



Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

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**Board of Professional Counselors and Therapists**  
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**2020 SESSION  
POSITION PAPER**

**BILL NO:** SENATE BILL 402  
**COMMITTEE:** EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS  
**POSITION:** SUPPORT WITH AMENDMENTS

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**TITLE: Health Care Practitioners - Telehealth**

**BILL ANALYSIS:** SB 402 allows certain health care providers to establish a practitioner - client relationship through synchronous or asynchronous telehealth interactions.

**POSITION AND RATIONALE:** The Maryland Board of Professional Counselors and Therapists (the “Board”) supports the Bill with amendment. The Bill applies to a wide range of health care providers. It includes providers of medical health care such as physicians, as well as behavioral health providers, such as professional counselors and therapists. Under the Bill, behavioral health providers would be permitted to provide services solely via asynchronous telehealth interactions. The Board strongly asserts that the use of asynchronous teletherapy services, such as text messaging, does not comport with best practices for clinical counseling or therapy. The Board maintains that competent behavioral health practitioners cannot provide clinical services through asynchronous communications because synchronous interaction between the counselor and the client is vital to the establishment and maintenance of the therapeutic relationship.

The Board’s proposed amendment to exclude behavioral health care providers in SB 402 is listed at the end of this position paper. The Board respectfully requests a favorable report on SB 402 with the requested amendment.

If you would like more information, please contact the Board’s Executive Director, Kim Link, at (410) 764-4732 or [kimberly.link@maryland.gov](mailto:kimberly.link@maryland.gov).

*The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.*

SB 402  
BOPCT - SWA

**Amendment**

On page 2, in line 11, after “ARTICLE” insert: **AND PROVIDES MEDICAL HEALTH CARE SERVICES**”.