



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

**MICHIGAN BOARD OF COUNSELING
RULES COMMITTEE WORK GROUP
MEETING**

**MINUTES
NOVEMBER 22, 2019**

The Michigan Board of Counseling, Rules Work Group, met on November 22, 2019, at the G. Mennen Williams Building Auditorium, 525 West Ottawa Street, Lansing, Michigan 48933.

CALL TO ORDER

Robyn Emde, Ph.D., L.P.C., Chairperson, called the meeting to order at 11:16 a.m.

ATTENDANCE

Members Present: Robyn Emde, Ph.D., L.P.C., Chairperson
Stephen Craig, Ph.D., L.P.C.
Gerald Papazian, C.A.A.D.C., L.P.C.
Harold Koviak, Public Member

Members Absent: None

Staff Present: Kimmy Catlin, Board Support, Board and Committees Section
Weston MacIntosh, Policy Analyst, Board and Committees Section
Bridget Smith, Assistant Attorney General

Public Present: Carol Berger
Stephanie Burns, Ph.D., L.P.C., NCC
Daniel Cruikshanks
Janet Glaes, Ph.D., L.P.C

RULES DISCUSSION

MacIntosh explained the Rules Work Group process as well as the promulgation process.

Emde explained that the reason for the meeting was to ensure that the rules align with statute.

MacIntosh explained the new legislation, and how it affects the profession of counseling.

Regarding the overall draft of the rules:

MacIntosh explained that some items were removed because they are addressed in statute, so there is no need to duplicate.

MacIntosh explained that a great deal of information was reorganized into proper sections throughout the draft, to ensure it is easy to follow, read, and understand by applicants and licensees.

R 338.1751 Definitions.

Craig said he understood the removal of coursework and training but not sections (o), (p), and (r), since they relate to supervision.

MacIntosh explained these definitions were removed because supervision is already defined in the public health code.

Emde stated that (o) is defined in statute, but not (p) and (r) and would like both to remain listed.

Craig said (r) should remain listed.

MacIntosh will leave the definitions related to supervision in the rules and will re-organize them under (d), (e), and (f).

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

MacIntosh informed the Committee that he updated the information related to educational institution accreditation.

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

MacIntosh explained the reason for the 2016 CACREP standards.

Craig expressed concern for those school programs still operating under the 2009 standards.

Burns stated that even though the 2016 standards are easier to follow, the necessary requirements are listed in 2009 but harder to find.

Cruikshanks stated that over time all programs will be accredited under the 2016 standards, but currently most of them are under the 2009 standards.

MacIntosh proposed adding both the 2016 and 2009 standards.

Papazian inquired if a grandfather clause is necessary.

MacIntosh stated that the adoption of both years is necessary and will do so in a subrule.

Emde inquired if later years can also be added.

MacIntosh stated that it was not possible, due to APA requirements.

Craig asked about years prior to 2009.

MacIntosh stated there is still a pathway for prior years, if the program is considered equivalent.

Craig asked if “or counselor education” can be added to rule 63.

MacIntosh will add “or counselor education”.

R 338.1765 Counselor educational training requirements.

MacIntosh explained the rule and difference in credit hours.

Berger inquired about what would happen if someone graduated in 2000 and sought licensure.

MacIntosh stated they must follow the statute.

Craig inquired about why other professions do not reference specific standards.

MacIntosh said the APA requires specific standards and that all professions regulated by BPL have a rule pertaining to standards.

Smith stated other professions may not link the standards by year, because they refer to a specific document, but because both 2016 and 2009 are listed by CACREP, they both need to be referenced in the rules.

Berger asked for clarification on R 338.1765 (i).

MacIntosh explained the rule.

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

MacIntosh informed the Committee that subrule 3 was the only substantial change and that dates were added for clarification.

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

MacIntosh explained the requirements and said that much of the language carried over from previous rule.

Craig inquired if the disclosure statement still has a timeline.

MacIntosh stated it is required by statute.

Emde inquired why it is not listed in the rule.

MacIntosh stated that it is in the statute, and therefore not needed in the rule.

Burns inquired why counselors must have a disclosure statement, but psychologists and social workers are not.

Papazian gave history as to why the disclosure statement is necessary.

Emde stated that the disclosure statement holds those practicing as counselors to a standard.

R 338.1773 Examination adoption.

MacIntosh explained the rule.

R 338.1774 Application requirements; licensure by examination.

MacIntosh explained the rule.

Papazian expressed concern with supervision requirements of “in person.”

MacIntosh stated that only 100 hours of the 3,000 hours must occur in a face to face setting.

MacIntosh said the word “physical” can be eliminated.

Craig expressed concern with having no hours in a face to face setting.

Emde agreed with Papazian and would like the possibility of all hours done online.

MacIntosh stated this can be researched further.

Emde stated she wanted to remove the word “physical” as she felt it was too restrictive.

Papazian agreed with Emde.

Craig inquired how the supervisor will have access to ensure completion.

Emde stated that supervisors have access to records.

The Rules Committee agreed to remove "immediate and physical."

Berger inquired why not say physical or virtual.

MacIntosh stated under statute that telecommunication is accepted.

R 338.1775 Application requirements; licensure by endorsement.

MacIntosh explained the rule.

There was no discussion held regarding the changes.

R 338.1776 License renewal; requirements.

MacIntosh explained the renewal requirements.

Emde inquired if an extension can be requested.

MacIntosh stated someone could request an extension and the Full Board would make the decision.

Berger inquired what someone would do if they had a disability and could not take the test.

Emde stated that the person should contact the Department to request an accommodation and an extension.

R 338.1781 Requirements to provide counseling supervision.

MacIntosh explained the rule and requirements.

Emde stated that she endorsed fully licensed or limited license experience to count towards becoming a supervisor.

MacIntosh stated that he could add a provision that someone who holds the Approved Clinical Supervisor (ACS) credential is automatically approved.

Papazian stated three years is enough experience for someone to become a supervisor.

Emde expressed concern for those who do not have three years of practice but currently supervise.

MacIntosh supplied proposed language to protect those who are already supervising but have not had three years of experience.

Glaes said that just because someone has their license does not mean they are practicing.

MacIntosh stated the language requires practicing.

Cruikshanks stated that he has seen individuals supervising inappropriately.

MacIntosh stated the responsibility falls on the licensee to determine if their supervisor is not appropriately doing their job.

Burns said that Michigan does not have a registry, so verification of meeting requirements is challenging.

Emde stated it required a statutory change and encouraged the public to verify their supervisor's license.

Craig expressed concern with those who have graduated but have not yet been employed and are therefore unable to gain hours and get their LLPC.

Recess 1:41 p.m. – 1:51 p.m.

Craig said that if someone is applying for an LLPC they must fill out a disclosure statement, but if they do not have a supervisor, they cannot fill one out.

Burns asked that the rules require a more detailed disclosure statement.

MacIntosh stated that statute requires the applicant to supply a completed disclosure statement for licensure.

R 338.1774 Application requirements; licensure by examination.

Emde inquired why, if hours are completed, the licensee must still be supervised.

MacIntosh stated that if practicing under a limited license, they must be supervised.

Emde inquired about what happens to applicants who apply after the legislation takes place but before the rules are promulgated.

MacIntosh stated if an applicant applied prior to the effective date of the new legislation, they would be evaluated under the old statutory requirements.

ADJOURNMENT

The meeting adjourned at 2:14 p.m.

Prepared by:
Kimmy Catlin, Board Support
Bureau of Professional Licensing

December 6, 2019