

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulations  
Department of Health and Mental Hygiene  
(DLS Control No. 15-155)**

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**Overview and Legal and Fiscal Impact**

The regulations alter the qualifications an individual must meet to be (1) a licensed clinical alcohol and drug counselor; (2) a licensed graduate alcohol and drug counselor; (3) a certified associate counselor – alcohol and drug; or (4) a certified supervised counselor – alcohol and drug. Additionally, the regulations repeal the qualifications for certification as a certified professional counselor – alcohol and drug.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

**Regulations of COMAR Affected**

**Department of Health and Mental Hygiene:**

Board of Professional Counselors and Therapists:

Alcohol and Drug Counselors – Requirements for Certification and Licensure:

COMAR 10.58.07.03-.07

Supervision Requirements for Certified Alcohol and Drug Counselors and Trainees Pursuing Certification: COMAR 10.58.14.04

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**Legal Analysis**

**Background**

Chapter 368 of 2015 altered the qualifications an individual must meet to be (1) a licensed clinical alcohol and drug counselor; (2) a licensed graduate alcohol and drug counselor; (3) a certified associate counselor – alcohol and drug; or (4) a certified supervised counselor – alcohol and drug. Chapter 368 takes effect October 1, 2015.

**Summary of Regulations**

The Department of Health and Mental Hygiene is amending several regulations governing the requirements for certification and licensure of alcohol and drug counselors.

### **Licensed Clinical Alcohol and Drug Counselors**

COMAR 10.58.07.03 governs qualifications for licensure as a clinical alcohol and drug counselor. The regulations alter the degree an individual must hold to qualify for licensure and increase the minimum number of semester credit hours or quarter credit hours an individual must have completed from a regionally accredited educational institution. The regulations also alter the topics in which an individual must have completed at least a three semester credit hour course or a five quarter credit hour course and add a requirement that an individual complete an internship in alcohol and drug counseling that totals six semester credit hours or ten quarter credit hours. The regulations decrease the number of years of clinical experience required from three to two years and specify that the clinical experience must be acquired after the award of the master's or doctoral degree. Additionally, the regulations add the requirements that the individual be of good moral character and comply with the Maryland Professional Counselors and Therapists Act and the code of ethics in COMAR 10.58.03. Finally, the regulations increase, from one to five, the number of years a license must be expired before an individual is required to complete a new application for licensure and meet the current licensure requirements.

### **Licensed Graduate Alcohol and Drug Counselors**

COMAR 10.58.07.04 governs the qualifications required for licensure as a licensed alcohol and drug counselor. The regulations alter the degree an individual must hold to qualify for licensure and decrease the minimum number of semester credit hours or quarter credit hours an individual must have completed. The regulations also add a requirement that an individual take at least a three semester credit hour course or a five quarter credit hour course in specified topics, including medical aspects of chemical dependency and addictions treatment delivery. The regulations add a requirement that an individual take any three of the following three semester credit hour or five quarter credit courses: family counseling; theories of counseling; human development; topics in substance-related and addictive disorders; and treatment of co-occurring disorders. Additionally, the regulations alter the examination requirement by requiring that the individual pass a national alcohol and drug counselor examination approved by the board, rather than the Examination for Masters Addiction Counselors, and an examination on the Maryland Professional Counselors and Therapists Act and the related regulations. Finally, the regulations list the health professionals under whose supervision a licensed graduate alcohol and drug counselor may practice and prohibit a licensed graduate alcohol and drug counselor from practicing independently or providing supervision.

### **Certified Professional Counselors – Alcohol and Drug**

COMAR 10.58.07.05A, which contains the qualifications an individual must meet to be a certified professional counselor – alcohol and drug, is being repealed as the board no longer issues new certifications in this category.

### **Certified Associate Counselors – Alcohol and Drug**

COMAR 10.58.07.06 governs the qualifications required for certification as a certified associate counselor – alcohol and drug. The regulations specify that an individual's degree must

be a bachelor's degree from a regionally accredited educational institution and increase the minimum number of hours in training that an individual is required to complete in alcohol and drug counselor training. The regulations also add a requirement that an individual take at least a three semester credit hour course or a five quarter credit hour course in specified topics, including medical aspects of chemical dependency and addictions treatment delivery. The regulations add a requirement that an individual take any three of the following three semester credit hour or five quarter credit hour courses: family counseling; theories of counseling; human development; topics in substance-related and addictive disorders; and treatment of co-occurring disorders. Additionally, the regulations require that an individual complete an internship in alcohol and drug counseling that totals six semester credit hours or ten quarter credit hours. The regulations decrease, from three years to one year, the number of years of clinical experience required. The regulations also add a requirement that the individual be of good moral character and comply with the Maryland Professional Counselors and Therapists Act and the code of ethics as set forth in COMAR 10.58.03. Finally, the regulations state that a certified associate counselor – alcohol and drug may only provide (1) counseling as an employee of an agency or a facility that is certified or licensed by the State; (2) counseling under the moderate supervision of a board-approved supervisor; and (3) supervision with approval by the board. The regulations also prohibit a certified associate counselor – alcohol and drug from practicing independently.

The department also is amending COMAR 10.58.14.04 to decrease the number of years of work experience an individual must have to be a certified associate counselor – alcohol and drug from three years to one year. The regulations also repeal the requirement that the work experience be compensated work experience.

### **Certified Supervised Counselors – Alcohol and Drug**

COMAR 10.58.07.07 governs the qualifications required for certification as a certified supervised counselor – alcohol and drug. The regulations specify that an individual's degree must be an associate's degree from a regionally accredited educational institution and increases the minimum number of hours in training that an individual is required to complete in alcohol and drug counselor training. The regulations also add a requirement that an individual take at least a three semester credit hour course or a five quarter credit hour course in medical aspects of chemical dependency, addictions treatment delivery, and ethics that includes alcohol and drug counseling issues. The regulations add a requirement that an individual take any three of the specified three semester credit hour or five quarter credit courses which include family counseling, theories of counseling, and group counseling. Additionally, the regulations require that an individual complete an internship in alcohol and drug counseling that totals six semester credit hours or ten quarter credit hours. The regulations repeal the minimum clinical experience requirement. The regulations also add a requirement that the individual be of good moral character and comply with the Maryland Professional Counselors and Therapists Act and the code of ethics as set forth in COMAR 10.58.03. The regulations state that a certified associate counselor – alcohol and drug may only provide (1) counseling as an employee of an agency or a facility that is certified or licensed by the state and (2) counseling under the moderate supervision of a board-approved supervisor. The regulations also prohibit a certified associate counselor – alcohol and drug from providing supervision and practicing independently. Finally, the regulations require that a certified supervised counselor – alcohol and drug practice under the

close 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; or (4) a health care provider licensed under the Health Occupations Article who has documented expertise in alcohol and drug counseling and is approved by the board.

The department is also amending COMAR 10.58.14.04 to repeal the compensated work experience requirement for certification as a certified supervised counselor – alcohol and drug.

## **Legal Issues**

The regulations present no legal issues of concern.

## **Statutory Authority and Legislative Intent**

The department cites §§ 17-101, 17-205, 17-301, 17-302, 17-308, 17-309(a) and (c), 17-403, 17-404, and 17-502 of the Health Occupations Article as statutory authority for the regulations. More specifically, § 17-205 authorizes the board to adopt regulations to carry out the Maryland Professional Counselors and Therapists Act. Section 17-302 contains the qualifications an individual must meet to be licensed as a licensed clinical alcohol and drug counselor. Section 17-309(a) authorizes the board to adopt regulations to allow an individual to practice under supervision as a licensed graduate alcohol and drug counselor. Section 17-309(c) contains the educational requirements that an individual must meet in order to practice as a licensed graduate alcohol and drug counselor. Section 17-403 outlines the qualifications an individual must have in order to be certified as a certified associate counselor – alcohol and drug. Section 17-404 contains the qualifications an individual must have in order to be certified as a certified supervised counselor – alcohol and drug. Sections 17-101 and 17-502 are not relevant for these regulations.

In addition to the statutory authority cited above, §§ 17-309(b) and 17-505 of the Health Occupations Article need to be cited. Section 17-309(b) requires that an individual be of good moral character to be licensed as a licensed graduate alcohol and drug counselor. Section 17-505 authorizes the board, in accordance with the board’s regulations, to reinstate the license of a licensee who has failed to renew the license for any reason.

With the addition of §§ 17-309(b) and 17-505 of the Health Occupations Article, this authority is correct and complete. The regulations comply with the legislative intent of the law.

## **Technical Corrections and Special Notes**

The board was contacted regarding several issues with the regulations. First, a few of the changes being made in the regulations did not match the new statutory requirements that were made by Chapter 368 of 2015. For example, the regulations governing licensed clinical alcohol and drug counselors would have allowed an individual who has a doctoral degree in a program of studies that is substantially equivalent to health and human services to be licensed, whereas the statute would not. Another example is that the regulations would have required certified

associate counselors – alcohol and drug to provide supervision. However, the statute does not require them to provide supervision, but states that they may only provide supervision as approved by the board. Second, the current wording of two of the regulations did not specify the type of degree required for the specific certification. Third, the Statement of Purpose did not accurately describe the change being made to COMAR 10.58.07.03D(3) and described a change regarding examinations that was not being made in the regulations. Finally, the rest of the issues dealt with grammatical and tabulation errors, as well internal inconsistencies. The board will be correcting these errors before the regulations are published in the *Maryland Register*. The above summary of the regulations reflect the substantive changes that will be made.

The board was also asked how the board will treat applications if the regulations go into effect before Chapter 368 of 2015 takes effect. The board stated that applications received before October 1, 2015 will be evaluated based on the qualifications that were in effect before October 1, 2015. Additionally, the board will be adding a reference to Chapter 368 of 2015 in the Statement of Purpose to put the reader on alert that the regulations are implementing statutory changes.

## **Fiscal Analysis**

There is no fiscal impact on State or local agencies.

### **Agency Estimate of Projected Fiscal Impact**

The department advises that the regulations have no impact on State or local agencies. The Department of Legislative Services concurs and notes that the regulations implement Chapter 368 of 2015 (Senate Bill 575). The fiscal and policy note for Senate Bill 575 estimated that the department could handle implementation within existing budgeted resources.

### **Impact on Budget**

There is no impact on the State operating or capital budget.

### **Agency Estimate of Projected Small Business Impact**

The department advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

## **Contact Information**

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