



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

Memorandum

VIA E-MAIL

DATE: November 19, 2020

TO: Senator Peter Lucido, Chairperson, JCAR
Representative Matt Maddock, Alternate Chairperson, JCAR
Evan Keimach, Senate Majority Policy Office
Jimmy Biehl, House Republican Policy Office
Tim Reeves, Counsel, JCAR
Elizabeth Edberg, Counsel, JCAR

FROM: Marlon I. Brown, Director of Policy and Legislative Affairs *MB*

SUBJECT: Joint Committee on Administrative Rules (JCAR) Briefing Memo for Rule Set 2020-033 LR Counseling – General Rules

Rules Primer

The Counseling – General Rules pertain to education, limited licensure, licensure, licensure by endorsement, license renewal, and supervisor training requirements for counselors.

Summary of the Final Proposed Rule

The proposed rules are intended to accomplish the following:

- Provide an explanation of specific terms used throughout the rule set and clarify definitions and the meaning of terms used in the rules.
- Describe the requirements for higher education institution accreditation and include updated higher institution educational program accreditation standards.
- Describe the requirements for the Council for Accreditation of Counseling and Related Educational Programs (CACREP) and include updated CACREP accreditation standards.
- Identify the educational requirements for applicants for licensure and clarify the educational training program requirements for applicants who are graduates of both CACREP and non-CACREP accredited programs. The proposed rules also

include a future increased credit hour requirement for applicants who are graduates of non-CACREP accredited programs, to coincide with future CACREP imposed requirements. Graduates of non-accredited postsecondary institutions must bear the expense and supply an educational program equivalency determination to the department from a credential evaluation agency.

- Describe the requirements for training on identifying victims of human trafficking and include a date of promulgation.
- Describe the requirements for a limited license and revises the language from the former rule to include statutory citations.
- Identify the accepted examinations for licensure and passing scores and add the National Clinical Mental Health Counseling Examination (NCMHCE) as another approved examination for licensure.
- Describe the requirements for licensure by examination and revises the language from the former rule to include statutory citations. The proposed rules also amend the requirements for attainment of supervised experience as it relates to experience gained in the immediate physical presence of the supervisor.
- Describe the requirements for licensure by endorsement and revises the language from the former rule to include statutory citations.
- Describe the requirements for renewal of a license and clarify that relicensure of the limited license counts the same as a renewal.
- Describe the requirements for practice and training necessary to supply supervision and amend the rule to align with the Approved Clinical Supervisor (ACS) credential from the Center for Credentialing and Education (CCE).

Stakeholder Engagement

Development of the proposed rules occurred in consultation with members of the Board of Counseling via a rules committee work group, which included representatives of the Michigan Mental Health Counselors Association. The web address for the work group minutes is https://www.michigan.gov/lara/0,4601,7-154-89334_72600_72603_27529_27536---,00.html.

Public Engagement and Public Hearing/Comment/Information

The public comment period for this rule set began on August 23, 2020, and ended on September 22, 2020, at 5:00 p.m. The notice of public comment period, in addition to being posted in various newspapers as required, was posted on the LARA website, and distributed via email listserv to all interested parties. The public hearing was held at 1:00 p.m. on September 22, 2020, and occurred virtually via Zoom, as permitted under Executive Order 2020-154. The Bureau received six written comments during the public comment period and there were seven attendees that spoke on the rules at the public hearing.

November 19, 2020

Modifications Made Due to Public Comment

There were no changes made to the proposed rules based on comments received during the public comment period.

Significant Issues Not Incorporated in the Final Proposed Rules

One significant issue was raised during the public comment period regarding how to manage the in-person supervision requirement during a state of emergency.

cc/att: Orlene Hawks, Director, LARA
 Kim Gaedeke, Chief Deputy Director, LARA
 Adam Sandoval, Deputy Director, LARA
 Courtney Pendleton, Deputy Director, LARA
 Debra Gagliardi, BPL Bureau Director, LARA
 Elizabeth Arasim, Regulatory Affairs Officer, LARA