

SENATE BILL 182

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

Introduced and read first time: January 14, 2020

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 by extending to a certain date the termination provisions relating to statutory and
6 regulatory authority of the Board; repealing the requirement that the Board submit
7 a certain semiannual report to the Department of Legislative Services; requiring the
8 Board to submit a certain report to certain committees of the General Assembly on
9 or before a certain date and at certain intervals thereafter; requiring the report to
10 address the progress made in addressing the Board’s complaint backlog, adopting
11 certain regulations, and establishing a certain Alcohol and Drug Counselor
12 Subcommittee; and generally relating to the State Board of Professional Counselors
13 and Therapists.

14 BY repealing and reenacting, with amendments,
15 Article – Health Occupations
16 Section 17–702
17 Annotated Code of Maryland
18 (2014 Replacement Volume and 2019 Supplement)

19 BY repealing
20 Chapter 756 of the Acts of the General Assembly of 2018
21 Section 2(a) and (b)

22 BY repealing
23 Chapter 757 of the Acts of the General Assembly of 2018
24 Section 2(a) and (b)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Health Occupations

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, [2021] **2026**.

Chapter 756 of the Acts of 2018

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 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,

1 clinical alcohol and drug counselors, clinical marriage and family therapists, certified
2 associate counselors—alcohol and drug, and certified supervised counselors—alcohol and
3 drug;

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

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

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

15 (i) allows applicants to submit applications electronically;

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

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

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

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

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

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

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

35 (14) the progress the Board has made in determining a Board composition

1 that appropriately represents the professions credentialed by the Board while providing
2 the best protection to the public as required under subsection (f) of this section.]

3 **Chapter 757 of the Acts of 2018**

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

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

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

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

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

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

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

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

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

26 (4) the progress the Board has made in adopting regulations as required
27 under subsection (c) of this section;

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

34 (6) any progress made toward the implementation of the proposed

1 portability plan for professional counselors and levels of reciprocity or endorsement to other
2 levels of licensees or certificate holders in other states who have practiced for a specified
3 number of years, passed a state law exam, and passed either a specified national
4 examination or hold a specified national certification from a respective national
5 credentialing organization;

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

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

11 (i) allows applicants to submit applications electronically;

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

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

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

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

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

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

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

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

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

1 (a) On or before October 1, 2020, and every 6 months thereafter until October 1,
2 2025, the State Board of Professional Counselors and Therapists shall submit to the Senate
3 Education, Health, and Environmental Affairs Committee and the House Health and
4 Government Operations Committee, in accordance with § 2–1257 of the State Government
5 Article, a report on the progress made implementing the recommendations contained
6 within the December 2017 publication “Sunset Review: Evaluation of the State Board of
7 Professional Counselors and Therapists”.

8 (b) The progress reports required under subsection (a) of this section shall
9 address the progress that the Board has made:

10 (1) addressing the Board’s complaint backlog;

11 (2) adopting regulations as required under Section 2(c) of Chapter 756 of
12 the Acts of the General Assembly of 2018 and Section 2(c) of Chapter 757 of the Acts of the
13 General Assembly of 2018; and

14 (3) establishing an Alcohol and Drug Counselor Subcommittee as required
15 under § 17–205(b)(7) of the Health Occupations Article.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
17 1, 2020.