

Chapter 757

(Senate Bill 552)

AN ACT concerning

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

FOR the purpose of continuing the State Board of Professional Counselors and Therapists in accordance with the provisions of the Maryland Program Evaluation Act (Sunset Law) by extending to a certain date the termination provisions relating to statutory and regulatory authority of the Board; ~~altering the composition of the Board prohibiting a certain number of individuals appointed as certain members of the Board from holding a certain credential~~; requiring the Board to submit a certain report to the General Assembly, in addition to the Governor and the Secretary of Health, on or before a certain date each year; requiring the Board to create an Alcohol and Drug Counselor Subcommittee to perform certain functions; altering the educational requirements for licensure to practice clinical alcohol and drug counseling; altering the educational requirements for licensure to practice clinical marriage and family therapy; altering the educational requirements for licensure to practice clinical professional counseling; altering the educational requirements for licensure to practice clinical professional art therapy; altering the circumstances under which the Board is required to waive certain application requirements for certain individuals; altering the educational requirements for licensure to practice certified associate counselor–alcohol and drug counseling; altering the educational requirements for certification to practice certified supervised counselor–alcohol and drug counseling; ~~repealing certain provisions of law establishing and governing the Behavior Analyst Advisory Committee; repealing certain provisions of law establishing and governing the behavior analyst rehabilitation subcommittee; establishing the Alcohol and Drug Counselor Subcommittee; specifying the composition of the Subcommittee; providing for the terms of a member of the Subcommittee; authorizing the Board to remove a member of the Subcommittee for certain reasons; requiring the Subcommittee to annually elect a chair and vice chair and to determine the manner of election of officers and the duties of each officer; providing that a majority of the members then serving on the Subcommittee is a quorum; requiring the Subcommittee to meet at certain times and places; authorizing the Subcommittee to hold special meetings under certain circumstances; requiring that certain notice of Subcommittee meetings be given in a certain manner; providing for the compensation of Subcommittee members; requiring the Subcommittee to evaluate and make certain recommendations on certain matters~~; providing for the termination of certain provisions of this Act and certain rules and regulations adopted under certain provisions of this Act subject to certain provisions of law; requiring the Board, in consultation with the Maryland Department of Health and the Department of Budget and Management, to report on certain matters to the Department of Legislative Services on or before a certain date and at certain intervals thereafter; requiring the Board to submit certain emergency and proposed

regulations to the Joint Committee on Administrative, Executive, and Legislative Review within a certain number of days after the effective date of this Act; requiring the Board to submit certain regulations to update provisions regarding certain education and experience requirements to the Joint Committee on or before a certain date; requiring the Board to distribute certain drafts to and receive feedback from certain stakeholders and hold at least a certain number of meetings when drafting certain regulations; requiring the Maryland Department of Health to make certain employees available to the Board to assist in drafting certain regulations; requiring the Board to make a certain determination regarding the regulation of the practice of behavior analysis on or before a certain date and after consulting with the State Board of Examiners of Psychologists, receiving input from certain stakeholders, and holding at least a certain number of meetings; requiring the Board to make a certain determination regarding the regulation of certain creative counselors and therapists on or before a certain date and after receiving certain input and holding at least a certain number of meetings; requiring the Board to make a certain determination for a certain Board composition on or before a certain date and after making certain other determinations, receiving input from certain stakeholders, and holding at least a certain number of meetings; requiring the Department of Legislative Services to submit a report and make certain recommendations to certain committees of the General Assembly on or before a certain date; requiring that the terms of certain members of the Board terminate on a certain date to continue to serve until the end of a certain term and that at a certain time, the Governor appoint certain members in accordance with certain provisions of this Act; requiring that certain members of the Board continue to serve until a successor is appointed and qualifies; specifying the terms of the initial members of the Subcommittee; making conforming changes; defining a certain term; making this Act an emergency measure; and generally relating to the State Board of Professional Counselors and Therapists.

BY repealing and reenacting, with amendments,

Article – Health Occupations

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

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,

Article – Health Occupations

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

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

~~BY repealing~~

~~Article – Health Occupations~~

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

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2017 Supplement)~~

~~BY adding to~~

~~Article – Health Occupations~~

~~Section 17-6B-01 through 17-6B-07 to be under the new subtitle “Subtitle 6B-
Alcohol and Drug Counselor Subcommittee”~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2017 Supplement)~~

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

Article – Health Occupations

17-202.

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

(2) Of the 13 Board members:

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

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

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

~~(iii) ONE SHALL BE LICENSED AS A CLINICAL MARRIAGE AND FAMILY THERAPIST;~~

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

~~(v) ONE SHALL BE A LICENSED BEHAVIOR ANALYST;~~ and

~~(v)~~ ~~(vi)~~ Two shall be consumer members.

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

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

(5) TWO OF THE INDIVIDUALS APPOINTED AS A LICENSED CLINICAL PROFESSIONAL COUNSELOR MEMBER UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION MAY NOT HOLD ANOTHER CREDENTIAL ISSUED BY THE BOARD.

17-205.

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

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

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

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

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

(5) Adopt an official seal; ~~and~~

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

(7) ESTABLISH AN ALCOHOL AND DRUG COUNSELOR SUBCOMMITTEE TO:

(I) EVALUATE AND MAKE RECOMMENDATIONS TO THE BOARD ON METHODS TO IMPROVE AND EXPEDITE THE LICENSURE AND CERTIFICATION PROCESSES FOR ALCOHOL AND DRUG COUNSELORS AND DRUG TRAINEES;

(II) EVALUATE AND MAKE RECOMMENDATIONS TO THE BOARD ON METHODS TO IMPROVE AND EXPEDITE THE DISCIPLINARY PROCESS FOR ALCOHOL AND DRUG COUNSELORS AND DRUG TRAINEES;

(III) ASSIST THE BOARD IN DRAFTING REGULATIONS RELATED TO ALCOHOL AND DRUG COUNSELORS AND DRUG TRAINEES; AND

(IV) OTHERWISE ASSIST THE BOARD TO FULFILL THE PURPOSE STATED IN § 17-102(B) OF THIS TITLE.

17-302.

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

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

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

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

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

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

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

1. Medical aspects of chemical dependency;
2. Group counseling;
3. Individual counseling;
4. Family counseling;
5. Addictions treatment delivery;
6. Ethics that includes alcohol and drug counseling issues;
7. Human development;
8. Abnormal psychology;
9. Theories of counseling;
10. Treatment of co-occurring disorders; and

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

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

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

- (1) Personality development;
- (2) Diagnosis and treatment of mental and emotional disorders;
- (3) Psychopathology; and
- (4) Psychotherapy].

17-303.

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

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

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

- (i) Analysis of family systems;
- (ii) Family therapy, theory, and techniques;
- (iii) Couples therapy, theory, and techniques;
- (iv) Gender and ethnicity in marriage and family therapy; and
- (v) Sexual issues in marriage and family therapy.

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

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

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

17-304.

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

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

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

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

1. Counseling theory and ethics;
2. Counseling techniques;
3. Human growth and development and maladaptive behaviors;
4. Group dynamics, processing, and counseling;

5. Social and cultural foundations;
6. Lifestyle and career development;
7. Appraisal of individuals;
8. Research and evaluation;
9. Participation in a supervised practicum in professional counseling;
10. Marriage and family therapy; and
11. Alcohol and drug counseling; and

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

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

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

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

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

- (1) Personality development;
- (2) Diagnosis and treatment of mental and emotional disorders;
- (3) Psychopathology; and
- (4) Psychotherapy].

17-304.1.

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

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

- (1) Personality development;
- (2) Diagnosis and treatment of mental and emotional disorders;
- (3) Psychopathology;
- (4) Psychotherapy;
- (5) Marriage and family therapy;
- (6) Addictions; and
- (7) Lifestyle and career development].

17-305.

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

(1) ~~(I) Is licensed or certified~~ **HOLDS A LICENSE** as a clinical alcohol and drug counselor in another state, territory, or jurisdiction that ~~has requirements that are~~ **IS** equivalent to ~~or exceed the requirements of § 17-302 of~~ **THE LICENSE THE APPLICANT IS APPLYING FOR UNDER** this subtitle; ~~OR~~

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

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

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

~~4. HAS PASSED THE STATE LAW EXAMINATION;~~

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

(3) Pays to the Board an application fee set by the Board; AND

(4) SATISFIES ANY OTHER EDUCATIONAL AND EXPERIENCE REQUIREMENTS ESTABLISHED BY THE BOARD.

(B) THE BOARD MAY WAIVE EDUCATIONAL AND EXPERIENCE REQUIREMENTS ESTABLISHED UNDER SUBSECTION (A)(4) OF THIS SECTION:

(1) UNDER CIRCUMSTANCES DETERMINED BY THE BOARD; AND

(2) FOR APPLICANTS WHO PETITION THE BOARD FOR WAIVER.

~~(C)~~ (C) The Board shall adopt regulations to implement this section.

17-403.

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

(1) Be of good moral character;

(2) At a minimum:

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

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

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

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

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

1. Medical aspects of chemical dependency;
 2. Addictions treatment delivery;
 3. Group counseling;
 4. Individual counseling;
 5. Ethics that includes alcohol and drug counseling issues;
- and
6. Abnormal psychology; and

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

1. Family counseling;
2. Theories of counseling;
3. Human development;
4. Topics in substance-related and addictive disorders; and
5. 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 associate 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 licensed clinical professional counselor;
 - (4) A licensed clinical marriage and family therapist;
 - (5) A licensed clinical professional art therapist; or
 - (6) A health care provider licensed under this article with documented expertise in alcohol and drug counseling.
- (d) A certified associate counselor—alcohol and drug:
- (1) May provide only:
 - (i) Alcohol and drug counseling as an employee of an agency or a facility that is certified or licensed by the State;
 - (ii) Alcohol and drug counseling under the supervision of a Board–approved supervisor as specified in subsection (c) of this section; and
 - (iii) Supervision with approval by the Board; and
 - (2) May not practice independently.

17–404.

- (a) To qualify as a certified supervised counselor—alcohol and drug, an applicant shall:
- (1) Be of good moral character;
 - (2) At a minimum:
 - (i) Hold an associate’s degree from a regionally accredited educational institution in a health and human services counseling field; or
 - (ii) Hold an associate’s degree from a regionally accredited educational institution and have completed a program of studies judged by the Board to be substantially equivalent in subject matter **AS MAY BE REQUIRED BY THE BOARD IN REGULATION**; and
 - (3) Have [a minimum of 24 semester credit hours or 37 quarter credit hours including:
 - (i) A 3 semester credit hour or 5 quarter credit hour course taken at a regionally accredited educational institution in each of the following courses:

1. Medical aspects of chemical dependency;
2. Addictions treatment delivery; and
3. Ethics that includes alcohol and drug counseling issues;

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

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:
 - (i) Alcohol and drug counseling as an employee of an agency or facility that is certified or licensed by the State; and
 - (ii) Alcohol and drug counseling under the supervision of a Board–approved supervisor as specified in subsection (c) of this section; and
 - (2) May not:
 - (i) Provide supervision; or
 - (ii) Practice independently.

17–405.

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

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

(1) ~~(H) Is licensed or certified~~ **HOLDS A LICENSE OR CERTIFICATE** in another state, territory, or jurisdiction that ~~has requirements that are~~ **IS** equivalent to ~~or exceed the requirements of § 17–403 of~~ **THE CERTIFICATE THE APPLICANT IS APPLYING FOR UNDER** this subtitle; ~~OR~~

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

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

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

~~4. HAS PASSED THE STATE LAW EXAMINATION;~~

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

(3) Pays to the Board an application fee set by the Board; AND

(4) SATISFIES ANY OTHER EDUCATIONAL AND EXPERIENCE REQUIREMENTS ESTABLISHED BY THE BOARD.

(C) THE BOARD MAY WAIVE EDUCATIONAL AND EXPERIENCE REQUIREMENTS ESTABLISHED UNDER SUBSECTION (B)(4) OF THIS SECTION:

(1) UNDER CIRCUMSTANCES DETERMINED BY THE BOARD; AND

(2) FOR APPLICANTS WHO PETITION THE BOARD FOR WAIVER.

~~(D)~~ (D) If the applicant is licensed or certified to practice as a supervised counselor—alcohol and drug, the Board shall grant a waiver under this section only if the applicant:

(1) ~~(I) Is licensed or certified~~ HOLDS A LICENSE OR CERTIFICATE in another state, territory, or jurisdiction that ~~has requirements that are~~ IS equivalent to ~~or exceed the requirements of § 17-404 of~~ THE CERTIFICATE THE APPLICANT IS APPLYING FOR UNDER this subtitle; ~~OR~~

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

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

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

~~4. HAS PASSED THE STATE LAW EXAMINATION;~~

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

(3) Pays to the Board an application fee set by the Board; AND

(4) SATISFIES ANY OTHER EDUCATIONAL AND EXPERIENCE REQUIREMENTS ESTABLISHED BY THE BOARD.

(E) THE BOARD MAY WAIVE EDUCATIONAL AND EXPERIENCE REQUIREMENTS ESTABLISHED UNDER SUBSECTION (D)(4) OF THIS SECTION:

(1) UNDER CIRCUMSTANCES DETERMINED BY THE BOARD; AND

(2) FOR APPLICANTS WHO PETITION THE BOARD FOR WAIVER.

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

17-502.

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

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

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

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

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

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

~~17-6A-01.~~

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

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

~~(c)~~ “License” means a license issued by the Board to practice behavior analysis.

~~(d)~~ ~~(C)~~ “Licensed behavior analyst” means an individual who is licensed by the Board to practice behavior analysis.

~~(e)~~ ~~(D)~~ “Licensee” means a licensed behavior analyst.

~~(f)~~ ~~(E)~~ (1) “Practice of behavior analysis” means the design, implementation, and evaluation of systematic instructional and environmental modifications to produce socially significant improvements in human behavior.

~~(2)~~ “Practice of behavior analysis” includes:

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

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

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

~~[17-6A-05:~~

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

~~[17-6A-06:~~

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

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

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

~~and~~

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

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

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

~~and~~

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

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

~~(b) The consumer member of the Committee:~~

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

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

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

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

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

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

~~(e) (1) The term of a member is 4 years.~~

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

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

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

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

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

~~[17-6A-07.~~

~~(a) From among its members, the Committee annually shall elect a chair and a vice chair.~~

~~(b) The Committee shall determine:~~

- ~~(1) The manner of election of officers; and~~
- ~~(2) The duties of each officer.]~~

~~[17-6A-08:~~

- ~~(a) A majority of the members then serving on the Committee is a quorum.~~
- ~~(b) (1) The Committee shall meet at least once a year, at the times and places that it determines.~~
- ~~(2) The Committee may hold special meetings if:~~
 - ~~(i) Requested by the Board; or~~
 - ~~(ii) The chair or a majority of the members then serving on the Committee consider a meeting to be necessary or advisable.~~
- ~~(3) Reasonable notice of all Committee meetings shall be given in the manner determined by the Committee.~~
- ~~(e) A member of the Committee:~~
 - ~~(1) May not receive compensation as a member of the Committee; but~~
 - ~~(2) Is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.]~~

~~[17-6A-09:~~

- ~~In addition to the powers and duties set forth elsewhere in this subtitle, the Committee shall:~~
- ~~(1) Develop and recommend to the Board regulations to carry out this subtitle;~~
 - ~~(2) Develop and recommend to the Board a code of ethics for the practice of behavior analysis;~~
 - ~~(3) Develop and recommend to the Board the requirements for licensure as a behavior analyst, including:~~
 - ~~(i) Criteria for the educational and clinical training of licensed behavior analysts; and~~

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

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

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

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

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

~~§ 17-6A-26.~~

~~(a) In this section, “behavior analyst rehabilitation subcommittee” means a subcommittee that:~~

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

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

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

~~(1) Is recognized by the Board; and~~

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

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

~~(1) Solely for the Committee; or~~

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

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

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

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

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

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

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

~~SUBTITLE 6B. ALCOHOL AND DRUG COUNSELOR SUBCOMMITTEE.~~

~~17-6B-01.~~

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

~~17-6B-02.~~

~~THERE IS AN ALCOHOL AND DRUG COUNSELOR SUBCOMMITTEE WITHIN THE BOARD.~~

~~17-6B-03.~~

~~(A) THE SUBCOMMITTEE CONSISTS OF MEMBERS APPOINTED BY THE BOARD AS FOLLOWS:~~

~~(1) TWO BOARD MEMBERS WHO ARE LICENSED AS ALCOHOL AND DRUG COUNSELORS;~~

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

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

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

~~(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE SUBCOMMITTEE ON JUNE 1, 2018.~~

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

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

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

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

~~17-6B-04.~~

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

~~(B) THE SUBCOMMITTEE SHALL DETERMINE:~~

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

~~(2) THE DUTIES OF EACH OFFICER.~~

~~17-6B-05.~~

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

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

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

~~(I) REQUESTED BY THE BOARD; OR~~

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

~~(3) REASONABLE NOTICE OF ALL SUBCOMMITTEE MEETINGS SHALL BE GIVEN IN THE MANNER DETERMINED BY THE SUBCOMMITTEE.~~

~~(c) A MEMBER OF THE SUBCOMMITTEE:~~

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

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

~~17-6B-06.~~

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

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

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

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

~~(I) AN ALCOHOL AND DRUG TRAINEE;~~

~~(II) A CERTIFIED SUPERVISED COUNSELOR ALCOHOL AND DRUG;~~

~~(III) A CERTIFIED ASSOCIATE COUNSELOR ALCOHOL AND DRUG;~~

~~(IV) A CERTIFIED PROFESSIONAL COUNSELOR ALCOHOL AND DRUG;~~

~~(V) A LICENSED GRADUATE ALCOHOL AND DRUG COUNSELOR;~~
~~OR~~

~~(VI) A LICENSED CLINICAL ALCOHOL AND DRUG COUNSELOR.~~

~~17-6B-07.~~

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

17-702.

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

SECTION 2. AND BE IT FURTHER ENACTED, That:

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

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

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

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

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

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

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

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

(4) the progress the Board has made in ~~proposing educational requirements in regulation, if the Board has decided to do so~~ adopting regulations as required under subsection (c) of this section;

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

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

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

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

(i) allows applicants to submit applications electronically;

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

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

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

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

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

(12) the progress the Board has made in determining whether it is more appropriate for the Board or the State Board of Examiners of Psychologists to regulate the practice of behavior analysis as required under subsection (d) of this section;

(13) the progress the Board has made in determining whether or not it would be in the best interest of the State to regulate additional creative or expressive counselors and therapists as required under subsection (e) of this section; and

(14) the progress the Board has made in determining a Board composition that appropriately represents the professions credentialed by the Board while providing the best protection to the public as required under subsection (f) of this section.

(c) (1) Within 30 days after the effective date of this Act, the Board shall submit emergency and proposed regulations to the Joint Committee on Administrative, Executive, and Legislative Review:

(i) on licensed clinical professional art therapists and licensed graduate professional art therapists; and

(ii) clarifying internship and supervised work experience requirements for an applicant to qualify as a certified associate counselor–alcohol and drug or a certified supervised counselor–alcohol and drug.

(2) On or before January 1, 2019, the Board shall submit regulations to the Joint Committee on Administrative, Executive, and Legislative Review to update, as appropriate, provisions regarding education and experience requirements for:

(i) licensed clinical professional counselors;

(ii) licensed graduate professional counselors;

(iii) licensed clinical marriage and family therapists;

(iv) licensed graduate marriage and family therapists;

(v) licensed clinical alcohol and drug counselors;

(vi) licensed graduate alcohol and drug counselors;

(vii) certified associate counselors–alcohol and drug;

(viii) certified supervised counselors–alcohol and drug; and

(ix) alcohol and drug trainees.

(3) When drafting regulations in accordance with paragraph (2) of this subsection, the Board shall:

(i) distribute drafts to and receive feedback from interested stakeholders; and

(ii) hold at least one public meeting.

(4) The Maryland Department of Health shall make employees of the Department available to the Board to assist in drafting the regulations required by this subsection.

(d) On or before June 1, 2019, the Board shall determine whether the Board or the State Board of Examiners of Psychologists is the most appropriate board to regulate the practice of behavior analysis after:

- (1) consulting with the State Board of Examiners of Psychologists;
- (2) receiving input from interested stakeholders; and
- (3) holding at least one public meeting.

(e) (1) On or before June 1, 2019, the Board shall determine whether or not it would be in the best interest of the State to regulate additional creative or expressive counselors and therapists and, if so, whether the Board or another existing health occupations board should or a new board should be established to regulate the creative or expressive counselors and therapists.

(2) The Board shall make the determination after:

- (i) receiving input from interested stakeholders; and
- (ii) holding at least one public meeting.

(f) On or before October 1, 2019, the Board shall determine a Board composition that appropriately represents the professions credentialed by the Board while providing the best protection to the public after:

- (1) making the determinations required under subsections (d) and (e) of this section;
- (2) receiving input from interested stakeholders; and
- (3) holding at least one public meeting.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1, 2019, the Department of Legislative Services shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2-1246 of the State Government Article, on the progress to date of the State Board of Professional Counselors and Therapists in implementing the recommendations contained within the December 2017 publication “Sunset Review:

Evaluation of the State Board of Professional Counselors and Therapists” and recommend whether and for how long the termination date of the Board should be extended.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) Subject to subsection (b) of this section, ~~the terms of the two longest serving members of the State Board of Professional Counselors and Therapists who are licensed as clinical marriage and family therapists and that expire June 30, 2021, shall terminate on the effective date~~ professional counselors on the effective date of this Act shall continue to serve until the end of the members’ current term at which time the Governor shall appoint two licensed clinical professional counselors who do not hold another credential issued by the Board as required by § 17-202(a)(5) of the Health Occupations Article, as enacted by Section 1 of this Act.

(b) A member ~~whose appointment is terminated under~~ who finishes the member’s term in accordance with subsection (a) of this section shall continue to serve until a successor is appointed and qualifies.

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

- ~~(1) two members in 2019;~~
- ~~(2) two members in 2020; and~~
- ~~(3) one member in 2021.~~

SECTION ~~6~~ 5. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, May 15, 2018.