

# HOUSE BILL 885

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By: **Delegates Vogt, Glass, McKay, Metzgar, Moon, and Shoemaker**

Introduced and read first time: February 10, 2016

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Behavioral Health Administration – Creation and Maintenance of Mental**  
3 **Health Professional Profiles**  
4 **(Patient Protection Provider Information Act)**

5 FOR the purpose of requiring the Behavioral Health Administration to create and maintain  
6 public individual profiles for certain mental health professionals that include certain  
7 information; requiring the Administration to provide a mechanism for the  
8 notification and prompt correction of factual inaccuracies in certain profiles;  
9 requiring the State Board of Physicians and the State Board of Professional  
10 Counselors and Therapists to provide promptly to the Administration certain  
11 information required for the creation and maintenance of certain profiles; defining  
12 certain terms; and generally relating to the creation and maintenance of mental  
13 health professional profiles by the Behavioral Health Administration.

14 BY adding to  
15 Article – Health – General  
16 Section 7.5–207  
17 Annotated Code of Maryland  
18 (2015 Replacement Volume)

19 BY repealing and reenacting, without amendments,  
20 Article – Health Occupations  
21 Section 14–101(b) and 17–101(e)  
22 Annotated Code of Maryland  
23 (2014 Replacement Volume and 2015 Supplement)

24 BY repealing and reenacting, with amendments,  
25 Article – Health Occupations  
26 Section 14–411.1(d) and 17–205(b)  
27 Annotated Code of Maryland  
28 (2014 Replacement Volume and 2015 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
2 That the Laws of Maryland read as follows:

3 **Article – Health – General**

4 **7.5–207.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
6 INDICATED.

7 (2) “COUNSELOR” MEANS A COUNSELOR CERTIFIED OR LICENSED BY  
8 THE STATE BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS UNDER  
9 TITLE 17 OF THE HEALTH OCCUPATIONS ARTICLE.

10 (3) “MENTAL HEALTH PROFESSIONAL” MEANS A PHYSICIAN,  
11 COUNSELOR, OR THERAPIST WHO PROVIDES MENTAL HEALTH SERVICES TO  
12 INDIVIDUALS IN THE STATE.

13 (4) “PHYSICIAN” MEANS A PHYSICIAN LICENSED BY THE STATE  
14 BOARD OF PHYSICIANS UNDER TITLE 14 OF THE HEALTH OCCUPATIONS ARTICLE.

15 (5) “THERAPIST” MEANS A THERAPIST WHO IS CERTIFIED OR  
16 LICENSED BY THE STATE BOARD OF PROFESSIONAL COUNSELORS AND  
17 THERAPISTS UNDER TITLE 17 OF THE HEALTH OCCUPATIONS ARTICLE.

18 (B) THE ADMINISTRATION SHALL CREATE AND MAINTAIN A PUBLIC  
19 INDIVIDUAL PROFILE ON EACH MENTAL HEALTH PROFESSIONAL THAT INCLUDES:

20 (1) IF THE MENTAL HEALTH PROFESSIONAL IS A PHYSICIAN, THE  
21 INFORMATION INCLUDED IN THE PHYSICIAN’S PUBLIC INDIVIDUAL PROFILE  
22 CREATED AND MAINTAINED BY THE STATE BOARD OF PHYSICIANS UNDER §  
23 14–411.1(B) OF THE HEALTH OCCUPATIONS ARTICLE; AND

24 (2) IF THE MENTAL HEALTH PROFESSIONAL IS A COUNSELOR OR  
25 THERAPIST:

26 (i) A SUMMARY OF CHARGES FILED AGAINST THE COUNSELOR  
27 OR THERAPIST, INCLUDING A COPY OF THE CHARGING DOCUMENT, UNTIL THE  
28 STATE BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS HAS TAKEN  
29 ACTION UNDER § 17–509 OR § 17–6A–19 OF THE HEALTH OCCUPATIONS ARTICLE  
30 BASED ON THE CHARGES OR HAS RESCINDED THE CHARGES;

1                   **(II) A DESCRIPTION OF ANY DISCIPLINARY ACTION TAKEN BY**  
2 **THE STATE BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS AGAINST**  
3 **THE COUNSELOR OR THERAPIST WITHIN THE MOST RECENT 10-YEAR PERIOD THAT**  
4 **INCLUDES A COPY OF THE PUBLIC ORDER;**

5                   **(III) A DESCRIPTION IN SUMMARY FORM OF ANY FINAL**  
6 **DISCIPLINARY ACTION TAKEN BY A LICENSING BOARD IN ANY OTHER STATE OR**  
7 **JURISDICTION AGAINST THE COUNSELOR OR THERAPIST WITHIN THE MOST RECENT**  
8 **10-YEAR PERIOD; AND**

9                   **(IV) POSTSECONDARY EDUCATION AND PRACTICE**  
10 **INFORMATION ABOUT THE COUNSELOR OR THERAPIST INCLUDING:**

11                   **1. THE NAME OF ANY POSTSECONDARY SCHOOL AT**  
12 **WHICH THE COUNSELOR OR THERAPIST TOOK COURSE WORK TO FULFILL**  
13 **APPLICABLE CERTIFICATION OR LICENSURE REQUIREMENTS AND, IF APPLICABLE,**  
14 **THE DATE ON WHICH THE COUNSELOR OR THERAPIST GRADUATED FROM THE**  
15 **SCHOOL;**

16                   **2. A DESCRIPTION OF ANY SUPERVISED TRAINING**  
17 **COMPLETED BY THE COUNSELOR OR THERAPIST;**

18                   **3. THE LOCATION OF THE COUNSELOR’S OR**  
19 **THERAPIST’S PRIMARY PRACTICE SETTING; AND**

20                   **4. WHETHER THE COUNSELOR OR THERAPIST**  
21 **PARTICIPATES IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM.**

22                   **(C) THE ADMINISTRATION SHALL PROVIDE A MECHANISM FOR THE**  
23 **NOTIFICATION AND PROMPT CORRECTION OF ANY FACTUAL INACCURACIES IN A**  
24 **MENTAL HEALTH PROFESSIONAL’S PROFILE.**

25                   **Article – Health Occupations**

26 14-101.

27                   (b) “Board” means the State Board of Physicians.

28 14-411.1.

29                   (d) The Board:

30                   (1) On receipt of a written request for a licensee’s profile from any person,  
31 shall forward a written copy of the profile to the person;

1 (2) Shall maintain a Web site that serves as a single point of entry where  
2 all physician profile information is available to the public on the Internet; [and]

3 (3) On receipt of a verbal, electronic, or written request in accordance with  
4 subsection (c)(3) of this section, shall provide the information within 2 business days of the  
5 request; AND

6 (4) **SHALL PROVIDE PROMPTLY TO THE BEHAVIORAL HEALTH**  
7 **ADMINISTRATION ANY INFORMATION REQUIRED FOR THE CREATION AND**  
8 **MAINTENANCE OF MENTAL HEALTH PROFESSIONAL PROFILES UNDER § 7.5-207 OF**  
9 **THE HEALTH – GENERAL ARTICLE.**

10 17-101.

11 (e) “Board” means the State Board of Professional Counselors and Therapists.

12 17-205.

13 (b) In addition to the duties set forth elsewhere in this title, the Board shall:

14 (1) Maintain a registry of all counselors or therapists currently licensed or  
15 certified by the Board and all individuals currently working as trainees in accordance with  
16 § 17-406(b) of this title;

17 (2) Submit an annual report to the Governor and the Secretary;

18 (3) Adopt a code of ethics that the Board considers to be appropriate and  
19 applicable to the counselors or therapists currently certified or licensed by the Board and  
20 the individuals currently working as trainees in accordance with § 17-406(b) of this title;

21 (4) Establish continuing education requirements for the counselors or  
22 therapists currently certified or licensed by the Board;

23 (5) Adopt an official seal; [and]

24 (6) Create committees as it deems appropriate to advise the Board on  
25 special issues; AND

26 (7) **PROVIDE PROMPTLY TO THE BEHAVIORAL HEALTH**  
27 **ADMINISTRATION ANY INFORMATION REQUIRED FOR THE CREATION AND**  
28 **MAINTENANCE OF MENTAL HEALTH PROFESSIONAL PROFILES UNDER § 7.5-207 OF**  
29 **THE HEALTH – GENERAL ARTICLE.**

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2016.