

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
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1. Desired date of publication in Maryland Register: 8/21/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

10 58 07 03-.07

10 58 14 04

3. Name of Promulgating Authority

Department of Health and Mental Hygiene

4. Name of Regulations Coordinator

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Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE
Subtitle 58 BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS
10.58.07 Alcohol and Drug Counselors – Requirements for Certification and Licensure

Subtitle 58 BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS
10.58.14 Supervision Requirements for Certified Alcohol and Drug Counselors and Trainees Pursuing Certification

Authority: See proposal.

Notice of Proposed Action

[]

The Secretary of Health and Mental Hygiene proposes to amend:

- 1) Regulations .03—.07 under COMAR 10.58.07 Alcohol and Drug Counselors – Requirements for Certification and Licensure; and
- 2) Regulation .04 under COMAR 10.58.14 Supervision Requirements for Certified Alcohol and Drug Counselors and Trainees Pursuing Certification.

This action was considered at a public meeting on May 15, 2015, notice of which was given by publication on the Board’s website at <http://dhmh.maryland.gov/bopc/SitePages/Home.aspx>, pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to :

- 1) Clarify and modify education and experience requirements for the various alcohol and drug credentials issued by the Board to ensure a viable workforce and high quality services to the public;
- 2) Clarify that certain exams are required to be taken at a certain time;
- 3) Require that certain applicants be of good moral character and comply with the Board’s practice act and code of ethics; and
- 4) Clarify supervision and practice requirements.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499; TTY:800-735-2258, or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through September 21, 2015. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2016

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

This proposal does not require an applicant for licensure or certification to obtain more academic credits, but rather to take more academic credits that pertain to alcohol and drug counseling within the previously required number of credits.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

It is incumbent upon an applicant for licensure or certification to complete the requirements for the appropriate credential, not upon a small business.

G. Small Business Worksheet:

Title 10
DEPARTMENT OF HEALTH AND MENTAL
HYGIENE

Subtitle 58 – BOARD OF PROFESSIONAL COUNSELORS AND
THERAPISTS

10.58.07 Alcohol and Drug Counselors — Requirements for Certification and Licensure

Authority: Health Occupations Article, §§17–101, 17–205, 17–301, 17–302, 17–308, 17–309(a) and (c), 17–403, 17–404, 17–502,
Annotated Code of Maryland

.03 Licensure – Licensed Clinical Alcohol and Drug Counselors

A. To qualify for licensure as a clinical alcohol and drug counselor, the applicant shall [complete]:

(1) Complete an application on a form approved by the Board[*pay*] and include documentation of post-graduate experience;

(2) Pay the required non-refundable fee set forth in COMAR 10.58.02[, and have completed or achieved:];

[(1) One of the following] (3) Hold a doctoral or master's degree in a health and human services counseling field from a regionally accredited educational institution approved by the Board or [in a health and human services counseling field from an accredited educational institution approved by the Board or a degree] in a program of studies determined by the Board to be substantially equivalent in subject matter; [and training:

(a) A doctoral degree with a minimum of 90 graduate semester credit hours or 135 graduate quarter hours; or

(b) A master's degree with a minimum of 60 graduate semester credit hours or 90 graduate quarter credit hours];

[(2) A] (4) Complete a minimum of 60 semester credit hours or 90 quarter credit hours in alcohol and drug counselor training, including a minimum of [27] 39 semester credit hours or [45] 65 quarter credit hours in alcohol and drug counselor training from [an] a regionally accredited educational institution [of higher education] approved by the Board with:

(a) At least 3 semester credit hours or 5 quarter credit hours in [ethics in professional practice that includes a specific focus on ethics in alcohol and drug counseling; and

(b) The remaining credits from the following content areas, each of which shall be at least 3 semester credits or 5 quarter credits:

(i) Pharmacology of psychoactive drugs, including brain structure and function relating to psychoactive drugs and classes of psychoactive drugs, including addiction potential, withdrawal symptoms, and associated medical problems;

(ii) Individual counseling techniques, including the formation of therapeutic relationships and therapeutic communication skills;

(iii) Group therapy techniques, including therapeutic factors in groups, stages of development, and types of therapy groups;

(iv) Abnormal psychology, including major categories of mental disorders and theoretical models of mental disorders;

(v) Addictions treatment delivery, including screening, intake, orientation, case management, crisis intervention, education and prevention, referral, consultation, reports and record keeping, assessment and diagnosis based on standard criteria and treatment planning;];

(a) Medical aspects of chemical dependency;

(b) Group counseling;

(c) Individual counseling;

(d) Addictions treatment delivery;

(e) Ethics that includes alcohol and drug counseling issues;

(f) Human development;

(g) Abnormal psychology;

(h) Theories of counseling;

(i) Treatment of co-occurring disorders;

[(vi)] (j)—[(viii)] (l) (text unchanged)

[(ix) Human growth and development, including developmental stages and expected milestones;]

- (m) *Internships in alcohol and drug counseling that total 6 semester credit hours or 10 quarter credit hours;*
- [(3) A] (5) *Complete a minimum of 3 graduate semester credit hours or 5 quarter hours in each of the following content areas:*
- (a) *Personality development, including:*
- (i) *The various stages of human development over the life span;*
- (ii) *Theories of personality and human development;*
- (iii) *The influence of human development and experiences on the development of psychopathology;*
- [(a)] (b) (text unchanged)
- [(b)] (c) *Psychotherapy and treatment of mental and emotional disorders with instruction including, but not limited to:*
- (i) (text unchanged)
- (ii) *Models of substance use [, abuse, and dependence,] disorders including recovery and relapse processes;*
- and
- (iii) *Use of the current edition of the American Society of Addiction Medicine’s Patient Placement Criteria or criteria from a successor organization; [and]*
- [(c) Addictions treatment delivery including:
- (i) *Clinical evaluation, to include screening and assessment;*
- (ii) *Treatment planning;*
- (iii) *Referral;*
- (iv) *Service coordination, including case management and consultation;*
- (v) *Counseling, orientation, and crisis intervention;*
- (vi) *Client, family, and community education;*
- (vii) *Documentation, including intake and record keeping; and*
- (viii) *Professional and ethical responsibilities;*
- (4) *A minimum of 3 undergraduate or graduate semester credit hours or 5 quarter credit hours in pharmacology of psychoactive drugs, including:*
- (a) *Brain structure and function relating to psychoactive drugs; and*
- (b) *Classes of psychoactive drugs, including addiction potential withdrawal symptoms and associated medical problems;]*
- [(5) Not] (6) *Complete not less than [3] 2 years with a minimum of 2,000 hours of supervised experience in alcohol and drug counseling obtained under the supervision of an approved licensed clinical alcohol and drug supervisor acquired after the award of the master’s degree, doctoral degree, or its substantial equivalent as determined by the Board, of which:*
- (a) (text unchanged)
- (b) *100 hours shall be face-to-face clinical supervision hours, of which:*
- (i) (text unchanged)
- (ii) *A maximum of 50 hours may be face-to-face group clinical supervision; [and]*
- [(iii) 2 years shall be acquired after the award of the master’s degree, doctoral degree, or its substantial equivalent as determined by the Board;]
- [(6) A] (7) *Achieve a passing score on the Examination for Masters Addiction Counseling (EMAC) of the National Board for Certified Counselors (NBCC); [and]*
- [(7) A] (8) *Achieve a passing score on an examination of Health Occupations Article, Title 17, Annotated Code of Maryland, and this subtitle;*
- (9) *Be of good moral character; and*
- (10) *Comply with:*
- (a) *Health Occupations Article, Title 17, Annotated Code of Maryland; and*
- (b) *The code of ethics as set forth in COMAR 10.58.03.*
- B.—C. (text unchanged)
- D. Reinstatement.
- (1)—(2) (text unchanged)
- (3) *For any licensed clinical alcohol and drug counselor whose license has expired more than [one] 5 calendar [year] years before the request for reinstatement, a new application for certification shall be completed and the current licensure requirements shall be met.*
- (4) (text unchanged)
- E. (text unchanged)

.04 Licensure — Licensed Graduate Alcohol and Drug Counselors.

- A. To qualify for licensure as a graduate alcohol and drug counselor, an applicant shall [complete]:
- (1) *Complete an application on a form approved by the Board[, pay];*
- (2) *Pay the required [non-renewable] non-refundable fee set forth in COMAR 10.58.02[, and have:];*
- [(1) Completed one of the following] (3) *Hold a master’s or doctoral degree from [an] a regionally accredited college or university approved by the Board[;*

(a) A master's degree] in a health and human services counseling field with a minimum of [60] 48 graduate semester credit hours or [90] 72 graduate quarter credit hours]; or

(b) A doctoral degree in alcohol and drug counseling with a minimum of 90 semester credit hours or 135 graduate quarter credit hours;

(2) Completed a minimum of 3 credit hours or 5 quarter credit hours in ethics in professional practice that includes a specific focus on ethics in alcohol and drug counseling and the remaining credits from instruction among the topic areas described in Regulation .03A(2)(b) and (4) of this chapter] *including:*

(a) A 3 semester credit hour or 5 quarter credit hour course taken at a regionally accredited educational institution in each of the following:

(i) Medical aspects of chemical dependency

(ii) Addictions treatment delivery;

(iii) Ethics that includes alcohol and drug counseling issues;

(iv) Abnormal psychology;

(v) Group counseling; and

(vi) Individual counseling; and

(b) Any three of the following 3 semester credit hour or 5 quarter credit hour courses taken at a regionally accredited educational institution:

(i) Family counseling;

(ii) Theories of counseling;

(iii) Human development;

(iv) Topics in substance-related and addictive disorders; and

(v) Treatment of co-occurring disorders;

[(3) Completed a minimum of 3 graduate semester credit hours or 5 quarter credit hours in each of the content areas described in Regulation .07A(3) of this chapter;]

(4) [Passed the Examination for Masters Addiction Counselors;] *Pass:*

(a) A national alcohol and drug counselor examination approved by the Board; and

(b) An examination of Health Occupations Article, Title 17, Annotated Code of Maryland and this subtitle;

(5) [Good] *Be of good moral character;* and

(6) [Complied] *Comply with the Board's code of ethics as set forth in COMAR 10.58.03.*

B.—C. (text unchanged)

D. A licensed graduate alcohol and drug counselor shall practice alcohol and drug counseling under the supervision of a Board-approved alcohol and drug supervisor who is:

(1) A licensed clinical alcohol and drug counselor;

(2) A licensed clinical professional counselor;

(3) A licensed clinical marriage and family therapist;

(4) A licensed clinical professional art therapist; or

(5) An approved clinical alcohol and drug supervisor as defined in COMAR 10.58.13.02.

E. A licensed graduate alcohol and drug counselor may not:

(1) Practice independently; or

(2) Provide supervision.

[D.] F. (text unchanged)

.05 Certification: Certified Professional Counselor — Alcohol and Drug.

[A. To qualify for certification as a certified professional counselor — alcohol and drug before October 1, 2012, an applicant shall complete an application on a form approved by the Board, submit the non-refundable fee set forth in COMAR 10.58.02, and have completed or achieved:

(1) One of the following in a health and human services counseling field from an accredited educational institution approved by the Board or a degree in a program of studies determined by the Board to be substantially equivalent in subject matter and training:

(a) A doctoral degree with a minimum of 90 graduate semester credit hours or 135 graduate quarter hours; or

(b) A master's degree with a minimum of 60 graduate semester credit hours or 90 graduate quarter credit hours;

(2) A minimum of 27 credit hours in alcohol and drug counselor training from an accredited institution of higher education approved by the Board with:

(a) At least 3 credit hours in ethics in professional practice that includes a specific focus on ethics in alcohol and drug counseling; and

(b) The remaining credits from instruction among the following topic areas, each of which shall be at least 3 credits with not more than one course in each topic area:

(i) Pharmacology of psychoactive drugs, including brain structure and function relating to psychoactive drugs, and classes of psychoactive drugs, including addiction potential, withdrawal symptoms, and associated medical problems;

- (ii) Individual counseling techniques, including the formation of therapeutic relationships and therapeutic communication skills;
 - (iii) Group therapy techniques, including therapeutic factors in groups, stages of development, and types of therapy groups;
 - (iv) Abnormal psychology, including major categories of mental disorders theoretical models of mental disorders;
 - (v) Addictions treatment delivery, including screening, intake, orientation, case management, crisis intervention, education and prevention, referral, consultation, reports and record keeping, assessment, and diagnosis based on standard criteria, and treatment planning;
 - (vi) Topics in alcohol and drug dependency, including various theories of addictive disorders, models of treatment, and other topics related to alcohol and drug dependency;
 - (vii) Family counseling, including family systems theory and dynamics, processes in addiction and recovery models;
 - (viii) Theories of counseling and psychotherapy, including major theoretical schools and theorists human growth and development, developmental stages and expected milestones;
- (3) Not less than 3 years with a minimum of 2,000 hours of supervised clinical experience in alcohol and drug counseling under the supervision of an approved alcohol and drug supervisor, of which 2 years shall be completed after the award of the master's degree, doctoral degree, or its substantial equivalent as determined by the Board;
- (4) Achieve a passing score on the Examination for Masters Addiction Counseling (EMAC) of the National Board for Certified Counselors (NBCC); and
- (5) Achieve a passing score on an examination of Health Occupations Article, Title 17, Annotated Code of Maryland, and this subtitle.]
- [B.] A.—[C.] B. (text unchanged)

.06 Certification: Certified Associate Counselor — Alcohol and Drug.

A. To qualify for certification as a certified associate counselor — alcohol and drug (CAC—AD) an applicant shall [complete]:

- (1) *Complete* an application on a form approved by the Board[, submit];
 - (2) *Submit* the non-refundable fee set forth in COMAR 10.58.02[, and have completed or achieved:];
- [(1) One] (3) *Complete or achieve one* of the following:

(a) A bachelor's degree from [an] a regionally accredited educational institution approved by the Board in a health and human services counseling field; or

(b) A degree in a program of studies determined by the Board to be substantially equivalent in subject matter [and extent of training] to [§A(1)] §A(3)(a) of this regulation;

[(2) A] (4) *Complete* a minimum of [21] 33 semester credit hours or 50 quarter credit hours in alcohol and drug counselor training from [an] a regionally accredited institution of higher education approved by the Board [with at least 1 credit hour in the ethics of alcohol and drug counseling, and the remaining credits from among the topic areas specified in Regulation .03A(2)(b) of this chapter, each of which shall be at least 3 credits with not more than one course in each topic area] including:

(a) A 3 semester credit hour or 5 quarter credit hour course taken at a regionally accredited educational institution in each of the following:

- (i) Medical aspects of chemical dependency;
- (ii) Addictions treatment delivery;
- (iii) Group counseling;
- (iv) Individual counseling;
- (v) Ethics that includes alcohol and drug counseling issues; and
- (vi) Abnormal psychology; and

(b) Any three of the following 3 semester credit hour or 5 quarter credit hour courses taken at a regionally accredited educational institution:

- (i) Family counseling;
- (ii) Theories of counseling;
- (iii) Human development;
- (iv) Topics in substance-related and addictive disorders; and
- (v) Treatment of co-occurring disorders; and

(5) *Complete internships in alcohol and drug counseling that total 6 semester credit hours or 10 quarter credit hours;*

[(3) Not] (6) *Complete not less than [3 years] 1 year* with a minimum of 2,000 hours of supervised clinical experience in alcohol and drug counseling under the [moderate] supervision of [an approved] a Board-approved alcohol and drug supervisor[, of which 2 years shall be completed after the award of the bachelor's degree or its substantial equivalent as determined by the Board];

[(4)] (7) Achieve a passing score on the examination developed by the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC/AODA), or other national examination as approved by the Board; [and]

[(5)] (8) (text unchanged)

(9) *Be of good moral character; and*

(10) *Comply with:*

(a) *Health Occupations Article, Title 17, Annotated Code of Maryland; and*

(b) *The code of ethics as set forth in COMAR 10.58.03.*

B. (text unchanged)

C. *A certified associate counselor – alcohol and drug:*

(1) *Shall provide:*

(a) *Alcohol and drug counseling as an employee of an agency or a facility that is certified or licensed by the State;*

(b) *Alcohol and drug counseling under the moderate supervision of a Board-approved supervisor as specified in Health Occupations Article, §17–403, Annotated Code of Maryland; and*

(c) *Supervision with approval by the Board; and*

(2) *May not practice independently.*

[C.] D.—[E.] F. (text unchanged)

.07 Certification: Certified Supervised Counselor — Alcohol and Drug.

A. To qualify for certification as a supervised counselor — alcohol and drug, an applicant shall [complete]:

(1) *Complete* an application on a form approved by the Board[, submit];

(2) *Submit* the non-refundable fee set forth in COMAR 10.58.02[, and have completed or achieved];

[(1) One] (3) *Complete one* of the following:

(a) An associate's degree from [an] *a regionally* accredited educational institution approved by the Board in a health or human services counseling field; or

(b) A degree in a program of studies determined by the Board to be substantially equivalent in subject matter [and extent of training to §A(1) of this regulation];

[(2) A] (4) *Complete a* minimum of [15] *24 semester credit hours or 37 quarter* credit hours in alcohol and drug counselor training from [an] *a regionally* accredited institution of higher education approved by the Board [with at least 1 credit hour in the ethics of alcohol and drug counseling, and the remaining credits from among the topic areas specified in Regulation .03A(2)(b) of this chapter, each of which shall be at least 3 credits with not more than one course in each topic area] *including:*

(a) *A 3 semester credit hour or 5 quarter credit hour course taken at a regionally accredited educational institution in each of the following courses:*

(i) *Medical aspects of chemical dependency;*

(ii) *Addictions treatment delivery; and*

(iii) *Ethics that includes alcohol and drug counseling issues; and*

(b) *Any three of the following 3 semester credit hour or 5 quarter credit hour courses taken at a regionally accredited educational institution:*

(i) *Group counseling;*

(ii) *Individual counseling;*

(iii) *Family counseling;*

(iv) *Theories of counseling;*

(v) *Human development;*

(vi) *Abnormal psychology;*

(vii) *Topics in substance-related and addictive disorders; and*

(viii) *Treatment of co-occurring disorders;*

(5) *Complete internships in alcohol and drug counseling that total 6 semester credit hours or 10 quarter credit hours;*

[(3) Not less than 2 years with a minimum of 2,000 hours of supervised clinical experience in alcohol and drug counseling under the close supervision of an approved alcohol and drug supervisor, of which 1 year shall be completed after the award of the associate's degree or its substantial equivalent as determined by the Board;]

[(4) Achieve] (6) *Achieve* a passing score on the examination developed by the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC/AODA) or other national examination as approved by the Board; [and]

[(5)] (7) (text unchanged)

(8) *Be of good moral character; and*

(9) *Comply with:*

(a) *Health Occupations Article, Title 17, Annotated Code of Maryland; and*

(b) *The code of ethics as set forth in COMAR 10.58.03.*

B. (text unchanged)

- C. A certified supervised counselor – alcohol and drug:
- (1) Shall provide:
 - (a) Alcohol and drug counseling as an employee of an agency or facility that is certified or licensed by the State; and
 - (b) Alcohol and drug counseling under the close supervision of a Board-approved supervisor as specified in Health Occupations Article, §17–404, Annotated Code of Maryland; and
 - (2) May not:
 - (a) Provide supervision; or
 - (b) Practice independently.
- D. A certified supervised counselor – alcohol and drug shall practice alcohol and drug counseling 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) One of the following who has documented expertise in alcohol and drug counseling and is approved by the Board:
 - (a) A licensed clinical professional counselor;
 - (b) A licensed clinical marriage and family therapist;
 - (c) A licensed clinical professional art therapist;
 - (d) A health care provider licensed under the Health Occupations Article, Annotated Code of Maryland.
- [C.] E.—[E.] G. (text unchanged)

10.58.14 Supervision Requirements for Certified Alcohol and Drug Counselors and Trainees Pursuing Certification

Authority: Health Occupations Article, 17–205 and 17–403, Annotated Code of Maryland

.04 Required Hours of Supervised Experience.

[A.] To qualify for certification to practice alcohol and drug counseling as a certified associate counselor-alcohol and drug, an applicant shall [have completed:]

[(1) Not] *complete not* less than [3 years] *1 year* of compensated work experience, with a minimum of 2,000 hours of experience in alcohol and drug counseling under the supervision of an approved alcohol and drug supervisor [including 2 years of compensated work experience and 1,750 hours of supervised experience completed after the award of the Bachelor’s degree; or

(2) Not less than 5 years of compensated work experience with a minimum of 2,000 hours of supervised experience.

B. To qualify for certification to practice alcohol and drug counseling as a certified supervised counselor-alcohol and drug, an applicant shall have completed:

(1) Not less than 2 years of compensated work experience, with a minimum of 2,000 hours of experience in alcohol and drug counseling under the supervision of an approved alcohol and drug supervisor including 1 year of compensated work experience and 1,000 hours of supervised experience completed after the award of the Associate's degree; or

(2) Not less than 5 years of compensated work experience with a minimum of 2,000 hours of supervised experience].

VAN T. MITCHELL

Secretary of Health and Mental Hygiene