate experience**
27 **described in this subsection** must be supervised by a psychologist
28 who has a license other than a limited license, or if a
29 psychologist who has a license other than a limited license is not

1 available, by a psychologist who has at least a master's degree in
2 psychology and at least 3 years of experience in the practice of
3 psychology or by any other individual approved by the board. **This**
4 **subsection does not apply beginning on the effective date of the**
5 **2023 amendatory act that added subsection (3).**

6 (3) Beginning on the effective date of the amendatory act that
7 added this subsection, in addition to section 16182, the board
8 shall grant a limited license to engage in the practice of
9 psychology to an individual who has been granted a master's degree
10 in psychology from a regionally accredited college, university, or
11 institution approved by the board, if the individual has education,
12 training, and experience appropriate to the practice of psychology,
13 as established by the board. An individual who is applying for a
14 limited license under this subsection must have 2 years, totaling
15 not less than 4,000 hours, of supervised postgraduate experience in
16 an organized health care setting or other arrangement, as
17 established by the board. The postgraduate experience described in
18 this subsection must be supervised by a psychologist who is granted
19 a license under subsection (1) or, if a psychologist who is granted
20 a license under subsection (1) is not available, by a psychologist
21 who has at least a master's degree in psychology and at least 3
22 years of experience in the practice of psychology or by any other
23 individual approved by the board. An individual who is granted a
24 limited license under this subsection may engage in the practice of
25 psychology without supervision and shall perform an act, task, or
26 function within the practice of psychology for which the individual
27 is qualified by education, training, or experience. An individual
28 who holds a limited license under this subsection shall not
29 perform, offer to perform, or represent that the individual is

1 qualified to perform any of the acts, tasks, or functions within
 2 the scope of practice of psychology that the individual is not
 3 qualified by education, training, or experience to perform, or that
 4 the individual is otherwise prohibited by law from performing. An
 5 individual who holds a limited license under subsection (2) on the
 6 effective date of the amendatory act that added this subsection is
 7 considered to hold a limited license under this subsection and is
 8 not subject to the limitations on the license as described in
 9 subsection (2).

10 (4) ~~(3)~~—The board shall grant a temporary license to an
 11 individual described in subsection (2) **or (3)** for the purpose of
 12 obtaining the ~~1-year-of~~ postgraduate experience described in ~~that~~
 13 ~~subsection. Beginning on March 31, 2018, a~~ **subsection (2) or (3). A**
 14 temporary license granted under this subsection is valid for 24
 15 months and may be renewed for 1 additional 24-month term. If an
 16 individual described in subsection (2) was granted a temporary
 17 license by the board before March 31, 2018, ~~his or her~~ **the**
 18 **individual's** temporary license may be renewed for 1 additional 24-
 19 month term.

20 (5) ~~(4)~~—The board shall grant a temporary license to an
 21 individual who is enrolled in a doctoral degree program that meets
 22 the requirements of subsection (1). Beginning on March 31, 2018, a
 23 temporary license granted under this subsection is valid for 24
 24 months and may be renewed for 3 additional 24-month terms. If an
 25 individual enrolled in a doctoral program that meets the
 26 requirements of subsection (1) was granted a temporary license by
 27 the board before March 31, 2018, ~~his or her~~ **the individual's**
 28 temporary license may be renewed for 3 additional 24-month terms.

29 Sec. 18233. (1) In addition to the requirements of part 161,

1 the board ~~may~~**shall** require a licensee seeking renewal of a license
2 to furnish the board with satisfactory evidence that during the 2
3 years immediately preceding application for renewal, the licensee
4 has attended continuing education courses or programs approved by
5 the board totaling not less than a number of hours established by
6 rule of the board in subjects related to the practice of psychology
7 and designed to further educate licensees.

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

13 Sec. 18237. A psychologist ~~licensed or allowed to use that~~
14 ~~title under this part or an individual under his or her supervision~~
15 **granted a license under section 18223(1) who is supervising a**
16 **qualified temporary licensee** cannot be compelled to disclose
17 confidential information acquired from an individual consulting the
18 psychologist in ~~his or her~~**the psychologist's** professional capacity
19 if the information is necessary to enable the psychologist to
20 render services. Information may be disclosed with the consent of
21 the individual consulting the psychologist **described in this**
22 **section**, or if the individual consulting the psychologist is a
23 minor, with the consent of the minor's guardian, pursuant to
24 section 16222 if the psychologist reasonably believes it is
25 necessary to disclose the information to comply with section 16222,
26 or under section 16281. In a contest on the admission of a deceased
27 individual's will to probate, an heir at law of the decedent,
28 whether a proponent or contestant of the will, and the personal
29 representative of the decedent may waive the privilege created by

1 this section. As used in this section, "qualified temporary
2 licensee" means an individual who holds a temporary license under
3 section 18223(4).