

Chapter 158

(House Bill 303)

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

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

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

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

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

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, 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;

(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.]

Chapter 757 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, 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;

(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.]

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) On or before October 1, 2020, and every 6 months thereafter until October 1, 2025, the State Board of Professional Counselors and Therapists shall submit to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2-1257 of the State Government Article, 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 the progress that the Board has made:

(1) addressing the Board’s complaint backlog;

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

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

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

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.