



Wes Moore, Governor · Aruna Miller, Lt. Governor · Ryan Moran, DrPH, MHSA, Acting Secretary

Maryland Board of Professional Counselors & Therapists
4201 Patterson Avenue
Baltimore, MD 21215

2025 SESSION
POSITION PAPER

BILL NO: HB 1474
COMMITTEE: Finance
POSITION: Oppose

TITLE: Licensed Professional Counselors – Telehealth – Students Enrolled in Institutions of Higher Education

BILL ANALYSIS: For the purpose of authorizing an out-of-state licensed professional counselor to provide clinical professional counseling services to certain students enrolled in institutions of higher education in the State under certain circumstances.

POSITION AND RATIONALE: The Maryland State Board of Professional Counselors and Therapists (the “Board”) carefully considered HB 1474 in its original form and with amendments.

It is understandable that an individual leaving for college would want to receive continued mental health support from a known provider. However, as counseling and therapy professionals appointed by the State to regulate the industry and protect the public, the Board strongly believes that this is not advisable from both a clinical perspective and from the perspective of being responsible stewards of protecting individuals from receiving less than optimum care. As more fully explained below, the Board opposes HB 1474 and respectfully requests the Senate Finance Committee take an unfavorable position on the bill.

All health occupations boards in Maryland have been working with the existing laws regarding telehealth. Even during the COVID pandemic the legislature did not create an exception in the telehealth statute for out-of-state counselors and out-of-state students. During the public health state of emergency, the Board established protocols which it currently maintains to ensure that out-of-state licensed counselors and other mental health providers licensed by the Board are able to obtain a Maryland license with expediency. Passing this bill creates an exception in the telehealth law that, from our perspective, is wrought with administrative and procedural problems and would be nearly impossible to track to maintain compliance.

Good standing status is not enough.

The Bill only requires the clinician to hold a status of good standing in the state where they are currently licensed. The bill does not account for or address any current or past discipline, does not set forth any consequences for failure to notify the Board of teletherapy sessions or other noncompliance, and most notably does not require compliance with Maryland law. Currently, all out-of-state providers are afforded the option to properly credential in Maryland in order to provide services to Maryland residents. This process provides oversight for the care provided in our State and engages the provider with Maryland resources and ensures that we are not providing 'one off' exceptions to exceptional care to those in our State who we have the responsibility to protect. The Board strongly believes that this precedence of allowing students to see out-of-state providers who are not licensed in Maryland will lead to confusion amongst providers and members of the public.

Administrative burden will increase exponentially.

HB 1474 will require the Board to create a tracking or monitoring system. The system will require the Board to collect and verify specific licensing information relating to the out-of-state counselor, specific information relating to the out-of-state student and obtain information from the Maryland institution. The Board may need to track and monitor the frequency that telehealth counseling services are provided, gaps in school enrollment, and graduation dates over the three year period. The Bill does not address instances where therapy sessions may need to be increased or when a student remains in Maryland over the summer and is not enrolled in school.

Licensing standards are not the same.

The standards for Licensed Clinical Professional Counselors vary widely from state to state. The Bill does not address the variance or provide a mechanism whereby the Board can do anything to support the health, safety or welfare of the out-of-state students at Maryland institutions. We believe this Bill creates an exception without a plan or any regard to potential negative outcomes and the severity of the impact on the counseling profession, the university, and the community at large.

Lacks clinically appropriate treatment.

HB 1474 is not the most clinically responsible course of treatment. In general, it is not in the best interest of a young person who is already possibly vulnerable to mental health challenges to have a clinician that is in another state. College students moving to college is not a crisis situation. Students moving to Maryland to attend an institute of higher education is a planned transition. Transitioning to college is an intense experience that is fluid, and with challenges that can arise quickly. It is the clinical responsibility of all therapists, counselors, social workers, psychologists, and psychiatrists to appropriately transition their clients to a new provider when they are not able to continue care. In the case of students attending an institute of higher learning, this transition is planned months in advance with a known location and services at all institutions to help students find local providers for continued care. It is the responsibility of the provider to appropriately plan and transition their clients during such situations. This type of transition is predictable and should allow adequate time for the provider to establish a new provider for their client prior to the move. It is the responsibility of a therapist to prepare a client who is moving to another state. In an acute crisis a clinician in another state is not able to provide the necessary support and is unable to monitor and help to stabilize the client in real time as a local provider would. While local providers are more familiar with local mental health resources than a provider not practicing in or familiar with Maryland.

Lacks inclusivity.

Lastly, we believe the legislature must also keep in mind that the other four professions regulated by the Board also provide counseling services to students going to college. From the Board's perspective it is not appropriate to pass a law where out-of-state students who have a professional counselor may continue seeing their counselor, but out-of-state students who see any of the other professional licenses regulated by this Board may not. The lack of inclusion of the other counseling professions seems arbitrary. The Board has procedures in place for out of state providers to get licensed in Maryland, and properly vetted. The Board holds the position that this Bill would create dysfunction and chaos and fails to protect out-of-students who receive mental health services while attending Maryland institutions.

For all of the reasons stated, the Board respectfully urges the Committee to submit an unfavorable vote on HB 1474.

If you would like to discuss this further, please contact Winnie Moore, Board Chair, at (240) 346-9712 or email winnie.moore@maryland.gov or Lillian Reese, Legislative Liaison at (443) 794-4757 or lillian.reese@maryland.gov.

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