

HOUSE BILL NO. 4981

September 18, 2025, Introduced by Reps. Fairbairn, Prestin, Cavitt, Bohnak, Markkanen, Linting and Thompson and referred to Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16281, 16905, 18101, 18105, 18106, 18111,
18114, and 18117 (MCL 333.16281, 333.16905, 333.18101, 333.18105,
333.18106, 333.18111, 333.18114, and 333.18117), section 16281 as
added and section 18117 as amended by 1998 PA 496, section 16905 as
amended by 2006 PA 388, sections 18101 and 18111 as amended and
sections 18106 and 18114 as added by 2019 PA 96, and section 18105
as amended by 2006 PA 429.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16281. (1) If there is a compelling need for records or
2 information to determine whether child abuse or child neglect has
3 occurred or to take action to protect a child where there may be a
4 substantial risk of harm, a ~~family independence agency~~ **department**
5 **of health and human services** caseworker or administrator directly
6 involved in the child abuse or **child** neglect investigation shall
7 notify a licensee or registrant that a child abuse or **child** neglect
8 investigation has been initiated regarding a child who has received
9 services from the licensee or registrant and shall request in
10 writing the child's medical records and information that are
11 pertinent to that investigation. ~~Upon~~ **On the** receipt of this
12 notification and request, the licensee or registrant shall review
13 all of the child's medical records and information in the
14 licensee's or registrant's possession to determine if there are
15 medical records or information that is pertinent to that
16 investigation. Within 14 days after receipt of a request made under
17 this subsection, the licensee or registrant shall release those
18 pertinent medical records and information to the **department of**
19 **health and human services** caseworker or administrator directly
20 involved in the child abuse or **child** neglect investigation.

21 (2) The following privileges do not apply to medical records
22 or information released or made available under subsection (1):

23 (a) The physician-patient privilege created in section 2157 of
24 the revised judicature act of 1961, 1961 PA 236, MCL 600.2157.

25 (b) The dentist-patient privilege created in section 16648.

26 (c) The licensed professional counselor-client and limited
27 licensed **professional** counselor-client privilege created in section
28 18117.

1 (d) The psychologist-patient privilege created in section
2 18237.

3 (e) Any other health professional-patient privilege created or
4 recognized by law.

5 (3) To the extent not protected by the immunity conferred by
6 1964 PA 170, MCL 691.1401 to ~~691.1415~~, **691.1419**, an individual who
7 in good faith provides access to medical records or information
8 under this section is immune from civil or administrative liability
9 arising from that conduct, unless the conduct was gross negligence
10 or willful and wanton misconduct.

11 (4) This section does not apply to a report, record, datum, or
12 information whose confidentiality and disclosure are governed by
13 section 5131.

14 (5) A duty under this act relating to child abuse and **child**
15 neglect does not alter a duty imposed under another statute,
16 including the child protection law, 1975 PA 238, MCL 722.621 to
17 722.638, regarding the reporting or investigation of child abuse or
18 **child** neglect.

19 Sec. 16905. (1) This part does not apply to an individual
20 engaged in the practice of social work as defined in part 185, in
21 the course of employment with a governmental agency or a reputable
22 social service agency regularly providing social work services as
23 an agency.

24 (2) This part does not apply to an ordained cleric or other
25 religious practitioner who is employed by or working under the
26 authority of an organization exempt from taxation under section
27 501(c)(3) of the internal revenue code of 1986, 26 USC 501, if the
28 advice or counsel given by the cleric or other religious
29 practitioner is incidental to ~~his or her~~ **the cleric's or other**

1 **religious practitioner's** duties as a cleric or other religious
 2 practitioner, and if the cleric or other religious practitioner
 3 does not hold ~~himself or herself~~ **the cleric or other religious**
 4 **practitioner** out to the public as a marriage and family therapist
 5 licensed under this article or use 1 or more of the titles listed
 6 in section 16903 and if no fee or donation is exacted for the
 7 service.

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

13 (a) The individual is practicing ~~his or her~~ **the individual's**
 14 profession in a manner consistent with ~~his or her~~ **the individual's**
 15 education and training and is practicing in a manner consistent
 16 with the code of ethics of that profession.

17 (b) The individual does not hold ~~himself or herself~~ **the**
 18 **individual** out to the public as a marriage and family therapist
 19 licensed under this article or use any of the titles listed in
 20 section 16903 for advertising purposes. However, this subdivision
 21 does not prohibit the individual from advertising under a telephone
 22 or other business directory listing that uses those titles if the
 23 individual discloses in the listing, in an unabbreviated fashion,
 24 the profession in which ~~he or she~~ **the individual** is licensed.

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

1 **the individual** out to the public as a marriage and family therapist
2 licensed under this article or use 1 or more of the titles listed
3 in section 16903. As used in this subsection, "statutorily
4 regulated profession or occupation" means an occupation or
5 profession regulated by statute that includes, but is not limited
6 to, all of the following: a physician, attorney, social worker,
7 social service technician, fully licensed psychologist, limited
8 licensed psychologist, temporary limited licensed psychologist,
9 licensed professional counselor, limited licensed **professional**
10 counselor, or school counselor.

11 Sec. 18101. As used in this part:

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

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

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

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

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

28 (A) "Counseling techniques" means the application of basic
29 counseling and psychotherapy skills and theories in the counseling

1 process for the purposes of establishing and maintaining the
2 counseling relationship; diagnosing the problem; formulating a
3 preventative, treatment, or rehabilitative plan; and facilitating
4 appropriate interventions.

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

12 (v) Behavioral modification techniques. As used in this
13 subparagraph, "behavioral modification techniques" means assisting
14 clients in identifying maladaptive or harmful behaviors and
15 replacing them with adaptive and helpful behaviors.

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

23 (vii) Preventative techniques. As used in this subparagraph,
24 "preventative techniques" means assisting a client in maintaining
25 mental and emotional well-being and preventing emotional distress
26 and mental illness.

27 (viii) Establishing a counseling plan for the treatment of 1 or
28 more of the following disorders of an individual, couple, group, or
29 family:

1 (A) An emotional disorder.

2 (B) A mental disorder.

3 (C) An addiction disorder.

4 (D) A physical disorder that requires a counseling
5 intervention.

6 (ix) Promoting mental health wellness. As used in this
7 subparagraph, "mental health wellness" means the achievement of
8 social, career, and emotional development across an individual's
9 life span.

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

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

16 (c) "Limited licensed **professional** counselor" or "**limited**
17 **licensed counselor**" means an individual who has been granted a
18 limited license under this article to engage in the practice of
19 counseling under the supervision of a licensed professional
20 counselor who meets the requirement of section 18106.

21 (d) Except as otherwise provided in subdivision (e), "practice
22 of counseling" or "counseling" means the rendering to individuals,
23 groups, families, organizations, or the general public in
24 accordance with accepted and established ethics a service involving
25 clinical counseling principles, methods, or procedures for the
26 purpose of achieving social, personal, career, and emotional
27 development and with the goal of promoting and enhancing healthy
28 self-actualizing and satisfying lifestyles whether the services are
29 rendered in an educational, business, health, private practice, or

1 human services setting.

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

12 (i) A psychologist as **that term is** defined in section 18201.

13 (ii) A marriage and family therapist as **that term is** defined in
 14 section 16901.

15 (iii) A licensed bachelor's social worker or a licensed master's
 16 social worker as those terms are defined in section 18501.

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

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

23 (ii) A program that is not accredited by the Council for the
 24 Accreditation of Counseling and Related Educational Programs,
 25 includes coursework and training in the diagnosis and treatment of
 26 mental and emotional disorders and all other coursework
 27 requirements of the Council for the Accreditation of Counseling and
 28 Related Educational Programs, including practicum and internship
 29 requirements, and is approved by the department in consultation

1 with the board.

2 Sec. 18105. (1) A licensee shall not perform any acts, tasks,
3 or functions within the practice of counseling unless ~~he or she~~ **the**
4 **licensee** is trained to perform such acts, tasks, or functions.

5 (2) ~~Effective October 1, 1990, a person~~ **An individual** shall
6 not engage in the practice of counseling unless licensed or
7 otherwise authorized under this article.

8 (3) The following words, titles, or letters or a combination
9 thereof, with or without qualifying words or phrases, are
10 restricted in use only to those ~~persons~~ **individuals** authorized
11 under this part to use the terms and in a way prescribed in this
12 part: "licensed professional counselor", "licensed counselor",
13 "professional counselor", ~~and~~ "l.p.c.", **"limited licensed**
14 **professional counselor", and "l.l.p.c."**.

15 Sec. 18106. A licensed professional counselor shall not
16 supervise a limited licensed **professional** counselor without
17 completing training in supervision as required by rules promulgated
18 by the department in consultation with the board.

19 Sec. 18111. (1) Subject to subsection (3), the department may
20 grant a limited license to an individual who meets both of the
21 following criteria:

22 (a) Is not less than 18 years of age.

23 (b) Has received, from an accredited college or university
24 approved by the department, a master's or doctoral degree in
25 counseling from a qualified program, or a degree determined by the
26 department in consultation with the board to be substantially
27 equivalent to a counseling degree from a qualified program. The
28 department in consultation with the board shall promulgate rules to
29 establish standards to approve qualified programs.

1 (2) A limited license granted under this section must require
2 that the individual confine ~~his or her~~ **the individual's** practice to
3 a program of counseling experience under the supervision of a
4 licensed professional counselor.

5 (3) The department in consultation with the board shall
6 promulgate rules under section 16145 as necessary or appropriate to
7 supplement the requirements for licensure under this part as a
8 limited licensed **professional** counselor, including adopting updated
9 standards of the Council for the Accreditation of Counseling and
10 Related Educational Programs or a successor organization.

11 Sec. 18114. (1) Except as otherwise provided in subsection
12 (3), the department may grant relicensure as a licensed
13 professional counselor or limited licensed **professional** counselor
14 to an individual who is applying for relicensure less than 3 years
15 after the expiration date of ~~his or her~~ **the individual's** license,
16 if the individual submits to the department a completed application
17 on a form provided by the department together with payment of the
18 fees described in section 16201(3), and ~~he or she~~ **the individual**
19 complies with both of the following:

20 (a) Submits with ~~his or her~~ **the individual's** application a
21 professional disclosure statement that meets the requirements of
22 section 18113.

23 (b) If the individual holds or has held a license as a
24 licensed professional counselor or limited licensed **professional**
25 counselor in another state, ensures that the licensing agency of
26 each out-of-state license verifies all of the following on a form
27 provided by the department:

28 (i) That disciplinary proceedings are not pending against the
29 individual at the time of ~~his or her~~ **the individual's** application

1 for relicensure.

2 (ii) That if sanctions have been imposed against the
3 individual, the sanctions are not in force at the time of ~~his or~~
4 ~~her~~ **the individual's** application for relicensure.

5 (2) Except as otherwise provided in subsection (3), the
6 department may grant relicensure as a licensed professional
7 counselor or limited licensed **professional** counselor to an
8 individual who is applying for relicensure more than 3 years after
9 the expiration date of ~~his or her~~ **the individual's** license, if the
10 individual submits to the department a completed application on a
11 form provided by the department together with payment of the fees
12 described in section 16201(4) and a professional disclosure
13 statement that meets the requirements of section 18113, and ~~he or~~
14 ~~she~~ **the individual** complies with 1 of the following:

15 (a) Takes or retakes and passes 1 of the following:

16 (i) The national counselor examination developed by the
17 National Board for Certified Counselors.

18 (ii) The certification examination given by the Commission on
19 Rehabilitation Counselor Certification.

20 (iii) An examination that the department determines is
21 equivalent to an examination described in subparagraph (i) or (ii).

22 (b) Demonstrates to the satisfaction of the department that ~~he~~
23 ~~or she~~ **the individual** meets the requirements for certification
24 issued by the National Board for Certified Counselors, the
25 Commission on Rehabilitation Counselor Certification, or an
26 equivalent program as determined by the department.

27 (3) The department may grant relicensure as a licensed
28 professional counselor or limited licensed **professional** counselor
29 to an individual who received a master's or doctoral degree in

1 counseling or student personnel work before October 1, 1991, and
2 completed 2 years of professional experience before October 1,
3 1993, if the individual submits to the department a completed
4 application on a form provided by the department together with
5 payment of the applicable fees described in section 16201(3) or (4)
6 and ~~he or she~~ **the individual** complies with 1 of the following:

7 (a) Submits with ~~his or her~~ **the individual's** application a
8 professional disclosure statement that meets the requirements of
9 section 18113.

10 (b) If the individual holds or has held a license as a
11 licensed professional counselor or limited licensed **professional**
12 counselor in another state, ensures that the licensing agency of
13 each out-of-state license verifies all of the following on a form
14 provided by the department:

15 (i) That disciplinary proceedings are not pending against the
16 individual at the time of ~~his or her~~ **the individual's** application
17 for relicensure.

18 (ii) That if sanctions have been imposed against the
19 individual, the sanctions are not in force at the time of ~~his or~~
20 ~~her~~ **the individual's** application for relicensure.

21 Sec. 18117. For the purposes of this part, the confidential
22 relations and communications between a licensed professional
23 counselor or a limited licensed **professional** counselor and a client
24 of the licensed professional counselor or a limited licensed
25 **professional** counselor are privileged communications, and this part
26 does not require a privileged communication to be disclosed, except
27 as otherwise provided by law. Confidential information may be
28 disclosed only upon consent of the client, pursuant to section
29 16222 if the licensee reasonably believes it is necessary to

- 1 disclose the information to comply with section 16222, or under
- 2 section 16281.