



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

April 26, 2023

NOTICE OF FILING

ADMINISTRATIVE RULES

To: Secretary of the Senate
Clerk of the House of Representatives
Joint Committee on Administrative Rules
Michigan Office of Administrative Hearings and Rules (Administrative Rule #21-058-LR)
Legislative Service Bureau (Secretary of State Filing #23-04-07)
Department of Licensing and Regulatory Affairs

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2021-058-LR (Secretary of State Filing #23-04-07) on this date at 9:13 A.M. for the Department of Licensing and Regulatory Affairs entitled, "Counseling – General Rules".

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,

Jocelyn Benson
Secretary of State

Lashana Threlkeld, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

ORLENE HAWKS
DIRECTOR

April 26, 2023

The Honorable Jocelyn Benson
Secretary of State
Office of the Great Seal
Richard H. Austin Building – 1st Floor
430 W. Allegan
Lansing, MI 48909

Dear Secretary Benson:

Re: Administrative Rules – Michigan Office of Administrative Hearings and Rules
Administrative Rules #: 2021-58 LR

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated October 10, 2022 for the Department of Licensing & Regulatory Affairs “**Counseling – General Rules**”. We are transmitting these rules to you pursuant to the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6.

Sincerely,

A handwritten signature in black ink, appearing to read "Suzanne Sonneborn".

Michigan Office of Administrative Hearings and Rules



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

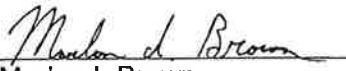
ORLENE HAWKS
DIRECTOR

CERTIFICATE OF ADOPTION

By authority conferred on the Director of the Department of Licensing and Regulatory Affairs by Sections 16141, 16145, 16148, 16201, 18101, 18106, 18107, and 18111 of the Public Health Code, 1978 PA 368, MCL 333.16141, 333.16145, 333.16148, 333.16201, 333.18101, 333.18106, 333.18107, and 333.18111, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, 445.2001, 445.2011, 445.2025, and 445.2030.

R 338.1751, R 338.1761, R 338.1763, R 338.1765, R 338.1771, R 338.1772, R 338.1774, R 338.1775, R 338.1776, and R 338.1781 of the Michigan Administrative Code are amended, and R 338.1758 and R 338.1777 are added.

Date: 02/14/2023

Adopted by: 
Marlon I. Brown
Chief Administrative Officer
Department of Licensing and Regulatory Affairs



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated October 10, 2022, in which the Department of Licensing and Regulatory Affairs proposes to modify a portion of the Michigan Administrative Code entitled “**Counseling – General Rules**” by:

- ◆ Adding R 338.1758 and R 338.1777.
- ◆ Amending R 338.1751, R 338.1761, R 338.1763, R 338.1765, R 338.1771, R 338.1772, R 338.1774, R 338.1775, R 338.1776, and R 338.1781.

The Legislative Service Bureau has approved the proposed rules as to form, classification, and arrangement.

I approve the rules as to legality pursuant to the Administrative Procedures Act, MCL 24.201 *et seq.* and Executive Order No. 2019-6. In certifying the rules as to legality, I have determined that they are within the scope of the authority of the agency, do not violate constitutional rights, and are in conformity with the requirements of the Administrative Procedures Act.

Dated: February 21, 2023

Michigan Office of Administrative Hearings and Rules

By: *Emily Leik*

Emily Leik,
Attorney



Since 1941

Legal Division

Kevin H. Studebaker, Director

CERTIFICATE OF APPROVAL

On behalf of the Legislative Service Bureau, and as required by section 45 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.245, I have examined the proposed rules of the Department of Licensing and Regulatory Affairs dated October 10, 2022, amending R 338.1751, R 338.1761, R 338.1763, R 338.1765, R 338.1771, R 338.1772, R 338.1774, R 338.1775, R 338.1776, and R 338.1781 and adding R 338.1758 and R 338.1777 of the Department's rules entitled "Counseling – General Rules." I approve the rules as to form, classification, and arrangement.

Dated: February 17, 2023

LEGISLATIVE SERVICE BUREAU

By 

Rachel M. Hughart,
Legal Counsel

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

COUNSELING - GENERAL RULES

Filed with the secretary of state on April 26, 2023

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16141, 16145, 16148, 16201, 18101, 18106, 18107, and 18111 of the public health code, 1978 PA 368, MCL 333.16141, 333.16145, 333.16148, 333.16201, 333.18101, 333.18106, 333.18107, and 333.18111, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, 445.2001, 445.2011, 445.2025, and 445.2030)

R 338.1751, R 338.1761, R 338.1763, R 338.1765, R 338.1771, R 338.1772, R 338.1774, R 338.1775, R 338.1776, and R 338.1781 of the Michigan Administrative Code are amended, and R 338.1758 and R 338.1777 are added, as follows:

PART 1. GENERAL PROVISIONS

R 338.1751 Definitions.

Rule 1. (1) As used in these rules:

(a) "Board" means the Michigan board of counseling created under section 18103 of the code, MCL 333.18103.

(b) "CACREP" means the Council for Accreditation of Counseling and Related Educational Programs.

(c) "CCE" means the Center for Credentialing and Education, Inc.

(d) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.

(e) "Department" means the department of licensing and regulatory affairs.

(f) "Supervisor" means a licensed professional counselor that received training in the function of counseling supervision, as specified in R 338.1781.

(g) "Under the supervision of a licensed professional counselor" means under the ongoing supervision of a professional counselor licensed in this state that satisfies the requirements of a supervisor or under the ongoing supervision of an individual in another state that substantially satisfies the requirements for a professional counselor license and counseling supervisor in this state.

(2) A term defined in the code has the same meaning when used in these rules.

R 338.1758 Telehealth.

Rule 58. (1) A licensee shall obtain consent for treatment before providing a telehealth service under section 16284 of the code, MCL 333.16284.

(2) A licensee shall maintain proof of consent for telehealth treatment in the patient's up-to-date medical record and satisfy section 16213 of the code, MCL 333.16213.

(3) A licensee providing any telehealth service shall do both of the following:

(a) Act within the scope of the licensee's practice.

(b) Exercise the same standard of care applicable to a traditional, in-person healthcare service.

PART 2. EDUCATION

R 338.1761 Accreditation standards; higher education institutions; adoption by reference.

Rule 61. (1) The standards for recognition of accrediting organizations developed and adopted by the Council for Higher Education Accreditation (CHEA), One Dupont Circle NW, Suite 510, Washington, District of Columbia 20036, in the publication titled "CHEA Standards and Procedures for Recognition," effective October 4, 2021, which are available at no cost on the council's website at <https://www.chea.org>, are approved and adopted by reference.

(2) The criteria for recognition and process for the secretary's recognition of accrediting agencies of the United States Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW, Washington, District of Columbia 20202, in 34 CFR 602.10 to 602.39, effective July 1, 2020, which are available at no cost on the department's website at <https://www2.ed.gov/about/offices/list/ope/index.html>, are approved and adopted by reference.

(3) The procedures and standards for counsellor education programs at the master's level developed and adopted by the Canadian Counselling and Psychotherapy Association's (CCPA) Council on Accreditation of Counsellor Education Programs, 202-245 Menten Place, Ottawa, Ontario, K2H 9E8, in the publication titled "CCPA Accreditation Procedures and Standards for Counsellor Education Programs at the Master's Level," approved May 2002, which are available at no cost on the association's website at <https://www.ccpa-accp.ca>, are approved and adopted by reference.

(4) Copies of the standards in this rule are available for inspection and distribution at a cost of 10 cents per page from the Board of Counseling, Bureau of Professional Licensing, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, Lansing, Michigan 48909.

R 338.1763 Accreditation standards; counselor training programs; adoption by reference.

Rule 63. (1) The standards for accrediting master's-level counseling degree programs and doctoral-level counseling or counselor education and supervision programs developed and adopted by CACREP, 500 Montgomery Street, Suite 350, Alexandria, Virginia 22314, in the publication titled "Council for Accreditation of Counseling and Related Educational Programs (CACREP), 2016 Standards," which are available at no cost on the council's website at <https://www.cacrep.org>, are approved and adopted by reference.

(2) The standards for accrediting master's-level counseling degree programs and doctoral-level counseling or counselor education and supervision programs developed and adopted by CACREP, 500 Montgomery Street, Suite 350, Alexandria, Virginia 22314, in the publication titled "Council for Accreditation of Counseling and Related Educational Programs (CACREP), 2009 Standards," which are available at no cost on the council's website at <https://www.cacrep.org>, are approved and adopted by reference.

(3) Copies of the standards in this rule are available for inspection and distribution at a cost of 10 cents per page from the Board of Counseling, Bureau of Professional Licensing, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, Lansing, Michigan 48909.

R 338.1765 Counselor educational training requirements.

Rule 65. A counselor educational training program must be conducted at an accredited higher education institution and the educational institution or accrediting institution must satisfy 1 of the standards approved and adopted under R 338.1761. The counselor educational training program must also satisfy 1 of the following requirements:

(a) The program holds CACREP accreditation under the standards approved and adopted under R 338.1763(1) or (2).

(b) For a program that does not satisfy the requirements of subdivision (a) of this rule, proof of satisfying 1 of the following requirements is required:

(i) For applicants that entered a program on or before June 30, 2023, the program must consist of not less than 48 semester hours or 72 quarter hours in a graduate-level degree granting program. The program must include graduate coursework and training in the diagnosis and treatment of mental and emotional disorders and all other coursework requirements of CACREP, including a practicum and an internship. The applicant shall bear the expense of a program evaluation to determine whether the applicant's educational program and any supplemental coursework was substantially equivalent to a program that satisfies the standards adopted under R 338.1763(1) or (2). The evaluation must be completed by 1 of the following entities:

(A) The CCE, found at the website <https://cce-global.org>.

(B) A credential evaluation organization that is a current member organization of the National Association of Credential Evaluation Services (NACES), found at the website <https://www.naces.org>.

(ii) For applicants that entered a program on or after July 1, 2023, the program must consist of not less than 60 semester hours or 90 quarter hours in a graduate-level degree granting program. The program must include graduate coursework and training in the diagnosis and treatment of mental and emotional disorders and all other coursework requirements of CACREP, including a practicum and an internship. The applicant shall bear the expense of a program evaluation to determine whether the applicant's educational program and any supplemental coursework was substantially equivalent to a program that satisfies the standards adopted under R 338.1763(1) or (2). The evaluation must be completed by 1 of the following entities:

(A) The CCE, found at the website <https://cce-global.org>.

(B) A credential evaluation organization that is a current member organization of NACES, found at the website <https://www.naces.org>.

PART 3. LICENSURE

R 338.1771 Training standards for identifying victims of human trafficking; requirements.

Rule 71. (1) Under section 16148 of the code, MCL 333.16148, an individual seeking licensure shall complete training in identifying victims of human trafficking that satisfies the following standards:

- (a) Training content must cover all the following:
 - (i) Understanding the types and venues of human trafficking in the United States.
 - (ii) Identifying victims of human trafficking in healthcare settings.
 - (iii) Identifying the warning signs of human trafficking in healthcare settings for adults and minors.
 - (iv) Identifying resources for reporting the suspected victims of human trafficking.
- (b) Acceptable providers or methods of training include any of the following:
 - (i) Training offered by a nationally recognized or state-recognized health-related organization.
 - (ii) Training offered by, or in conjunction with, a state or federal agency.
 - (iii) Training obtained in an educational program that has been approved for initial licensure or registration, or by a college or university.
 - (iv) Reading an article related to the identification of victims of human trafficking that satisfies the requirements of subdivision (a) of this subrule and is published in a peer-reviewed journal, healthcare journal, or professional or scientific journal.
- (c) Acceptable modalities of training include any of the following:
 - (i) Teleconference or webinar.
 - (ii) Online presentation.
 - (iii) Live presentation.
 - (iv) Printed or electronic media.
- (2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:
 - (a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.
 - (b) A self-certification statement by an individual. The certification statement must include the individual's name and either of the following:
 - (i) For training completed under subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
 - (ii) For training completed under subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer-reviewed journal, healthcare journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.
- (3) Under section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply for license renewals beginning with the 2016 renewal cycle and for initial licenses issued after March 17, 2021.

R 338.1772 Application requirements; limited licenses; disclosure of supervision requirement.

Rule 72. An applicant for a limited licensed counselor license shall satisfy the requirements of the code, the rules promulgated under the code, and all the following requirements:

(a) Provide the required fee and a completed application on a form provided by the department.

(b) Provide proof, as directed by the department, verifying completion of a master's or doctoral degree in a program that satisfies the requirements under R 338.1765.

(c) Provide a professional disclosure statement with the application for a limited license, as required under section 18113(3) of the code, MCL 333.18113. The limited licensed counselor's professional disclosure statement, when provided to the client, must state that the limited licensed counselor shall practice under the supervision of a licensed professional counselor in this state in good standing. In addition to the requirements under section 18113 of the code, MCL 333.18113, the disclosure statement must identify the licensed professional counselor in this state that is supervising the limited licensed counselor's practice.

(d) In addition to the professional disclosure statement required under section 18113(3) of the code, MCL 333.18113, and subrule (c) of this rule, the applicant shall provide a separate statement to the department identifying the licensed professional counselor in this state that is supervising the limited licensed counselor's practice and the licensed professional counselor's supervising qualifications, including how the supervising licensed professional counselor in this state satisfies the requirements in R 338.1781(1) and (2). Any changes to the statement must be filed with the department within 30 days after the changes are made. The requirements under this subrule are effective 90 days after the promulgation of this revised rule.

R 338.1774 Application requirements; licensure by examination.

Rule 74. (1) An applicant for a professional counselor license shall satisfy the requirements of the code, the rules promulgated under the code, and all the following requirements:

(a) Provide the required fee and a completed application on a form provided by the department.

(b) Provide proof, as directed by the department, verifying completion of a master's or doctoral degree in a program that satisfies the requirements under R 338.1765.

(c) Provide proof, as directed by the department, verifying the engagement in the practice of counseling under section 18101(d) of the code, MCL 333.18101, that involved an opportunity to work with a broad range of the population and was conducted in an organized education, business, health, private practice, or human services setting under the supervision of a licensed professional counselor for either of the following periods of time, as applicable:

(i) For an applicant that has completed a master's degree, not less than 3,000 hours accrued in not less than a 2-year period, with not less than 100 hours of regularly scheduled supervision accrued in the immediate physical presence of the supervisor or via 2-way real-time audiovisual technology that allows direct, contemporaneous interaction by sight and sound between the supervisor and the supervisee. The

supervision begins on the issuance of the limited license and continues until the licensed professional counselor license is issued.

(ii) For an applicant that has completed a doctoral degree, not less than 1,500 hours accrued over not less than a 1-year period, with not less than 50 hours of regularly scheduled supervision accrued in the immediate physical presence of the supervisor or via 2-way real-time audiovisual technology that allows direct, contemporaneous interaction by sight and sound between the supervisor and the supervisee. The supervision begins on the issuance of the limited license and continues until the licensed professional counselor license is issued.

(d) Provide proof, as directed by the department, verifying a passing score on an examination approved and adopted under either R 338.1773(1), (2), or (3).

(e) Provide a professional disclosure statement with the application for licensure, as required under section 18113(3) of the code, MCL 333.18113.

(2) For practice experience gained in this state, an applicant shall have held a limited license under R 338.1772, while accruing the experience, and the limited licensed counselor shall have practiced under the supervision of a licensed professional counselor in this state in good standing throughout the period of supervision.

R 338.1775 Application requirements; licensure by endorsement.

Rule 75. (1) An applicant for a professional counselor license by endorsement shall satisfy the requirements of the code, the rules promulgated under the code, and all the following requirements:

(a) Provide the required fee and a completed application on a form provided by the department.

(b) Provide proof, as directed by the department, verifying a current and full professional counselor license in another state or in a province of Canada.

(c) Provide proof, as directed by the department, verifying completion of a master's or doctoral degree in a program that satisfies the requirements under R 338.1765.

(d) Provide proof, as directed by the department, verifying a passing score on an examination approved and adopted under either R 338.1773(1), (2), or (3) for a professional counselor license in another state or in a province of Canada to obtain licensure as a professional counselor in another state or in a province of Canada.

(e) Provide a professional disclosure statement with the application for licensure, as required under section 18113(3) of the code, MCL 333.18113.

(2) An applicant that provides proof, as directed by the department, verifying a current and full license in good standing as a licensed professional counselor in another state for not less than the last 5 years before the date of filing the application for a professional counselor license by endorsement is presumed to satisfy the requirements of subrule (1)(b), (c), and (d) of this rule.

(3) An applicant that is or has been licensed, registered, or certified in a health profession or specialty by another state, the United States military, the federal government, or another country shall disclose that fact on the application form. The applicant shall satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which includes verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application. If licensure is granted, and it is determined that sanctions have been

imposed, the disciplinary subcommittee may impose appropriate sanctions under section 16174(5) of the code, MCL 333.16174.

R 338.1776 Relicensure; examination equivalency.

Rule 76. Pursuant to section 18114(2)(a)(iii) of the code, MCL 333.18114, retaking and passing the examination under R 338.1773(3) is equivalent to retaking and passing an examination described in section 18114(2)(a)(i) or (ii) of the code, MCL 333.18114.

R 338.1777 License renewal; requirements.

Rule 77. (1) An applicant for renewal shall satisfy the requirements of the code and the rules promulgated under the code.

(2) An applicant for license renewal that has been licensed for the 3-year period immediately preceding the application for renewal shall provide the required fee and a completed application on a form provided by the department.

(3) Effective January 1, 2012, a limited license may be renewed annually, but for no more than 10 years. Relicensure of the limited license is considered the same as renewal for the purposes of this subrule.

(4) In cases of hardship, the department, in consultation with the board, may consider a request for an extension of the 10-year period under subrule (3) of this rule. A maximum of three 1-year extension requests will be considered from an individual. The department shall receive a request for an extension for the board's consideration not less than 30 days before the last regularly scheduled board meeting before the expiration date of the license. A request must include, at a minimum, the following information:

(a) A description of the hardship and how it impacted the limited licensed counselor's ability to fulfill the requirements for full licensure.

(b) A description of the cause for the hardship.

(c) A description of measures taken to remedy the hardship.

(d) Whether the hardship still exists.

(e) The number of supervised hours currently completed.

(f) The number of supervised hours left to complete.

(g) The names and contact information for all licensed professional counselors in this state that have supervised the limited licensed counselor and the periods of supervision during the time that the limited licensed counselor has held the limited license.

(h) The names, contact information, periods of employment, and nature of work performed during the time that the limited licensed counselor has held the limited license.

(i) The dates tried and the number of attempts to pass any of the examinations under R 338.1773.

(j) Whether the limited licensed counselor made a prior hardship request and, if so, the decision on the prior request.

PART 4. SUPERVISOR TRAINING

R 338.1781 Requirements to provide counseling supervision.

Rule 81. (1) Before providing counseling supervision, a licensed professional counselor shall satisfy 1 of the following requirements:

(a) Provided supervision for the first time on or before January 1, 2013, completed training in the function of counseling supervision, and acquired not less than 3 years post-master's practice in counseling.

(b) Provided supervision for the first time after January 1, 2013, and before March 5, 2022, completed training in the function of counseling supervision that satisfies the requirements of subrule (2) of this rule, and acquired not less than 3 years of post-master's practice in counseling.

(c) Provided supervision for the first time on or after May 5, 2022, completed training in the function of counseling supervision that satisfies the requirements of subrule (2) of this rule, and acquired not less than 5 years of post-master's practice in counseling.

(d) Currently holds the Approved Clinical Supervisor (ACS) credential from the CCE.

(2) Training in the function of counseling supervision must include both of the following requirements:

(a) Specialized training that includes 1 of the following:

(i) Two semester hours of graduate credit in training in counseling supervision.

(ii) Thirty contact hours of workshop training in counseling supervision.

(b) The specialized training specified in subdivision (a) of this subrule must include studies in all the following topics:

(i) Roles and functions of counseling supervisors.

(ii) Models of counseling supervision.

(iii) Mental health-related professional development.

(iv) Methods and techniques in counseling supervision.

(v) Supervisory relationship issues.

(vi) Cultural issues in supervision.

(vii) Group supervision.

(viii) Legal and ethical issues in counseling supervision.

(ix) Evaluation of supervisee and the supervision process.

(3) Before the onset of supervision, a licensed professional counselor shall provide a supervisee with a written statement that addresses the licensee's supervising qualifications, including how the licensee satisfies the requirements in subrules (1) and (2) of this rule.

(4) A licensee that provides counseling supervision shall keep ongoing documentation including, but not limited to, performance and clinical notes, for each supervisee on the supervision being provided.

FILED WITH SECRETARY OF STATE

ON 4/26/23 AT 9:13AM