

SENATE BILL 552

J2

EMERGENCY BILL

8lr1064
CF 8lr3667

By: **Chair, Education, Health, and Environmental Affairs Committee**

Introduced and read first time: January 31, 2018

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Professional Counselors and Therapists – Sunset Extension and**
3 **Program Evaluation**

4 FOR the purpose of continuing the State Board of Professional Counselors and Therapists
5 in accordance with the provisions of the Maryland Program Evaluation Act (Sunset
6 Law) by extending to a certain date the termination provisions relating to statutory
7 and regulatory authority of the Board; altering the composition of the Board;
8 requiring the Board to submit a certain report to the General Assembly, in addition
9 to the Governor and the Secretary of Health, on or before a certain date each year;
10 altering the educational requirements for licensure to practice clinical alcohol and
11 drug counseling; altering the educational requirements for licensure to practice
12 clinical marriage and family therapy; altering the educational requirements for
13 licensure to practice clinical professional counseling; altering the educational
14 requirements for licensure to practice clinical professional art therapy; altering the
15 circumstances under which the Board is required to waive certain application
16 requirements for certain individuals; altering the educational requirements for
17 licensure to practice certified associate counselor–alcohol and drug counseling;
18 altering the educational requirements for certification to practice certified
19 supervised counselor–alcohol and drug counseling; repealing certain provisions of
20 law establishing and governing the Behavior Analyst Advisory Committee; repealing
21 certain provisions of law establishing and governing the behavior analyst
22 rehabilitation subcommittee; establishing the Alcohol and Drug Counselor
23 Subcommittee; specifying the composition of the Subcommittee; providing for the
24 terms of a member of the Subcommittee; authorizing the Board to remove a member
25 of the Subcommittee for certain reasons; requiring the Subcommittee to annually
26 elect a chair and vice chair and to determine the manner of election of officers and
27 the duties of each officer; providing that a majority of the members then serving on
28 the Subcommittee is a quorum; requiring the Subcommittee to meet at certain times
29 and places; authorizing the Subcommittee to hold special meetings under certain
30 circumstances; requiring that certain notice of Subcommittee meetings be given in a
31 certain manner; providing for the compensation of Subcommittee members;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 requiring the Subcommittee to evaluate and make certain recommendations on
2 certain matters; providing for the termination of certain provisions of this Act and
3 certain rules and regulations adopted under certain provisions of this Act subject to
4 certain provisions of law; requiring the Board, in consultation with the Maryland
5 Department of Health and the Department of Budget and Management, to report on
6 certain matters to the Department of Legislative Services on or before a certain date
7 and at certain intervals thereafter; requiring the Department of Legislative Services
8 to submit a report and make certain recommendations to certain committees of the
9 General Assembly on or before a certain date; requiring that the terms of certain
10 members of the Board terminate on a certain date; requiring that certain members
11 of the Board continue to serve until a successor is appointed and qualifies; specifying
12 the terms of the initial members of the Subcommittee; making conforming changes;
13 defining a certain term; making this Act an emergency measure; and generally
14 relating to the State Board of Professional Counselors and Therapists.

15 BY repealing and reenacting, with amendments,

16 Article – Health Occupations

17 Section 17–202(a), 17–205(b), 17–302(d) and (f), 17–303(d) and (f), 17–304(d) and (e),
18 17–304.1(e), 17–305, 17–403, 17–404, 17–405, 17–6A–01, and 17–702

19 Annotated Code of Maryland

20 (2014 Replacement Volume and 2017 Supplement)

21 BY repealing and reenacting, without amendments,

22 Article – Health Occupations

23 Section 17–302(a), 17–303(a), 17–304(a), 17–304.1(a), and 17–502

24 Annotated Code of Maryland

25 (2014 Replacement Volume and 2017 Supplement)

26 BY repealing

27 Article – Health Occupations

28 Section 17–6A–05 through 17–6A–09 and 17–6A–26

29 Annotated Code of Maryland

30 (2014 Replacement Volume and 2017 Supplement)

31 BY adding to

32 Article – Health Occupations

33 Section 17–6B–01 through 17–6B–07 to be under the new subtitle “Subtitle 6B.
34 Alcohol and Drug Counselor Subcommittee”

35 Annotated Code of Maryland

36 (2014 Replacement Volume and 2017 Supplement)

37 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

38 That the Laws of Maryland read as follows:

39 **Article – Health Occupations**

40 17–202.

1 (a) (1) The Board consists of 13 members appointed by the Governor with the
2 advice of the Secretary.

3 (2) Of the 13 Board members:

4 (i) ~~Four~~ **FIVE** shall be licensed as clinical professional counselors;

5 (ii) ~~Three~~ shall be licensed as clinical marriage and family
6 therapists;

7 (iii) ~~Three~~ shall be licensed as clinical alcohol and drug counselors;

8 **(III) ONE SHALL BE LICENSED AS A CLINICAL MARRIAGE AND**
9 **FAMILY THERAPIST;**

10 (iv) One shall be licensed as a clinical professional art therapist;

11 **(V) ONE SHALL BE A LICENSED BEHAVIOR ANALYST; and**

12 ~~(v)~~ **(VI)** Two shall be consumer members.

13 (3) The composition of the Board as to the race and sex of its members shall
14 reflect the composition of the population of the State.

15 (4) The Governor shall appoint the counselors and therapists from a list
16 submitted to the Governor by the Secretary. Any association representing professional
17 counselors, marriage and family therapists, alcohol and drug counselors, or professional art
18 therapists may submit recommendations for Board members to the Secretary.

19 17–205.

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

21 (1) Maintain a registry of all counselors or therapists currently licensed or
22 certified by the Board and all individuals currently working as trainees in accordance with
23 § 17–406(b) of this title;

24 (2) Submit an annual report to the Governor ~~[and]~~, the Secretary, **AND, IN**
25 **ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL**
26 **ASSEMBLY ON OR BEFORE DECEMBER 31 EACH YEAR;**

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

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

3 (5) Adopt an official seal; and

4 (6) Create committees as it deems appropriate to advise the Board on
5 special issues.

6 17–302.

7 (a) To qualify for a license to practice clinical alcohol and drug counseling, an
8 applicant shall be an individual who meets the requirements of this section.

9 (d) (1) Except as provided in § 17–305 of this subtitle, the applicant shall at a
10 minimum:

11 (i) Hold a master’s or doctoral degree in a health and human
12 services counseling field from a regionally accredited educational institution that is
13 approved by the Board; or

14 (ii) Hold a master’s degree from a regionally accredited educational
15 institution and have completed a program of studies judged by the Board to be substantially
16 equivalent in subject matter as **MAY BE** required [under this section] **BY THE BOARD IN**
17 **REGULATION.**

18 (2) The applicant shall have completed [a minimum of 60 semester credit
19 hours or 90 quarter credit hours approved by the Board.

20 (3) The applicant shall have completed a minimum of 39 semester credit
21 hours or 65 quarter credit hours in alcohol and drug counselor training, including:

22 (i) A 3 semester credit hour or 5 quarter credit hour course taken at
23 a regionally accredited educational institution in each of the following:

24 1. Medical aspects of chemical dependency;

25 2. Group counseling;

26 3. Individual counseling;

27 4. Family counseling;

28 5. Addictions treatment delivery;

29 6. Ethics that includes alcohol and drug counseling issues;

30 7. Human development;

1 8. Abnormal psychology;

2 9. Theories of counseling;

3 10. Treatment of co-occurring disorders; and

4 11. Topics in substance-related and addictive disorders; and

5 (ii) An internship in alcohol and drug counseling that totals 6
6 semester credit hours or 10 quarter credit hours] **ANY ADDITIONAL EDUCATIONAL**
7 **REQUIREMENTS ESTABLISHED BY THE BOARD IN REGULATION.**

8 (f) The applicant shall provide documentation to the Board evidencing the
9 completion of [60 hours of graduate course work] **ANY EDUCATIONAL REQUIREMENTS**
10 **ESTABLISHED BY THE BOARD IN REGULATION**, completed at a regionally accredited
11 educational institution approved by the Board [that included training in:

12 (1) Personality development;

13 (2) Diagnosis and treatment of mental and emotional disorders;

14 (3) Psychopathology; and

15 (4) Psychotherapy].

16 17–303.

17 (a) To qualify for a license to practice clinical marriage and family therapy, an
18 applicant shall be an individual who meets the requirements of this section.

19 (d) (1) Except as provided in § 17–306 of this subtitle, the applicant shall hold
20 a master's or doctoral degree in a marriage and family field from an accredited educational
21 institution that is approved by the Board or have completed a program of studies judged by
22 the Board to be substantially equivalent in subject matter and extent of training as **MAY**
23 **BE** required [under this section] **BY THE BOARD IN REGULATION.**

24 (2) [In the case of an applicant holding a doctoral degree, the applicant
25 shall have completed a minimum of 90 graduate credit hours in training in marriage and
26 family therapy approved by the Board that includes instruction in the following specialized
27 areas:

28 (i) Analysis of family systems;

29 (ii) Family therapy, theory, and techniques;

- 1 (iii) Couples therapy, theory, and techniques;
- 2 (iv) Gender and ethnicity in marriage and family therapy; and
- 3 (v) Sexual issues in marriage and family therapy.

4 (3) In the case of an applicant holding only a master's degree, the applicant
5 shall have completed a minimum of 60 graduate credit hours in training in marriage and
6 family therapy approved by the Board that includes instruction in the specialized areas set
7 forth in paragraph (2) of this subsection] **THE APPLICANT SHALL HAVE COMPLETED**
8 **ANY ADDITIONAL EDUCATIONAL REQUIREMENTS ESTABLISHED BY THE BOARD IN**
9 **REGULATION.**

10 (f) The applicant shall provide documentation to the Board evidencing the
11 completion of [60 hours of graduate course work] **ANY EDUCATIONAL REQUIREMENTS**
12 **ESTABLISHED BY THE BOARD IN REGULATION**, completed at an accredited college or
13 university approved by the Board[, that included training in:

- 14 (1) Personality development;
- 15 (2) Diagnosis and treatment of mental and emotional disorders;
- 16 (3) Psychopathology;
- 17 (4) Family therapy; and
- 18 (5) Psychotherapy].

19 17–304.

20 (a) Except as provided in § 17–307 of this subtitle, to qualify for a license to
21 practice clinical professional counseling, an applicant shall be an individual who meets the
22 requirements of this section.

23 (d) (1) The applicant shall hold a master's or doctoral degree in a professional
24 counseling field from an accredited educational institution that is approved by the Board.

25 (2) [In the case of an applicant holding a doctoral degree, the applicant
26 shall have completed:

27 (i) A minimum of 90 graduate credit hours in counselor training
28 approved by the Board, including instruction in:

- 29 1. Counseling theory and ethics;
- 30 2. Counseling techniques;

1
2 behaviors;

3. Human growth and development and maladaptive

3 4. Group dynamics, processing, and counseling;

4 5. Social and cultural foundations;

5 6. Lifestyle and career development;

6 7. Appraisal of individuals;

7 8. Research and evaluation;

8 9. Participation in a supervised practicum in professional
9 counseling;

10 10. Marriage and family therapy; and

11 11. Alcohol and drug counseling; and

12 (ii) Not less than 2 years of supervised experience in counseling
13 approved by the Board, 1 year of which shall have been completed after the award of the
14 doctoral degree.

15 (3) In the case of an applicant holding only a master's degree, the applicant
16 shall have completed:

17 (i) A minimum of 60 graduate credit hours in counselor training in
18 the areas set forth in paragraph (2) of this subsection; and

19 (ii) Not less than 3 years, with a minimum of 3,000 hours, of
20 supervised experience in counseling approved by the Board, 2 years of which shall have
21 been completed after the award of the master's degree] **THE APPLICANT SHALL HAVE**
22 **COMPLETED ANY ADDITIONAL EDUCATIONAL REQUIREMENTS ESTABLISHED BY THE**
23 **BOARD IN REGULATION.**

24 (e) The applicant shall provide documentation to the Board evidencing the
25 completion of [60 hours of graduate course work] **ANY EDUCATIONAL REQUIREMENTS**
26 **ESTABLISHED BY THE BOARD IN REGULATION**, in the applicant's respective area of
27 practice from an accredited college or university program approved by the Board[, including
28 training in:

29 (1) Personality development;

30 (2) Diagnosis and treatment of mental and emotional disorders;

1 (3) Psychopathology; and

2 (4) Psychotherapy].

3 17-304.1.

4 (a) Except as provided in §§ 17-304.2 and 17-307.1 of this subtitle, to qualify for
5 a license to practice clinical professional art therapy, an applicant shall be an individual
6 who meets the requirements of this section.

7 (e) The applicant shall provide documentation to the Board evidencing the
8 completion of [60 hours of graduate course work in art therapy] **ANY EDUCATIONAL**
9 **REQUIREMENTS ESTABLISHED BY THE BOARD IN REGULATION**, from an accredited
10 college or university program that is accredited by the American Art Therapy Association,
11 approved by the Board[, and includes training in:

12 (1) Personality development;

13 (2) Diagnosis and treatment of mental and emotional disorders;

14 (3) Psychopathology;

15 (4) Psychotherapy;

16 (5) Marriage and family therapy;

17 (6) Addictions; and

18 (7) Lifestyle and career development].

19 17-305.

20 (a) The Board shall waive the requirements for licensure for an applicant to
21 practice clinical alcohol and drug counseling if the applicant:

22 (1) **(I)** Is licensed or certified as a clinical alcohol and drug counselor in
23 another state, territory, or jurisdiction that has requirements that are equivalent to or
24 exceed the requirements of § 17-302 of this subtitle; **OR**

25 **(II) 1. IS PRACTICING ALCOHOL AND DRUG COUNSELING AS**
26 **A LICENSED PROFESSIONAL IN ANOTHER STATE, TERRITORY, OR JURISDICTION AT**
27 **THE TIME OF APPLICATION;**

28 **2. HAS PRACTICED ALCOHOL AND DRUG COUNSELING**
29 **AS A LICENSED PROFESSIONAL IN GOOD STANDING IN THE OTHER STATE,**

1 TERRITORY, OR JURISDICTION FOR AT LEAST 5 YEARS;

2 3. HAS PASSED A NATIONAL CERTIFICATION EXAM
3 APPROVED BY THE BOARD; AND

4 4. HAS PASSED THE STATE LAW EXAMINATION;

5 (2) Submits an application to the Board on a form that the Board requires;
6 and

7 (3) Pays to the Board an application fee set by the Board.

8 (b) The Board shall adopt regulations to implement this section.

9 17-403.

10 (a) Except as provided in § 17-405 of this subtitle, to qualify as a certified
11 associate counselor-alcohol and drug, an applicant shall:

12 (1) Be of good moral character;

13 (2) At a minimum:

14 (i) Hold a bachelor's degree from a regionally accredited educational
15 institution approved by the Board in a health and human services counseling field; or

16 (ii) Hold a bachelor's degree from a regionally accredited educational
17 institution and have completed a program of studies judged by the Board to be substantially
18 equivalent in subject matter **AS MAY BE REQUIRED BY THE BOARD IN REGULATION**;

19 (3) Have completed not less than 1 year with a minimum of 2,000 hours of
20 clinically supervised experience in alcohol and drug counseling approved by the Board; and

21 (4) Have [a minimum of 33 semester credit hours or 50 quarter credit hours
22 in alcohol and drug counselor training, including:

23 (i) A 3 semester credit hour or 5 quarter credit hour course taken at
24 a regionally accredited educational institution in each of the following:

25 1. Medical aspects of chemical dependency;

26 2. Addictions treatment delivery;

27 3. Group counseling;

28 4. Individual counseling;

1
2 and

5. Ethics that includes alcohol and drug counseling issues;

3
6. Abnormal psychology; and

4 (ii) Any three of the following 3 semester credit hour or 5 quarter
5 credit hour courses taken at a regionally accredited educational institution:

6 1. Family counseling;

7 2. Theories of counseling;

8 3. Human development;

9 4. Topics in substance-related and addictive disorders; and

10 5. Treatment of co-occurring disorders; and

11 (iii) An internship in alcohol and drug counseling that totals 6
12 semester credit hours or 10 quarter credit hours] **COMPLETED ANY ADDITIONAL**
13 **EDUCATIONAL REQUIREMENTS ESTABLISHED BY THE BOARD IN REGULATION.**

14 (b) Except as otherwise provided in this title, the applicant shall pass:

15 (1) An examination approved by the Board under this title; and

16 (2) The law examination on this title administered by the Board.

17 (c) A certified associate counselor-alcohol and drug shall practice alcohol and
18 drug counseling under the supervision of a Board-approved alcohol and drug supervisor
19 who is:

20 (1) A licensed clinical alcohol and drug counselor;

21 (2) A certified professional counselor-alcohol and drug;

22 (3) A licensed clinical professional counselor;

23 (4) A licensed clinical marriage and family therapist;

24 (5) A licensed clinical professional art therapist; or

25 (6) A health care provider licensed under this article with documented
26 expertise in alcohol and drug counseling.

27 (d) A certified associate counselor-alcohol and drug:

1 (1) May provide only:

2 (i) Alcohol and drug counseling as an employee of an agency or a
3 facility that is certified or licensed by the State;

4 (ii) Alcohol and drug counseling under the supervision of a
5 Board-approved supervisor as specified in subsection (c) of this section; and

6 (iii) Supervision with approval by the Board; and

7 (2) May not practice independently.

8 17-404.

9 (a) To qualify as a certified supervised counselor—alcohol and drug, an applicant
10 shall:

11 (1) Be of good moral character;

12 (2) At a minimum:

13 (i) Hold an associate's degree from a regionally accredited
14 educational institution in a health and human services counseling field; or

15 (ii) Hold an associate's degree from a regionally accredited
16 educational institution and have completed a program of studies judged by the Board to be
17 substantially equivalent in subject matter **AS MAY BE REQUIRED BY THE BOARD IN**
18 **REGULATION**; and

19 (3) Have [a minimum of 24 semester credit hours or 37 quarter credit hours
20 including:

21 (i) A 3 semester credit hour or 5 quarter credit hour course taken at
22 a regionally accredited educational institution in each of the following courses:

23 1. Medical aspects of chemical dependency;

24 2. Addictions treatment delivery; and

25 3. Ethics that includes alcohol and drug counseling issues;

26 (ii) Any three of the following 3 semester credit hour or 5 quarter
27 credit hour courses taken at a regionally accredited educational institution:

28 1. Group counseling;

2. Individual counseling;
3. Family counseling;
4. Theories of counseling;
5. Human development;
6. Abnormal psychology;
7. Topics in substance-related and addictive disorders; and
8. Treatment of co-occurring disorders; and

(iii) An internship in alcohol and drug counseling that totals 6 semester credit hours or 10 quarter credit hours] **COMPLETED ANY ADDITIONAL EDUCATIONAL REQUIREMENTS ESTABLISHED BY THE BOARD IN REGULATION.**

(b) Except as otherwise provided in this title, the applicant shall pass:

- (1) An examination approved by the Board under this title; and
- (2) The law examination on this title administered by the Board.

(c) A certified supervised counselor-alcohol and drug shall practice alcohol and drug counseling under the supervision of a Board-approved alcohol and drug supervisor who is:

- (1) A licensed clinical alcohol and drug counselor;
- (2) A certified professional counselor-alcohol and drug;
- (3) A certified associate counselor-alcohol and drug;
- (4) A licensed clinical professional counselor;
- (5) A licensed clinical marriage and family therapist;
- (6) A licensed clinical professional art therapist; or
- (7) A health care provider licensed under this article with documented expertise in alcohol and drug counseling.

(d) A certified supervised counselor-alcohol and drug:

- (1) May provide only:

1 (i) Alcohol and drug counseling as an employee of an agency or
2 facility that is certified or licensed by the State; and

3 (ii) Alcohol and drug counseling under the supervision of a
4 Board-approved supervisor as specified in subsection (c) of this section; and

5 (2) May not:

6 (i) Provide supervision; or

7 (ii) Practice independently.

8 17-405.

9 (a) The Board shall waive the requirements for certification for an applicant to
10 practice alcohol and drug counseling if the applicant meets the requirements of this section.

11 (b) If the applicant is licensed or certified to practice as an associate
12 counselor-alcohol and drug, the Board shall grant a waiver under this section only if the
13 applicant:

14 (1) **(I)** Is licensed or certified in another state, territory, or jurisdiction
15 that has requirements that are equivalent to or exceed the requirements of § 17-403 of this
16 subtitle; **OR**

17 **(II) 1. IS PRACTICING ASSOCIATE ALCOHOL AND DRUG**
18 **COUNSELING AS A LICENSED PROFESSIONAL IN ANOTHER STATE, TERRITORY, OR**
19 **JURISDICTION AT THE TIME OF APPLICATION;**

20 **2. HAS PRACTICED ASSOCIATE ALCOHOL AND DRUG**
21 **COUNSELING AS A LICENSED PROFESSIONAL IN GOOD STANDING IN THE OTHER**
22 **STATE, TERRITORY, OR JURISDICTION FOR AT LEAST 5 YEARS;**

23 **3. HAS PASSED A NATIONAL CERTIFICATION EXAM**
24 **APPROVED BY THE BOARD; AND**

25 **4. HAS PASSED THE STATE LAW EXAMINATION;**

26 (2) Submits an application to the Board on a form that the Board requires;
27 and

28 (3) Pays to the Board an application fee set by the Board.

29 (c) If the applicant is licensed or certified to practice as a supervised
30 counselor-alcohol and drug, the Board shall grant a waiver under this section only if the
31 applicant:

1 (1) (I) Is licensed or certified in another state, territory, or jurisdiction
2 that has requirements that are equivalent to or exceed the requirements of § 17–404 of this
3 subtitle; OR

4 (II) 1. IS PRACTICING SUPERVISORY ALCOHOL AND DRUG
5 COUNSELING AS A LICENSED PROFESSIONAL IN ANOTHER STATE, TERRITORY, OR
6 JURISDICTION AT THE TIME OF APPLICATION;

7 2. HAS PRACTICED SUPERVISORY ALCOHOL AND DRUG
8 COUNSELING AS A LICENSED PROFESSIONAL IN GOOD STANDING IN THE OTHER
9 STATE, TERRITORY, OR JURISDICTION FOR AT LEAST 5 YEARS;

10 3. HAS PASSED A NATIONAL CERTIFICATION EXAM
11 APPROVED BY THE BOARD; AND

12 4. HAS PASSED THE STATE LAW EXAMINATION;

13 (2) Submits an application to the Board on a form that the Board requires;
14 and

15 (3) Pays to the Board an application fee set by the Board.

16 (d) The Board shall adopt regulations to carry out this section.

17 17–502.

18 (a) An applicant who otherwise qualifies for a license or certificate is entitled to
19 be examined as provided in this section.

20 (b) The Board shall give examinations to applicants at least twice a year, at the
21 times and places that the Board determines.

22 (c) The Board shall notify each qualified applicant of the time and place of
23 examination.

24 (d) (1) The Board may not limit the number of times an applicant may take an
25 examination required under this title.

26 (2) The applicant shall pay to the Board a reexamination fee set by the
27 Board for each reexamination.

28 (e) The examination shall include a portion that tests an applicant's knowledge
29 of the Maryland Professional Counselors and Therapists Act.

30 17–6A–01.

1 (a) In this subtitle the following words have the meanings indicated.

2 (b) ["Committee" means the Behavior Analyst Advisory Committee established
3 under § 17-6A-05 of this subtitle.

4 (c) "License" means a license issued by the Board to practice behavior analysis.

5 [(d)] (C) "Licensed behavior analyst" means an individual who is licensed by the
6 Board to practice behavior analysis.

7 [(e)] (D) "Licensee" means a licensed behavior analyst.

8 [(f)] (E) (1) "Practice of behavior analysis" means the design,
9 implementation, and evaluation of systematic instructional and environmental
10 modifications to produce socially significant improvements in human behavior.

11 (2) "Practice of behavior analysis" includes:

12 (i) The empirical identification of functional relations between
13 behavior and environmental factors, known as functional assessment and analysis; and

14 (ii) Interventions based on scientific research and the direct
15 observation and measurement of behavior and environment.

16 (3) "Practice of behavior analysis" does not include psychological testing,
17 diagnosis of a mental or physical disorder, neuropsychology, psychotherapy, cognitive
18 therapy, sex therapy, psychoanalysis, hypnotherapy, counseling, or any subdiscipline of
19 psychology as treatment modalities.

20 [17-6A-05.

21 There is a Behavior Analyst Advisory Committee within the Board.]

22 [17-6A-06.

23 (a) The Committee consists of five members appointed by the Board as follows:

24 (1) (i) On or before December 31, 2014, four behavior analysts who:

25 1. Are certified by the Behavior Analyst Certification Board;

26 and

27 2. Have a minimum of 5 years of clinical experience; and

28 (ii) On or after January 1, 2015, four licensed behavior analysts who:

1 1. Are certified by the Behavior Analyst Certification Board;
2 and

3 2. Have a minimum of 5 years of clinical experience; and

4 (2) One consumer member who is receiving services, has received services,
5 or has a child who is receiving services for a behavioral disorder, including an autism
6 spectrum disorder.

7 (b) The consumer member of the Committee:

8 (1) Shall be a member of the general public;

9 (2) May not be or ever have been a behavior analyst or in training to
10 become a behavior analyst;

11 (3) May not have a household member who is a behavior analyst or in
12 training to become a behavior analyst;

13 (4) May not participate or ever have participated in a commercial or
14 professional field related to behavior analysis;

15 (5) May not have a household member who participates in a commercial or
16 professional field related to behavior analysis; and

17 (6) May not have had within 2 years before appointment a substantial
18 financial interest in a person regulated by the Board.

19 (c) (1) The term of a member is 4 years.

20 (2) The terms of members are staggered as required by the terms provided
21 for members of the Committee on October 1, 2014.

22 (3) At the end of a term, a member continues to serve until a successor is
23 appointed and qualifies.

24 (4) A member who is appointed after a term has begun serves only for the
25 rest of the term and until a successor is appointed and qualifies.

26 (5) A member may not serve more than 2 consecutive full terms.

27 (d) The Board may remove a member for incompetence or misconduct.]

28 [17-6A-07.

29 (a) From among its members, the Committee annually shall elect a chair and a

1 vice chair.

2 (b) The Committee shall determine:

3 (1) The manner of election of officers; and

4 (2) The duties of each officer.]

5 [17-6A-08.

6 (a) A majority of the members then serving on the Committee is a quorum.

7 (b) (1) The Committee shall meet at least once a year, at the times and places
8 that it determines.

9 (2) The Committee may hold special meetings if:

10 (i) Requested by the Board; or

11 (ii) The chair or a majority of the members then serving on the
12 Committee consider a meeting to be necessary or advisable.

13 (3) Reasonable notice of all Committee meetings shall be given in the
14 manner determined by the Committee.

15 (c) A member of the Committee:

16 (1) May not receive compensation as a member of the Committee; but

17 (2) Is entitled to reimbursement for expenses under the Standard State
18 Travel Regulations, as provided in the State budget.]

19 [17-6A-09.

20 In addition to the powers and duties set forth elsewhere in this subtitle, the
21 Committee shall:

22 (1) Develop and recommend to the Board regulations to carry out this
23 subtitle;

24 (2) Develop and recommend to the Board a code of ethics for the practice of
25 behavior analysis;

26 (3) Develop and recommend to the Board the requirements for licensure as
27 a behavior analyst, including:

28 (i) Criteria for the educational and clinical training of licensed

1 behavior analysts; and

2 (ii) Criteria for a professional competency examination and testing
3 of applicants for a license to practice behavior analysis;

4 (4) Develop and recommend to the Board continuing education
5 requirements for license renewal;

6 (5) Provide the Board with recommendations concerning the practice of
7 behavior analysis;

8 (6) Keep a record of its proceedings; and

9 (7) Report to the Board as required in regulations adopted by the Board.]

10 [17-6A-26.

11 (a) In this section, "behavior analyst rehabilitation subcommittee" means a
12 subcommittee that:

13 (1) Is defined in subsection (b) of this section; and

14 (2) Performs any of the functions listed in subsection (d) of this section.

15 (b) For purposes of this section, a behavior analyst rehabilitation subcommittee
16 is a subcommittee of the Committee that:

17 (1) Is recognized by the Board; and

18 (2) Includes but is not limited to behavior analysts.

19 (c) A rehabilitation subcommittee of the Committee or recognized by the
20 Committee may function:

21 (1) Solely for the Committee; or

22 (2) Jointly with a rehabilitation committee representing another board or
23 boards.

24 (d) For purposes of this section, a behavior analyst rehabilitation subcommittee
25 evaluates and provides assistance to any behavior analyst in need of treatment and
26 rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical,
27 emotional, or mental condition.

28 (e) (1) Except as otherwise provided in this subsection, the proceedings,
29 records, and files of the behavior analyst rehabilitation subcommittee are not discoverable
30 and are not admissible in evidence in any civil action arising out of the matters that are

1 being or have been reviewed and evaluated by the behavior analyst rehabilitation
2 subcommittee.

3 (2) Paragraph (1) of this subsection does not apply to any record or
4 document that is considered by the behavior analyst rehabilitation subcommittee and that
5 otherwise would be subject to discovery or introduction into evidence in a civil action.

6 (3) For purposes of this subsection, civil action does not include a
7 proceeding before the Board or judicial review of a proceeding before the Board.

8 (f) A person who acts in good faith and within the scope of jurisdiction of the
9 behavior analyst rehabilitation subcommittee is not civilly liable for any action as a
10 member of the behavior analyst rehabilitation subcommittee or for giving information to,
11 participating in, or contributing to the function of the behavior analyst rehabilitation
12 subcommittee.]

13 **SUBTITLE 6B. ALCOHOL AND DRUG COUNSELOR SUBCOMMITTEE.**

14 **17-6B-01.**

15 **IN THIS SUBTITLE, "SUBCOMMITTEE" MEANS THE ALCOHOL AND DRUG**
16 **COUNSELOR SUBCOMMITTEE ESTABLISHED UNDER § 17-6B-02 OF THIS SUBTITLE.**

17 **17-6B-02.**

18 **THERE IS AN ALCOHOL AND DRUG COUNSELOR SUBCOMMITTEE WITHIN THE**
19 **BOARD.**

20 **17-6B-03.**

21 **(A) THE SUBCOMMITTEE CONSISTS OF MEMBERS APPOINTED BY THE**
22 **BOARD AS FOLLOWS:**

23 **(1) TWO BOARD MEMBERS WHO ARE LICENSED AS ALCOHOL AND**
24 **DRUG COUNSELORS;**

25 **(2) TWO LICENSED OR CERTIFIED ALCOHOL AND DRUG COUNSELORS**
26 **WHO ARE NOT BOARD MEMBERS; AND**

27 **(3) ONE CONSUMER WHO IS A MEMBER OF THE BOARD.**

28 **(B) (1) THE TERM OF A MEMBER IS 4 YEARS.**

29 **(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE**

1 TERMS PROVIDED FOR MEMBERS OF THE SUBCOMMITTEE ON JUNE 1, 2018.

2 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL
3 A SUCCESSOR IS APPOINTED AND QUALIFIES.

4 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
5 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
6 QUALIFIES.

7 (5) A MEMBER MAY NOT SERVE MORE THAN 2 CONSECUTIVE FULL
8 TERMS.

9 (C) THE BOARD MAY REMOVE A MEMBER FOR INCOMPETENCE OR
10 MISCONDUCT.

11 17-6B-04.

12 (A) FROM AMONG ITS MEMBERS, THE SUBCOMMITTEE ANNUALLY SHALL
13 ELECT A CHAIR AND A VICE CHAIR.

14 (B) THE SUBCOMMITTEE SHALL DETERMINE:

15 (1) THE MANNER OF ELECTION OF OFFICERS; AND

16 (2) THE DUTIES OF EACH OFFICER.

17 17-6B-05.

18 (A) A MAJORITY OF THE MEMBERS THEN SERVING ON THE SUBCOMMITTEE
19 IS A QUORUM.

20 (B) (1) THE SUBCOMMITTEE SHALL MEET AT LEAST ONCE EVERY 2
21 MONTHS, AT THE TIMES AND PLACES IT DETERMINES.

22 (2) THE SUBCOMMITTEE MAY HOLD SPECIAL MEETINGS IF:

23 (I) REQUESTED BY THE BOARD; OR

24 (II) THE CHAIR OR A MAJORITY OF THE MEMBERS THEN
25 SERVING ON THE SUBCOMMITTEE CONSIDERS A MEETING TO BE NECESSARY OR
26 ADVISABLE.

27 (3) REASONABLE NOTICE OF ALL SUBCOMMITTEE MEETINGS SHALL

1 BE GIVEN IN THE MANNER DETERMINED BY THE SUBCOMMITTEE.

2 (c) A MEMBER OF THE SUBCOMMITTEE:

3 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE
4 SUBCOMMITTEE; BUT

5 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
6 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

7 17-6B-06.

8 IN ADDITION TO THE POWERS AND DUTIES SET FORTH ELSEWHERE IN THIS
9 SUBTITLE, THE SUBCOMMITTEE SHALL:

10 (1) EVALUATE AND MAKE RECOMMENDATIONS TO THE BOARD FOR
11 METHODS TO IMPROVE AND EXPEDITE THE LICENSURE AND CERTIFICATION
12 PROCESSES FOR ALCOHOL AND DRUG COUNSELORS AND ALCOHOL AND DRUG
13 TRAINEES;

14 (2) EVALUATE APPLICATIONS FOR LICENSURE AND CERTIFICATION
15 OF ALCOHOL AND DRUG COUNSELORS AND TRAINEES; AND

16 (3) EVALUATE AND MAKE PRELIMINARY RECOMMENDATIONS ON
17 INDIVIDUAL DISCIPLINARY MATTERS WHEN THE SUBJECT OF THE DISCIPLINARY
18 MATTER IS:

19 (i) AN ALCOHOL AND DRUG TRAINEE;

20 (ii) A CERTIFIED SUPERVISED COUNSELOR-ALCOHOL AND
21 DRUG;

22 (iii) A CERTIFIED ASSOCIATE COUNSELOR-ALCOHOL AND
23 DRUG;

24 (iv) A CERTIFIED PROFESSIONAL COUNSELOR-ALCOHOL AND
25 DRUG;

26 (v) A LICENSED GRADUATE ALCOHOL AND DRUG COUNSELOR;
27 OR

28 (vi) A LICENSED CLINICAL ALCOHOL AND DRUG COUNSELOR.

1 **17-6B-07.**

2 **SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE**
3 **MARYLAND PROGRAM EVALUATION ACT, THIS SUBTITLE AND ANY RULES AND**
4 **REGULATIONS ADOPTED UNDER THIS SUBTITLE SHALL TERMINATE AND BE OF NO**
5 **EFFECT AFTER JULY 1, 2021.**

6 17-702.

7 Subject to the evaluation and reestablishment provisions of the Maryland Program
8 Evaluation Act, this title and all rules or regulations adopted under this title shall
9 terminate and be of no effect after July 1, [2019] **2021.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That:

11 (a) On or before October 1, 2018, and every 6 months thereafter until October 1,
12 2021, the State Board of Professional Counselors and Therapists, in consultation with the
13 Maryland Department of Health and the Department of Budget and Management, shall
14 submit to the Department of Legislative Services a report on the progress made
15 implementing the recommendations contained within the December 2017 publication
16 "Sunset Review: Evaluation of the State Board of Professional Counselors and Therapists".

17 (b) The progress reports required under subsection (a) of this section shall
18 address:

19 (1) the efforts made by the Board, in conjunction with the Maryland
20 Department of Health and the Department of Budget and Management, to:

21 (i) obtain additional personnel resources to allow the Board to
22 conduct a systematic evaluation and triage of the Board's complaint backlog;

23 (ii) prioritize complaints based on potential public safety risks; and

24 (iii) develop a plan to systematically address the complaint backlog
25 and implement strategies to prevent future backlogs;

26 (2) the practices adopted by the Board to improve the thoroughness,
27 completeness, and legibility of investigative notes and the progress made in moving to an
28 electronic system to track complaints and investigations;

29 (3) the development of concrete timelines for the duration of investigations,
30 wherein after a certain period of time, a case should be dismissed or advanced except under
31 specified circumstances;

32 (4) the progress the Board has made in proposing educational
33 requirements in regulation, if the Board has decided to do so;

1 (5) the research and consideration the Board has given to extending the
2 use of education programs accredited by the respective professional accrediting
3 organizations for education requirements for licensed clinical professional counselors,
4 clinical alcohol and drug counselors, clinical marriage and family therapists, certified
5 associate counselors—alcohol and drug, and certified supervised counselors—alcohol and
6 drug;

7 (6) any progress made toward the implementation of the proposed
8 portability plan for professional counselors and levels of reciprocity or endorsement to other
9 levels of licensees or certificate holders in other states who have practiced for a specified
10 number of years, passed a state law exam, and passed either a specified national
11 examination or hold a specified national certification from a respective national
12 credentialing organization;

13 (7) the specific efforts have been undertaken to train Board staff in current
14 requirements for direct licensure or certification responsibilities, and cross-training for
15 additional licensure and certification responsibilities;

16 (8) the progress of the investigation by the Board into implementing an
17 online licensing and certification system that:

18 (i) allows applicants to submit applications electronically;

19 (ii) assists the Board in keeping accurate records of the number of
20 applicants, licensees, and certificate holders; and

21 (iii) tracks applications through the licensing and certification
22 process;

23 (9) whether the number and types of licenses and certificates currently
24 issued are necessary to protect the public or if a reduced number would adequately protect
25 the public and provide better access to services;

26 (10) the progress that has been made to implement systems to track
27 progress toward licensure and complaint resolution goals, in conjunction with the
28 Department of Budget and Management; and

29 (11) the progress that has been made, in conjunction with the Maryland
30 Department of Health and the Department of Information Technology, to determine
31 whether the Board should be a part of the electronic licensing and disciplinary system.

32 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1,
33 2019, the Department of Legislative Services shall report to the Senate Education, Health,
34 and Environmental Affairs Committee and the House Health and Government Operations
35 Committee, in accordance with § 2–1246 of the State Government Article, on the progress
36 to date of the State Board of Professional Counselors and Therapists in implementing the

1 recommendations contained within the December 2017 publication “Sunset Review:
2 Evaluation of the State Board of Professional Counselors and Therapists” and recommend
3 whether and for how long the termination date of the Board should be extended.

4 SECTION 4. AND BE IT FURTHER ENACTED, That:

5 (a) Subject to subsection (b) of this section, the terms of the members of the State
6 Board of Professional Counselors and Therapists who are licensed as clinical marriage and
7 family therapists and that expire June 30, 2021, shall terminate on the effective date of
8 this Act.

9 (b) A member whose appointment is terminated under subsection (a) of this
10 section shall continue to serve until a successor is appointed and qualifies.

11 SECTION 5. AND BE IT FURTHER ENACTED, That the terms of the initial
12 members of the Alcohol and Drug Counselor Subcommittee shall expire as follows:

13 (1) two members in 2019;

14 (2) two members in 2020; and

15 (3) one member in 2021.

16 SECTION 6. AND BE IT FURTHER ENACTED, That this Act is an emergency
17 measure, is necessary for the immediate preservation of the public health or safety, has
18 been passed by a yea and nay vote supported by three-fifths of all the members elected to
19 each of the two Houses of the General Assembly, and shall take effect from the date it is
20 enacted.