

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

COUNSELING - GENERAL RULES

Filed with the secretary of state on May 5, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) 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 of the Michigan Administrative Code is amended, R 338.1761, R 338.1763, R 338.1765, R 338.1771, R 338.1772, R 338.1773, R 338.1774, R 338.1775, R 338.1776, and R 338.1781 are added, and R 338.1751a, R 338.1752, R 338.1752a, R 338.1753, R 338.1753a, R 338.1753b, R 338.1753c, R 338.1754, R 338.1755, and R 338.1757 are rescinded, as follows: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) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.

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

(d) "Supervision" means the term as defined in section 16109(2) of the code, MCL 333.16109.

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

(f) "Under the supervision of a licensed professional counselor" means under the ongoing supervision of a licensed professional counselor licensed in this state who meets the requirements of a supervisor or under the ongoing supervision of an individual in another state who substantially meets 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R 338.1751a Rescinded.

R 338.1752 Rescinded.

R 338.1752a Rescinded.

R 338.1753 Rescinded.

R 338.1753a Rescinded.

R 338.1753b Rescinded.

R 338.1753c Rescinded.

R 338.1754 Rescinded.

R 338.1755 Rescinded.

R 338.1757 Rescinded.

PART 2. EDUCATION

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

Rule 61. (1) A higher education institution is considered approved if it is accredited by the accrediting body of the region in which the institution is located and the accrediting body satisfies either the recognition standards and criteria of the Council for Higher Education Accreditation (CHEA) or the recognition procedures and criteria of the United States Department of Education.

(2) The recognition standards and criteria of CHEA, effective September 24, 2018, and the procedures and criteria for recognizing accrediting agencies of the United States Department of Education, effective July 1, 2010, as contained in 34 CFR 602.10 to 602.38, are adopted by reference. Copies of the standards and criteria of CHEA and the

United States Department of Education are available for inspection and distribution at a cost of 10 cents per page from the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909.

(3) The CHEA recognition standards also may be obtained from the Council for Higher Education Accreditation, One Dupont Circle NW, Suite 510, Washington, District of Columbia 20036-1110, or from the council's website at <http://www.chea.org> at no cost. The federal recognition criteria may be obtained from the United States Department of Education Office of Postsecondary Education, 1990 K Street, NW, Washington, District of Columbia 20006 or from the department's website at <http://www.ed.gov/about/offices/list/OPE/index.html> at no cost.

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

Rule 63. (1) The standards of the Council for Accreditation of Counseling and Related Educational Programs (CACREP) for accrediting master's-level counseling degree programs and doctoral-level counseling or counselor education and supervision programs, as set forth in the document entitled "Council for Accreditation of Counseling and Related Educational Programs (CACREP), 2016 Standards," are approved and adopted by reference. Copies of CACREP's standards are available for inspection and distribution at a cost of 10 cents per page from the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909. Copies of the standards are available at no cost from the website for CACREP at <http://www.cacrep.org>.

(2) The standards of the Council for Accreditation of Counseling and Related Educational Programs (CACREP) for accrediting master's-level counseling degree programs and doctoral-level counseling or counselor education and supervision programs, as set forth in the document entitled "Council for Accreditation of Counseling and Related Educational Programs (CACREP), 2009 Standards," are approved and adopted by reference. Copies of CACREP's standards are available for inspection and distribution at a cost of 10 cents per page from the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909. Copies of the standards are available at no cost from the website for CACREP at <http://www.cacrep.org>.

R 338.1765 Counselor educational training requirements.

Rule 65. A counselor educational training program is considered approved if it is conducted in a higher education institution that satisfies the standards in R 338.1761 and satisfies 1 of the following requirements:

- (a) A program is accredited 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 who 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 his or her educational program 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 Center for Credentialing and Education, Inc. (CCE), located at the website <http://cce-global.org>.

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

(ii) For applicants who 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 his or her educational program 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, located at the website <http://cce-global.org>.

(B) A credential evaluation organization that is a current member organization of NACES, located at the website <http://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 or registration or who is licensed or registered shall complete training in identifying victims of human trafficking that satisfies the following standards:

(a) Training content must cover all of the following:

(i) Understanding the types and venues of human trafficking in the United States.

(ii) Identifying victims of human trafficking in health care settings.

(iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.

(iv) 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 review journal, health care 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 review journal, health care 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 licensure as a limited licensed professional counselor shall submit a completed application on a form provided by the department, together with the requisite fee, and the professional disclosure statement required under the code. In addition to satisfying the requirements of the code, an applicant shall satisfy the following requirements:

(a) Establish that he or she has received a master's or doctoral degree in a program approved under R 338.1765.

(b) Submit 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 professional counselor's professional disclosure statement, when provided to the client, must state that the limited licensed professional counselor shall practice under the supervision of a licensed professional counselor. In addition to the requirements under section 18113 of the code, MCL 333.18113, the disclosure statement must identify the licensed professional counselor who is supervising the limited licensed professional counselor's practice.

(c) Provide for his or her license to be verified, on a form provided by the department, by the licensing agency of any state in which the applicant holds a current license or ever held a license as a professional counselor. Verification includes, but is not limited to,

showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.

R 338.1773 Examination adoption.

Rule 73. (1) The National Counselor Examination for Licensure and Certification (NCE) developed by the National Board for Certified Counselors (NBCC) is approved and adopted. The passing score for the NCE is the passing score established by the NBCC.

(2) The certified rehabilitation counselor examination developed by the Commission on Rehabilitation Counselor Certification (CRCC) is approved and adopted. The passing score on the certified rehabilitation counselor examination is the passing score established by the CRCC.

(3) The National Clinical Mental Health Counseling Examination (NCMHCE) developed by the NBCC is approved and adopted. The passing score for the NCMHCE is the passing score established by the NBCC.

R 338.1774 Application requirements; licensure by examination.

Rule 74. (1) An applicant for a professional counselor license shall submit a completed application on a form provided by the department, together with the requisite fee, and the professional disclosure statement required under the code. In addition to satisfying the requirements of the code, an applicant shall satisfy all of the following requirements:

(a) Establish that he or she has received a master's or doctoral degree in a program approved under R 338.1765.

(b) Have engaged in the practice of counseling under section 18101(d) of the code, MCL 333.18101, which practice involved an opportunity to work with a broad range of the population and which 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 who 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. Of the 100 hours, no more than 25 hours may be accrued 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 upon the issuance of the limited license and continues until the licensed professional counselor license is issued.

(ii) For an applicant who 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. Of the 50 hours, no more than 15 hours may be accrued 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 upon the issuance of the limited license and continues until the licensed professional counselor license is issued.

(c) Have passed an examination approved and adopted under either R 338.1773(1), (2), or (3).

(2) For practice experience gained in Michigan, an applicant shall have held a limited license under R 338.1772, while accruing the experience.

R 338.1775 Application requirements; licensure by endorsement.

Rule 75. (1) In addition to satisfying the requirements of the code, an applicant for a professional counselor license by endorsement shall submit a completed application on a form provided by the department, together with the requisite fee.

(2) If an applicant was licensed as a professional counselor in another state for a minimum of 5 years before the date of filing an application for Michigan licensure, then it is presumed that the applicant satisfies the requirements of section 16186(1)(a) and (b) of the code, MCL 333.16186. In addition, an applicant shall satisfy both of the following requirements:

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

(b) Provide for his or her license to be verified, on a form provided by the department, by the licensing agency of any state in which the applicant holds a current license or ever held a license as a professional counselor. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.

(3) If an applicant was licensed as a professional counselor in another state for less than 5 years before the date of filing an application for Michigan licensure, then the applicant shall satisfy the requirements for licensure by examination, as specified under R 338.1774, and shall satisfy both of the following requirements:

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

(b) Provide for his or her license to be verified, on a form provided by the department, by the licensing agency of any state in which the applicant holds a current license or ever held a license as a professional counselor. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.

R 338.1776 License renewal; requirements.

Rule 76. (1) An applicant for license renewal who has been licensed for the 3-year period immediately preceding the application for renewal shall submit the required fee and a completed application on a form provided by the department.

(2) Effective January 1, 2012, a limited license may be renewed annually, but for no more than 10 years. In cases of hardship, the department in consultation with the board may consider a request for an extension of this time period. Relicensure of the limited license is counted the same as renewal for the purposes of this subrule.

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) Began providing supervision on or before January 1, 2013, completed training in the function of counseling supervision, and acquired at least 3 years post-master's practice in counseling.

(b) Began providing supervision after January 1, 2013, completed training in the function of counseling supervision that complies with the requirements of subrule (2) of this rule, and acquired at least 3 years of post-master's practice in counseling.

(c) Begins providing supervision 1 year after promulgation of this rule, completes training in the function of counseling supervision that complies with the requirements of subrule (2) of this rule, and acquires at least 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 (2)(a) of this rule must include studies in all of 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 complies with the requirements in subrules (1) and (2) of this rule.

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