

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL NO. 340

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “repealing” in line 11 down through the second “Act;” in line 13; in line 24, strike “through 17-302.5” and substitute “and 17-302.4”.

On page 2, strike in their entirety lines 2 through 7, inclusive.

AMENDMENT NO. 2

On pages 3 through 15, strike in their entirety the lines beginning with line 28 on page 3 through line 13 on page 15, inclusive, and substitute:

“(I) (1) "CERTIFIED ASSOCIATE COUNSELOR - ALCOHOL AND DRUG" MEANS AN INDIVIDUAL WHO IS CERTIFIED BY THE BOARD TO PRACTICE ALCOHOL AND DRUG COUNSELING IN THE STATE PURSUANT TO THE LIMITATIONS IN § 17-302.4 OF THIS TITLE.

(2) "CERTIFIED PROFESSIONAL COUNSELOR - ALCOHOL AND DRUG" MEANS AN INDIVIDUAL WHO IS CERTIFIED BY THE BOARD TO PRACTICE ALCOHOL AND DRUG COUNSELING IN THE STATE.

[(h)] (J) "Certified professional counselor-marriage and family therapist" means an individual who is certified by the Board to practice marriage and family therapy in the State.

(K) "PRACTICE ALCOHOL AND DRUG COUNSELING" MEANS TO ENGAGE PROFESSIONALLY AND FOR COMPENSATION IN ALCOHOL AND DRUG COUNSELING ACTIVITIES WHILE REPRESENTING ONESELF TO BE A CERTIFIED PROFESSIONAL COUNSELOR - ALCOHOL AND DRUG OR A CERTIFIED ASSOCIATE COUNSELOR - ALCOHOL AND DRUG.

(Over)

[(i)] (L) "Practice marriage and family therapy" means to engage professionally and for compensation in marriage and family therapy activities while representing oneself to be a certified professional counselor-marriage and family therapist.

[(j)] (M) "Practice professional counseling" means to engage professionally and for compensation in counseling and appraisal activities while representing oneself to be a professional counselor.

17-202.

(a) (1) The Board consists of [seven] NINE members appointed by the Governor with the advice of the Secretary.

(2) Of the [seven] NINE Board members:

(i) Five shall be certified as professional counselors, including:

1. One who is primarily engaged in professional counselor education;

2. One who is employed in the private sector;

3. One who is employed in the public sector; and

4. Two professional counselors at large;

(ii) One shall be a certified professional counselor-marriage and family therapist; [and]

(iii) ONE SHALL BE A CERTIFIED PROFESSIONAL COUNSELOR - ALCOHOL AND DRUG; AND

(IV) [One] TWO shall be [a] consumer [member] MEMBERS.

(3) The composition of the Board as to the race and sex of its members shall reflect the composition of the population of the State.

(4) The Governor shall appoint the professional counselors from a list submitted to the Governor by the Secretary. Any association representing professional counselors may submit recommendations for Board members to the Secretary.

(b) The consumer [member] MEMBERS of the Board:

(1) Shall be [a member] MEMBERS of the general public;

(2) May not be or ever have been a certified professional counselor or in training to become a certified professional counselor;

(3) May not have a household member who is a certified professional counselor or in training to become a certified professional counselor;

(4) May not participate or ever have participated in a commercial or professional field related to professional counseling;

(5) May not have a household member who participates in a commercial or professional field related to professional counseling;

(6) May not have had within 2 years before appointment a substantial financial interest in a person regulated by the Board; and

(7) While [a member] MEMBERS of the Board, may not have a substantial financial interest in a person regulated by the Board.

(c) The certified professional counselor-marriage and family therapy member of the Board shall:

(1) Have a master's or doctoral degree in a marriage and family therapy field; and

(2) Meet the educational and supervised experience requirements of § 17-302 of this title.

(Over)

(d) THE CERTIFIED PROFESSIONAL COUNSELOR - ALCOHOL AND DRUG MEMBER OF THE BOARD SHALL:

(1) HAVE A MASTER'S OR DOCTORAL DEGREE IN A HEALTH AND HUMAN SERVICES COUNSELING FIELD; AND

(2) MEET THE EDUCATIONAL AND SUPERVISED EXPERIENCE REQUIREMENTS OF § 17-302.3 OF THIS TITLE.

(E) Before taking office, each appointee to the Board shall take the oath required by Article I, § 9 of the State Constitution.

[e)] (F) (1) The term of a member is 4 years.

(2) The terms of the members of the Board are staggered as required by the terms of the members of the Board serving on July 1, 1988.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member may not serve more than 2 consecutive full terms.

(5) To the extent practicable, the Governor shall fill any vacancy on the Board within 60 days of the date of the vacancy.

[f)] (G) (1) The Governor may remove a member for incompetency, misconduct, or neglect of duty.

(2) Upon the recommendation of the Secretary, the Governor may remove a member whom the Secretary finds to have been absent from 2 successive Board meetings without adequate reason.

17-205.

(a) In addition to the powers set forth elsewhere in this title, the Board may adopt rules and regulations to carry out the provisions of this title.

(b) In addition to the duties set forth elsewhere in this title, the Board shall:

(1) Maintain a registry of all currently:

(I) [certified] CERTIFIED professional counselors; [and]

(II) [certified] CERTIFIED professional counselors-marriage and family therapists;

(III) CERTIFIED PROFESSIONAL COUNSELORS - ALCOHOL AND DRUG; AND

(IV) CERTIFIED ASSOCIATE COUNSELORS - ALCOHOL AND DRUG;

(2) Submit an annual report to the Governor and the Secretary;

(3) Adopt a code of ethics that the Board considers to be appropriate and applicable to certified professional counselors [and], certified professional counselors-marriage and family therapists, CERTIFIED PROFESSIONAL COUNSELORS - ALCOHOL AND DRUG, AND CERTIFIED ASSOCIATE COUNSELORS - ALCOHOL AND DRUG;

(4) Establish continuing education requirements for certified professional counselors [and] , certified professional counselors-marriage and family therapists, CERTIFIED PROFESSIONAL COUNSELORS - ALCOHOL AND DRUG, AND CERTIFIED ASSOCIATE COUNSELORS - ALCOHOL AND DRUG;

(5) Adopt an official seal; and

(6) Create committees as it deems appropriate to advise the Board on special issues.

(Over)

(c) (1) The Board may not take action regarding certified professional counselors-marriage and family therapists without the approval of the Board member who is a certified professional counselor-marriage and family therapist.

(2) THE BOARD MAY NOT TAKE ACTION REGARDING ALCOHOL AND DRUG COUNSELORS WITHOUT THE APPROVAL OF THE BOARD MEMBER WHO IS A CERTIFIED PROFESSIONAL COUNSELOR - ALCOHOL AND DRUG .

(d) The Board shall establish or select an examination that the Board considers appropriate to determine the ability of an applicant to be a certified professional counselor [or], a certified professional counselor-marriage and family therapist, CERTIFIED PROFESSIONAL COUNSELOR - ALCOHOL AND DRUG, OR CERTIFIED ASSOCIATE COUNSELOR -ALCOHOL AND DRUG.

17-301.

(a) An individual shall be certified as a professional counselor or licensed professional counselor-marriage and family therapist by the Board before the individual may:

(1) Use the title "certified professional counselor";

(2) Use the initials "C.P.C." after the name of the individual; or

(3) Represent to the public that the individual is certified as a professional counselor.

(b) An individual shall be certified as a professional counselor-marriage and family therapist by the Board before the individual may:

(1) Use the title "certified professional counselor-marriage and family therapist";

(2) Use the initials "C.P.C.-M.F.T." after the name of the individual; or

(3) Represent to the public that the individual is certified as a certified professional counselor-marriage and family therapist.

(C) (1) AN INDIVIDUAL SHALL BE CERTIFIED AS A CERTIFIED PROFESSIONAL COUNSELOR - ALCOHOL AND DRUG BY THE BOARD BEFORE THE INDIVIDUAL MAY:

(I) USE THE TITLE "CERTIFIED PROFESSIONAL COUNSELOR - ALCOHOL AND DRUG";

(II) USE THE INITIALS "C.P.C.-A.D." AFTER THE NAME OF THE INDIVIDUAL; OR

(III) REPRESENT TO THE PUBLIC THAT THE INDIVIDUAL IS CERTIFIED AS A CERTIFIED PROFESSIONAL COUNSELOR - ALCOHOL AND DRUG.

(2) AN INDIVIDUAL SHALL BE CERTIFIED AS A CERTIFIED ASSOCIATE COUNSELOR - ALCOHOL AND DRUG BY THE BOARD BEFORE THE INDIVIDUAL MAY:

(I) USE THE TITLE "CERTIFIED ASSOCIATE COUNSELOR - ALCOHOL AND DRUG";

(II) USE THE INITIALS "C.A.C.-A.D." AFTER THE NAME OF THE INDIVIDUAL; OR

(III) REPRESENT TO THE PUBLIC THAT THE INDIVIDUAL IS CERTIFIED AS A CERTIFIED ASSOCIATE COUNSELOR - ALCOHOL AND DRUG.

17-302.

(d) (4) In this subsection, "counselor training" includes but is not limited to instruction in:

(i) Counseling theory and ethics;

(ii) Counseling techniques;

(Over)

- (iii) Human growth and development and maladaptive behaviors;
- (iv) Group dynamics, processing, and counseling;
- (v) Social and cultural foundations;
- (vi) Lifestyle and career development;
- (vii) Appraisal of individuals;
- (viii) Research and evaluation;
- (ix) Participation in a supervised practicum in professional counseling; [and]
- (x) Marriage and family therapy; AND
- (XI) ALCOHOL AND DRUG COUNSELING.

17-302.3.

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, TO QUALIFY AS A CERTIFIED PROFESSIONAL COUNSELOR - ALCOHOL AND DRUG AN APPLICANT SHALL MEET THE REQUIREMENTS OF § 17-302 OF THIS SUBTITLE.

(B) THE APPLICANT SHALL BE OF GOOD MORAL CHARACTER.

(C) THE APPLICANT SHALL BE AT LEAST 18 YEARS OLD.

(D)(1) THE APPLICANT SHALL HOLD A MASTER'S OR DOCTORAL DEGREE IN A HEALTH AND HUMAN SERVICES COUNSELING FIELD FROM AN ACCREDITED EDUCATIONAL INSTITUTION THAT IS APPROVED BY THE BOARD OR HAVE COMPLETED A PROGRAM OF STUDIES JUDGED BY THE BOARD TO BE SUBSTANTIALLY EQUIVALENT IN SUBJECT MATTER AND EXTENT OF TRAINING AS REQUIRED UNDER THIS SECTION.



(2) THE APPLICANT SHALL HAVE COMPLETED A MINIMUM OF 25 CREDIT HOURS IN ALCOHOL AND DRUG COUNSELOR TRAINING.

(3) THE APPLICANT SHALL HAVE COMPLETED NOT LESS THAN 3 YEARS WITH A MINIMUM OF 2,000 HOURS OF SUPERVISED EXPERIENCE IN ALCOHOL AND DRUG COUNSELING APPROVED BY THE BOARD, 2 YEARS OF WHICH SHALL HAVE BEEN COMPLETED AFTER THE AWARD OF THE MASTER'S OR DOCTORAL DEGREE OR ITS SUBSTANTIAL EQUIVALENT.

(4) IN THIS SUBSECTION, "ALCOHOL AND DRUG COUNSELOR TRAINING" INCLUDES BUT IS NOT LIMITED TO INSTRUCTION IN:

(I) MEDICAL ASPECTS OF CHEMICAL DEPENDENCY;

(II) GROUP COUNSELING;

(III) INDIVIDUAL COUNSELING;

(IV) FAMILY COUNSELING;

(V) ASSESSMENT AND TREATMENT PLANNING;

(VI) ETHICS FOR ALCOHOL AND DRUG COUNSELORS;

(VII) HUMAN DEVELOPMENT;

(VIII) ABNORMAL PSYCHOLOGY; AND

(IX) COURSES PERTAINING TO COUNSELOR CORE FUNCTIONS OF SCREENING, INTAKE, ORIENTATION, CASE MANAGEMENT, CRISIS INTERVENTION, EDUCATION AND PREVENTION, REFERRAL, CONSULTATION, REPORTS AND RECORDKEEPING, AND SPECIAL ALCOHOL AND DRUG DEPENDENCY TOPICS.

(Over)

17-302.4.

TO QUALIFY AS A CERTIFIED ASSOCIATE COUNSELOR - ALCOHOL AND DRUG AN APPLICANT SHALL:

(1) HOLD A BACHELOR'S DEGREE FROM AN ACCREDITED EDUCATIONAL INSTITUTION APPROVED BY THE BOARD IN A HEALTH OR HUMAN SERVICES COUNSELING FIELD OR HAVE COMPLETED A PROGRAM OF STUDIES JUDGED BY THE BOARD TO BE SUBSTANTIALLY EQUIVALENT IN SUBJECT MATTER AND EXTENT OF TRAINING TO SUCH A PROGRAM OF STUDIES;

(2) HAVE COMPLETED NOT LESS THAN 3 YEARS, WITH A MINIMUM OF 2,000 HOURS OF SUPERVISED EXPERIENCE IN ALCOHOL AND DRUG COUNSELING APPROVED BY THE BOARD, 2 YEARS OF WHICH SHALL HAVE BEEN COMPLETED AFTER THE AWARD OF THE BACHELOR'S DEGREE;

(3) HAVE A MINIMUM OF 20 CREDIT HOURS IN ALCOHOL AND DRUG COUNSELOR TRAINING AS DEFINED IN § 17-302.3(D)(4) OF THIS SUBTITLE; AND

(4) PRACTICE ALCOHOL AND DRUG COUNSELING UNDER THE SUPERVISION OF A CERTIFIED PROFESSIONAL COUNSELOR - ALCOHOL AND DRUG OR ANOTHER HEALTH CARE PROVIDER APPROVED BY THE BOARD.

17-305.

(a) Subject to the provisions of this section, the Board may waive any examination requirement of this title for an applicant who:

(1) Is certified or licensed to provide professional counseling [or], marriage and family therapy services, OR ALCOHOL AND DRUG COUNSELING SERVICES in any other state or country if that state or country grants a similar waiver to licensees of this State; or

(2) Has successfully passed an examination approved by the Board.

(b) The Board may grant a waiver under this section only if the applicant:

(1) Pays the application fee set by the Board under this subtitle; and

(2) Provides adequate evidence that the applicant:

(i) Meets the qualifications otherwise required by this title; and

(ii) Became certified or licensed in the other state or country after passing an examination that is approved by the Board.

17-306.

(a) The Board shall waive the requirements for certification as a professional counselor under § 17-302(d) of this title for any person who:

(1) Has filed a letter of intent with the Board by July 1, 1989;

(2) Holds a master's degree in a professional counseling field or completed a program of studies judged by the Board to be substantially equivalent in subject matter and extent of training to a master's degree in a professional counseling field;

(3) Has completed not less than 3 years of supervised experience in counseling approved by the Board, 2 years of which shall have been completed after the award of the master's degree or its substantial equivalent;

(4) Has, by July 1, 1995, passed an examination approved by the Board; and

(5) Has furnished to the Board a professional disclosure statement.

(b) The Board may waive requirements for certification as a professional counselor-marriage and family therapist under § 17-302(d) of this subtitle for any person who:

(1) Has filed an application for certification by July 1, 1995;

(Over)

(2) Holds a master's degree in a marriage and family field or completed a program of studies judged by the Board to be substantially equivalent in subject matter and extent of training to a master's degree in a marriage and family therapy field;

(3) Has completed not less than 3 years with a minimum of 3,000 hours of supervised experience in marriage and family therapy approved by the Board, 2 years of which shall have been completed after the award of the master's degree or its substantial equivalent; and

(4) On or before January 1, 1994 has demonstrated clinical membership in a national marriage and family association that establishes educational, training, and supervision requirements for that designation.

(C) (1) THE BOARD SHALL WAIVE THE REQUIREMENTS FOR CERTIFICATION AS A CERTIFIED PROFESSIONAL COUNSELOR - ALCOHOL AND DRUG UNDER § 17-302.3 OF THIS SUBTITLE FOR ANY PERSON WHO:

(I) HAS FILED A LETTER OF INTENT WITH THE BOARD BY JULY 1, 1997;

(II) HOLDS A MASTER'S OR DOCTORAL DEGREE IN A HEALTH AND HUMAN SERVICES COUNSELING FIELD OR HAS COMPLETED A PROGRAM THAT THE BOARD DETERMINES TO BE SUBSTANTIALLY EQUIVALENT IN SUBJECT MATTER AND EXTENT OF TRAINING TO A MASTER'S OR DOCTORAL DEGREE IN A HEALTH AND HUMAN SERVICES COUNSELING FIELD;

(III) AS OF JULY 1, 1996, IS CERTIFIED AS A CERTIFIED CHEMICAL DEPENDENCY COUNSELOR OR CERTIFIED CLINICAL SUPERVISOR BY THE MARYLAND ADDICTION COUNSELOR CERTIFICATION BOARD;

(IV) HAS COMPLETED NOT LESS THAN 3 YEARS WITH A MINIMUM OF 3,000 HOURS OF SUPERVISED EXPERIENCE IN ALCOHOL AND DRUG ABUSE COUNSELING APPROVED BY THE BOARD, 2 YEARS OF WHICH SHALL HAVE BEEN COMPLETED AFTER THE AWARD OF THE MASTER'S OR DOCTORAL DEGREE; AND

(V) HAS, BY JULY 1, 2001, SUCCESSFULLY PASSED AN EXAMINATION APPROVED BY THE BOARD.

(2) THE BOARD SHALL WAIVE THE REQUIREMENTS FOR CERTIFICATION AS A CERTIFIED ASSOCIATE COUNSELOR - ALCOHOL AND DRUG FOR ANY PERSON WHO HAS FILED A LETTER OF INTENT WITH THE BOARD BY JULY 1, 1997 IF:

(I) THE PERSON HOLDS A BACHELOR'S DEGREE IN A HEALTH OR HUMAN SERVICES COUNSELING FIELD OR HAS COMPLETED A PROGRAM THAT THE BOARD DETERMINES TO BE SUBSTANTIALLY EQUIVALENT IN SUBJECT MATTER AND EXTENT OF TRAINING TO A BACHELOR'S DEGREE IN A HEALTH OR HUMAN SERVICES COUNSELING FIELD;

(II) THE PERSON, AS OF JULY 1, 1996, IS CERTIFIED AS A CERTIFIED CHEMICAL DEPENDENCY COUNSELOR OR CERTIFIED CLINICAL SUPERVISOR BY THE MARYLAND ADDICTION COUNSELOR CERTIFICATION BOARD OR IS EMPLOYED IN THE CAPACITY OF A PROGRAM SPECIALIST I, II, OR III, OR ITS EQUIVALENT, IF THE PERSON IS EMPLOYED BY THE STATE, A POLITICAL SUBDIVISION OF THE STATE, OR AN ENTITY THAT PROVIDES ALCOHOL AND DRUG COUNSELING SERVICES UNDER CONTRACT WITH THE STATE OR A POLITICAL SUBDIVISION OF THE STATE; AND

(III) THE PERSON HAS COMPLETED NOT LESS THAN 3 YEARS WITH A MINIMUM OF 3,000 HOURS OF SUPERVISED EXPERIENCE IN ALCOHOL AND DRUG ABUSE COUNSELING APPROVED BY THE BOARD, 2 YEARS OF WHICH SHALL HAVE BEEN COMPLETED AFTER THE AWARD OF THE BACHELOR'S DEGREE.

17-308.

An individual who is certified by the Board may:

(1) Use the title "certified professional counselor" [or], "certified professional counselor-marriage and family therapist", "CERTIFIED PROFESSIONAL

(Over)

COUNSELOR - ALCOHOL AND DRUG", OR "CERTIFIED ASSOCIATE COUNSELOR - ALCOHOL AND DRUG";

(2) Use the initials "C.P.C." [or], "C.P.C.-M.F.T.", "C.P.C.-A.D.", OR "C.A.C.-A.D." after the name of the individual; and

(3) Represent to the public that the individual is certified as a professional counselor [or], certified professional counselor-marriage and family therapist, CERTIFIED PROFESSIONAL COUNSELOR - ALCOHOL AND DRUG, OR CERTIFIED ASSOCIATE COUNSELOR - ALCOHOL AND DRUG.

17-401.

Except as otherwise provided in this title, unless a person is certified to practice professional counseling, the person may not:

(1) Represent to the public by title, by description of services, methods, or procedures, or otherwise, that the person is certified by the Board to provide professional counseling services in this State;

(2) Use any title, abbreviation, sign, card, or other representation that the person is a certified professional [counselor or] COUNSELOR, licensed professional counselor-marriage and family therapist, CERTIFIED PROFESSIONAL COUNSELOR - ALCOHOL AND DRUG, CERTIFIED ASSOCIATE COUNSELOR - ALCOHOL AND DRUG, OR CERTIFIED ASSOCIATE COUNSELOR - ALCOHOL AND DRUG THERAPIST; or

(3) Use the title "C.P.C." [or], "C.P.C.-M.F.T.", "C.P.C.-A.D.", OR "C.A.C.-A.D.", the words "certified professional counselor" or "licensed professional counselor-marriage and family therapist", [or] the words "certified counselor" or "licensed marriage and family therapist" with the intent to represent that the person practices professional counseling or marriage and family therapy, OR THE WORDS "CERTIFIED PROFESSIONAL COUNSELOR - ALCOHOL AND DRUG" OR "CERTIFIED ASSOCIATE COUNSELOR - ALCOHOL AND DRUG" WITH THE INTENT TO REPRESENT THAT THE PERSON PRACTICES ALCOHOL AND DRUG COUNSELING.

SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act may be construed to require a nonprofit health service plan, an insurer, health maintenance organization, or a person acting as a third party administrator to reimburse a certified associate counselor-alcohol and drug for any services rendered.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1996.”.