
By: Senators Craig, Middleton, and Dorman

Introduced and read first time: January 31, 1997

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 Health Occupations - Professional Counselors - Licensure and Regulation

3 FOR the purpose of altering the requirements for practicing professional counseling from
4 a certification scheme to a licensure scheme; altering the membership of the State
5 Board of Examiners of Professional Counselors; altering certain duties and powers
6 of the Board; excluding certain persons from the requirements of licensure under
7 certain circumstances; establishing requirements for the licensure of professional
8 counselors-clinical; altering the circumstances under which the requirements of
9 Title 17 of the Health - General Article may be waived; prohibiting a person from
10 providing false information under certain circumstances; extending certain
11 evidentiary privileges to clients of professional counselors to include
12 communications between the client and the supervisee of the professional
13 counselor; providing for the construction of Title 17 of the Health - General
14 Article; defining certain terms; making stylistic changes; and generally relating to
15 the licensure and regulation of professional counselors.

16 BY repealing and reenacting, with amendments,
17 Article - Health Occupations
18 Section 17-101, 17-104, 17-202, 17-205, 17-206, 17-301 through 17-313, 17-316,
19 and 17-401
20 Annotated Code of Maryland
21 (1994 Replacement Volume and 1996 Supplement)

22 BY adding to
23 Article - Health Occupations
24 Section 17-103.1, 17-302.4, and 17-403
25 Annotated Code of Maryland
26 (1994 Replacement Volume and 1996 Supplement)

27 BY repealing and reenacting, with amendments,
28 Article - Courts and Judicial Proceedings
29 Section 9-109.1
30 Annotated Code of Maryland
31 (1995 Replacement Volume and 1996 Supplement)

2

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - Health Occupations**

4 17-101.

5 (a) In this title the following words have the meanings indicated.

6 [(b) "Alcohol and drug counseling" means assisting an individual, family, or group
7 through the client-counselor relationship:

8 (1) To develop understanding of intrapersonal and interpersonal substance
9 abuse problems;

10 (2) To define goals relating to substance abuse;

11 (3) To make decisions relating to substance abuse;

12 (4) To plan a course of action reflecting the needs, interests, and abilities of
13 the individual, family, or group relating to substance abuse; and

14 (5) To use informational and community substance abuse resources relating
15 to personal, social, emotional, educational, and vocational development
16 and adjustment.]

17 [(c)] (B) "Appraisal" means:

18 (1) Selecting, administering, scoring, and interpreting instruments designed
19 to assess an individual's aptitudes, attitudes, abilities, achievements, interests, and
20 personal characteristics; and

21 (2) Using nonstandardized methods and techniques for understanding
22 human behavior in relation to coping with, adapting to, or changing life situations.

23 [(d)] (C) "Board" means the State Board of Examiners of Professional
24 Counselors.

25 [(e) "Certificate" means a certificate issued by the Board to practice professional
26 counseling.

27 (f) "Certified professional counselor" means a professional counselor who is
28 certified by the Board.

29 (g) "Counseling" means assisting an individual, family, or group through the
30 client-counselor relationship:

31 (1) To develop understanding of intrapersonal and interpersonal problems;

32 (2) To define goals;

33 (3) To make decisions;

34 (4) To plan a course of action reflecting the needs, interests, and abilities of
35 the individual, family, or group; and

3

1 (5) To use informational and community resources, as these procedures are
2 related to personal, social, emotional, educational, and vocational development and
3 adjustment.

4 (h) "Marriage and family therapy" means applying marriage and family systems
5 theory, principles, methods, therapeutic techniques, and research in:

6 (1) Resolving emotional conflict and modifying perception and behavior in
7 the context of marriage and family life; and

8 (2) The identification and assessment of client needs and the
9 implementation of therapeutic intervention.]

10 [(i) (1)] (D) "Certified supervised counselor-alcohol and drug" means an
11 individual who is certified by the Board to practice alcohol and drug counseling in the
12 State pursuant to the limitations in § [17-302.4] 17-302.5 of this title.

13 [(2)] (E) "Certified associate counselor-alcohol and drug" means an
14 individual who is certified by the Board to practice alcohol and drug counseling in the
15 State pursuant to the limitations in § [17-302.5] 17-302.6 of this title.

16 [(3) "Certified professional counselor-alcohol and drug" means an individual
17 who is certified by the Board to practice alcohol and drug counseling in the State.

18 (j) "Certified professional counselor-marriage and family therapist" means an
19 individual who is certified by the Board to practice marriage and family therapy in the
20 State.

21 (k) "Practice alcohol and drug counseling" means to engage professionally and for
22 compensation in alcohol and drug counseling activities while representing oneself to be a
23 certified professional counselor-alcohol and drug, a certified supervised
24 counselor-alcohol and drug, or a certified assistant counselor-alcohol and drug.

25 (l) "Practice marriage and family therapy" means to engage professionally and
26 for compensation in marriage and family therapy activities while representing oneself to
27 be a certified professional counselor-marriage and family therapist.

28 (m) "Practice professional counseling" means to engage professionally and for
29 compensation in counseling and appraisal activities while representing oneself to be a
30 professional counselor.]

31 (F) (1) "LICENSE" MEANS A LICENSE ISSUED BY THE BOARD TO PRACTICE
32 PROFESSIONAL COUNSELING.

33 (2) "LICENSE" INCLUDES A PROFESSIONAL COUNSELOR LICENSE, A
34 PROFESSIONAL COUNSELOR-MARRIAGE AND FAMILY THERAPY LICENSE, A
35 PROFESSIONAL COUNSELOR-ALCOHOL AND DRUG LICENSE, AND A PROFESSIONAL
36 COUNSELOR-CLINICAL LICENSE.

37 (G) "LICENSED PROFESSIONAL COUNSELOR" MEANS A PROFESSIONAL
38 COUNSELOR LICENSED BY THE BOARD TO PRACTICE PROFESSIONAL COUNSELING.

4

1 (H) "LICENSED PROFESSIONAL COUNSELOR-MARRIAGE AND FAMILY
2 THERAPY" MEANS A PROFESSIONAL COUNSELOR LICENSED BY THE BOARD TO
3 PRACTICE PROFESSIONAL COUNSELING-MARRIAGE AND FAMILY THERAPY.

4 (I) "LICENSED PROFESSIONAL COUNSELOR-ALCOHOL AND DRUG" MEANS A
5 PROFESSIONAL COUNSELOR LICENSED BY THE BOARD TO PRACTICE PROFESSIONAL
6 COUNSELING-ALCOHOL AND DRUG.

7 (J) "LICENSED PROFESSIONAL COUNSELOR-CLINICAL" MEANS A
8 PROFESSIONAL COUNSELOR LICENSED BY THE BOARD TO PRACTICE PROFESSIONAL
9 COUNSELING-CLINICAL.

10 (K) "PRACTICE PROFESSIONAL COUNSELING" MEANS TO ENGAGE IN THE
11 BUSINESS OF PROFESSIONAL COUNSELING FOR COMPENSATION BY APPLYING
12 COUNSELING THERAPY AND THERAPEUTIC METHODS AND PRINCIPLES TO ASSIST
13 CLIENTS TO:

14 (1) DEVELOP AN UNDERSTANDING OF INTRAPERSONAL AND
15 INTERPERSONAL PROBLEMS;

16 (2) DEFINE GOALS;

17 (3) MAKE DECISIONS;

18 (4) PLAN A COURSE OF ACTION REFLECTING THE NEEDS, INTERESTS,
19 AND ABILITIES OF THE INDIVIDUAL, FAMILY, OR GROUP; AND

20 (5) USE INFORMATION AND COMMUNITY RESOURCES AS THESE
21 RESOURCES ARE RELATED TO PERSONAL, SOCIAL, EMOTIONAL, EDUCATIONAL,
22 AND VOCATIONAL DEVELOPMENT AND ADJUSTMENT.

23 (L) "PRACTICE PROFESSIONAL COUNSELING-ALCOHOL AND DRUG" MEANS
24 TO ENGAGE IN THE BUSINESS OF PROFESSIONAL COUNSELING-ALCOHOL AND
25 DRUG FOR COMPENSATION BY ASSISTING INDIVIDUALS, FAMILIES, OR GROUPS
26 THROUGH THE CLIENT-COUNSELOR RELATIONSHIP TO:

27 (1) DEVELOP AN UNDERSTANDING OF INTRAPERSONAL AND
28 INTERPERSONAL SUBSTANCE ABUSE PROBLEMS;

29 (2) DEFINE GOALS RELATED TO SUBSTANCE ABUSE;

30 (3) MAKE DECISIONS RELATED TO SUBSTANCE ABUSE; AND

31 (4) PLAN A COURSE OF ACTION REFLECTING THE NEEDS, INTERESTS,
32 AND ABILITIES OF THE INDIVIDUAL, FAMILY, OR GROUP RELATED SUBSTANCE
33 ABUSE; AND

34 (5) USE INFORMATION AND COMMUNITY SUBSTANCE ABUSE
35 RESOURCES AS THESE RESOURCES ARE RELATED TO PERSONAL, SOCIAL,
36 EMOTIONAL, EDUCATIONAL, AND VOCATIONAL DEVELOPMENT AND ADJUSTMENT.

37 (M) (1) "PRACTICE PROFESSIONAL COUNSELING-CLINICAL" MEANS TO
38 ENGAGE IN THE BUSINESS OF PROFESSIONAL COUNSELING-CLINICAL FOR
39 COMPENSATION BY APPLYING CLINICAL COUNSELING THEORIES, METHODS, AND

5

1 THERAPEUTIC INTERVENTIONS FOR THE ALLEVIATION OF INTERPERSONAL,
2 MENTAL, AND EMOTIONAL CONDITIONS.

3 (2) "PRACTICE PROFESSIONAL COUNSELING-CLINICAL" INCLUDES THE
4 RENDERING OF A DIAGNOSIS BASED ON A RECOGNIZED MANUAL OF MENTAL AND
5 EMOTIONAL DISORDERS AND THE USE OF PSYCHOTHERAPY TO TREAT THE
6 DISORDERS.

7 (N) "PRACTICE PROFESSIONAL COUNSELING-MARRIAGE AND FAMILY
8 THERAPY" MEANS TO ENGAGE IN THE BUSINESS OF PROFESSIONAL
9 COUNSELING-MARRIAGE AND FAMILY THERAPY FOR COMPENSATION BY:

10 (1) APPLYING MARRIAGE AND FAMILY SYSTEMS THEORY, METHODS,
11 PRINCIPLES, THERAPEUTIC TECHNIQUES, AND RESEARCH;

12 (2) RESOLVING EMOTIONAL CONFLICT AND MODIFYING PERCEPTION
13 AND BEHAVIOR IN THE CONTEXT OF MARRIAGE AND FAMILY LIFE; AND

14 (3) IDENTIFYING AND ASSESSING THE NEEDS OF A CLIENT AND
15 IMPLEMENTING THERAPEUTIC INTERVENTION.

16 17-103.1.

17 THIS TITLE MAY NOT BE CONSTRUED TO AUTHORIZE ANY LICENSED
18 PROFESSIONAL COUNSELOR TO ENGAGE IN THE PRACTICE OF MEDICINE,
19 PSYCHIATRY, PSYCHOLOGY, OR SOCIAL WORK.

20 17-104.

21 (a) A [certificate] LICENSE to practice professional counseling authorizes the
22 [certificate] LICENSE holder to practice professional counseling while the [certificate]
23 LICENSE is effective.

24 (b) A [certificate] LICENSE to practice [marriage] PROFESSIONAL
25 COUNSELING-MARRIAGE and family therapy authorizes the [certificate] LICENSE
26 holder to practice [marriage] PROFESSIONAL COUNSELING-MARRIAGE and family
27 therapy while the [certificate] LICENSE is effective.

28 (C) A LICENSE TO PRACTICE PROFESSIONAL COUNSELING-ALCOHOL AND
29 DRUG AUTHORIZES THE LICENSE HOLDER TO PRACTICE PROFESSIONAL
30 COUNSELING-ALCOHOL AND DRUG WHILE THE LICENSE IS EFFECTIVE.

31 (D) A LICENSE TO PRACTICE PROFESSIONAL COUNSELING-CLINICAL
32 AUTHORIZES THE LICENSEHOLDER TO PRACTICE PROFESSIONAL
33 COUNSELING-CLINICAL WHILE THE LICENSE IS EFFECTIVE.

34 17-202.

35 (a) (1) The Board consists of nine members appointed by the Governor with the
36 advice of the Secretary.

37 (2) Of the nine Board members:

38 (i) [Five] FOUR shall be [certified] LICENSED as professional
39 counselors, including:

6

- 1 1. One who is primarily engaged in professional counselor
- 2 education;
- 3 2. One who is employed in the private sector;
- 4 3. One who is employed in the public sector; and
- 5 4. [Two] ONE professional [counselors] COUNSELOR at
- 6 large;

7 (ii) One shall be a [certified] LICENSED professional

8 counselor-marriage and family [therapist] THERAPY;

9 (iii) One shall be a [certified] LICENSED professional

10 counselor-alcohol and drug; [and]

11 (IV) ONE SHALL BE A LICENSED PROFESSIONAL

12 COUNSELOR-CLINICAL; AND

13 [(iv)] (V) Two shall be consumer members.

14 (3) The composition of the Board as to the race and sex of its members shall

15 reflect the composition of the population of the State.

16 (4) The Governor shall appoint the professional counselors from a list

17 submitted to the Governor by the Secretary. Any association representing professional

18 counselors may submit recommendations for Board members to the Secretary.

19 (b) The consumer members of the Board:

20 (1) Shall be members of the general public;

21 (2) May not be or ever have been a [certified] LICENSED professional

22 counselor or in training to become a [certified] LICENSED professional counselor;

23 (3) May not have a household member who is a [certified] LICENSED

24 professional counselor or in training to become a [certified] LICENSED professional

25 counselor;

26 (4) May not participate or ever have participated in a commercial or

27 professional field related to professional counseling;

28 (5) May not have a household member who participates in a commercial or

29 professional field related to professional counseling;

30 (6) May not have had within 2 years before appointment a substantial

31 financial interest in a person regulated by the Board; and

32 (7) While members of the Board, may not have a substantial financial

33 interest in a person regulated by the Board.

34 (c) The [certified] LICENSED professional counselor-marriage and family

35 therapy member of the Board shall:

7

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

3 (2) Meet the educational and supervised experience requirements of §
4 17-302 of this title.

5 (d) The [certified] LICENSED professional counselor-alcohol and drug member
6 of the Board shall:

7 (1) Have a master's or doctoral degree in a health and human services
8 counseling field; and

9 (2) Meet the educational and supervised experience requirements of §
10 17-302.3 of this title.

11 (E) THE LICENSED PROFESSIONAL COUNSELOR-CLINICAL MEMBER OF THE
12 BOARD SHALL:

13 (1) HAVE A MASTER'S OR DOCTORAL DEGREE IN COUNSELING OR
14 RELATED FIELD APPROVED BY THE BOARD; AND

15 (2) MEET THE EDUCATIONAL AND SUPERVISED EXPERIENCE
16 REQUIREMENT OF § 17-302.4 OF THIS TITLE.

17 [(e)] (F) Before taking office, each appointee to the Board shall take the oath
18 required by Article I, § 9 of the State Constitution.

19 [(f)] (G) (1) The term of a member is 4 years.

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

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

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

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

27 [(g)] (H) (1) The Governor may remove a member for incompetency,
28 misconduct, or neglect of duty.

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

32 17-205.

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

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

36 (1) Maintain a registry of all currently:

8

- 1 (i) [Certified] LICENSED professional counselors;
- 2 (ii) [Certified] LICENSED professional counselors-marriage and
3 family [therapists] THERAPY;
- 4 (iii) [Certified] LICENSED professional counselors-alcohol and drug;
- 5 (IV) LICENSED PROFESSIONAL COUNSELORS-CLINICAL;
- 6 [(iv)] (V) Certified associate counselors-alcohol and drug; and
- 7 [(v)] (VI) Certified supervised counselors-alcohol and drug.

- 8 (2) Submit an annual report to the Governor and the Secretary;
- 9 (3) Adopt a code of ethics that the Board considers to be appropriate and
10 applicable to [certified] LICENSED professional counselors, [certified] LICENSED
11 professional counselors-marriage and family [therapists] THERAPY, [certified]
12 LICENSED professional counselors-alcohol and drug, LICENSED PROFESSIONAL
13 COUNSELORS-CLINICAL, certified associate counselors-alcohol and drug, and certified
14 supervised counselors-alcohol and drug;
- 15 (4) Establish continuing education requirements for [certified] LICENSED
16 professional counselors, [certified] LICENSED professional counselors-marriage and
17 family [therapists] THERAPY, [certified] LICENSED professional counselors-alcohol
18 and drug, LICENSED PROFESSIONAL COUNSELORS-CLINICAL, certified associate
19 counselors-alcohol and drug, and certified supervised counselors-alcohol and drug;
- 20 (5) Adopt an official seal; and
- 21 (6) Create committees as it deems appropriate to advise the Board on
22 special issues.

- 23 (c) (1) The Board may not take action regarding [certified] LICENSED
24 professional counselors-marriage and family [therapists] THERAPY without the
25 approval of the Board member who is a [certified] LICENSED professional
26 counselor-marriage and family [therapist] THERAPY.
- 27 (2) The Board may not take action regarding [alcohol] LICENSED
28 PROFESSIONAL COUNSELORS-ALCOHOL and drug [counselors] without the approval
29 of the Board member who is a [certified] LICENSED professional counselor-alcohol and
30 drug.
- 31 (3) THE BOARD MAY NOT TAKE ACTION REGARDING LICENSED
32 PROFESSIONAL COUNSELORS-CLINICAL WITHOUT THE APPROVAL OF THE BOARD
33 MEMBER WHO IS A LICENSED PROFESSIONAL COUNSELOR-CLINICAL.
- 34 (d) The Board shall establish or select an examination that the Board considers
35 appropriate to determine the ability of an applicant to be a [certified] LICENSED
36 professional counselor, a [certified] LICENSED professional counselor-marriage and
37 family [therapist] THERAPY, [certified] LICENSED professional counselor-alcohol and
38 drug, certified associate counselor-alcohol and drug, LICENSED PROFESSIONAL
39 COUNSELORS-CLINICAL, or certified supervised counselor-alcohol and drug.

1 17-206.

2 (a) There is a State Board of Examiners of Professional Counselors Fund.

3 (b) (1) The Board may set reasonable fees for the issuance and renewal of
4 [certificates] LICENSES and its other services.

5 (2) The fees charged shall be set to produce funds so as to approximate the
6 cost of maintaining the Board.

7 (3) Funds to cover the expenses of the Board members shall be generated by
8 fees set under this section.

9 (c) (1) The Board shall pay all funds collected under this title to the
10 Comptroller of the State.

11 (2) The Comptroller shall distribute the fees to the State Board of
12 Examiners of Professional Counselors Fund.

13 (d) (1) The Fund shall be used to cover the actual documented direct and
14 indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by
15 the provisions of this article.

16 (2) The Fund is a continuing nonlapsing fund, not subject to § 7- 302 of the
17 State Finance and Procurement Article.

18 (3) Any unspent portions of the Fund may not be transferred or revert to
19 the General Fund of the State, but shall remain in the Fund to be used for the purposes
20 specified in this article.

21 (4) No other State money may be used to support the Fund.

22 (e) (1) A designee of the Board shall administer the Fund.

23 (2) Moneys in the Fund may be expended only for any lawful purpose
24 authorized under the provisions of this article.

25 (f) The Legislative Auditor shall audit the accounts and transactions of the Fund
26 as provided in § 2-1215 of the State Government Article.

27 17-301.

28 (a) An individual shall be [certified] LICENSED as a professional counselor or
29 licensed professional counselor-marriage and family [therapist] THERAPY by the Board
30 before the individual may:

31 (1) Use the title "[certified] LICENSED professional counselor";

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

33 (3) Represent to the public that the individual is [certified] LICENSED as a
34 professional counselor.

10

1 (b) An individual shall be [certified] LICENSED as a professional
2 counselor-marriage and family [therapist] THERAPY by the Board before the individual
3 may:

4 (1) Use the title "[certified] LICENSED professional counselor-marriage
5 and family [therapist] THERAPY";

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

8 (3) Represent to the public that the individual is [certified] LICENSED as a
9 [certified] LICENSED professional counselor-marriage and family [therapist]
10 THERAPY.

11 (c) (1) An individual shall be [certified] LICENSED as a [certified] LICENSED
12 professional counselor-alcohol and drug by the Board before the individual may:

13 (i) Use the title "[certified] LICENSED professional
14 counselor-alcohol and drug";

15 (ii) Use the initials "[C.P.C.-A.D.] L.P.C.-A.D." after the name of the
16 individual; or

17 (iii) Represent to the public that the individual is [certified]
18 LICENSED as a [certified] LICENSED professional counselor-alcohol and drug.

19 (2) An individual shall be certified as a certified associate counselor-alcohol
20 and drug by the Board before the individual may:

21 (i) Use the title "certified associate counselor-alcohol and drug";

22 (ii) Use the initials "C.A.C.-A.D." after the name of the individual; or

23 (iii) Represent to the public that the individual is certified as a certified
24 associate counselor-alcohol and drug.

25 (3) An individual shall be certified as a certified supervised
26 counselor-alcohol and drug by the Board before the individual may:

27 (i) Use the title "certified supervised counselor-alcohol and drug";

28 (ii) Use the initials "C.S.C.-A.D." after the name of the individual; or

29 (iii) Represent to the public that the individual is certified as a certified
30 supervised counselor-alcohol and drug.

31 (D) AN INDIVIDUAL SHALL BE LICENSED AS A LICENSED PROFESSIONAL
32 COUNSELOR-CLINICAL BY THE BOARD BEFORE THE INDIVIDUAL MAY:

33 (1) USE THE TITLE "LICENSED PROFESSIONAL COUNSELOR-CLINICAL";

34 (2) USE THE INITIALS "L.P.C.-C." AFTER THE NAME OF THE INDIVIDUAL;

35 OR

11

1 (3) REPRESENT TO THE PUBLIC THAT THE INDIVIDUAL IS LICENSED AS
2 A LICENSED PROFESSIONAL COUNSELOR-CLINICAL.

3 (E) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL SHALL
4 BE LICENSED BY THE BOARD BEFORE THE INDIVIDUAL MAY PRACTICE
5 PROFESSIONAL COUNSELING IN THIS STATE.

6 (F) THIS SECTION MAY NOT BE APPLIED TO:

7 (1) AN INDIVIDUAL EMPLOYED BY THE FEDERAL, STATE, COUNTY,
8 BALTIMORE CITY, OR OTHER LOCAL GOVERNMENTS WHILE PERFORMING THE
9 DUTIES OF THAT EMPLOYMENT, UNLESS THE INDIVIDUAL APPLIES FOR A LICENSE
10 UNDER THIS SUBTITLE;

11 (2) AN INDIVIDUAL WHO DOES NOT USE ANY TITLE, ABBREVIATION,
12 SIGN, CARD, OR OTHER REPRESENTATION THAT THE INDIVIDUAL IS A
13 PROFESSIONAL COUNSELOR OR IS ENGAGED IN THE BUSINESS OF PROVIDING
14 PROFESSIONAL COUNSELING;

15 (3) A STUDENT WHILE PURSUING A SUPERVISED COURSE OF STUDY IN
16 PROFESSIONAL COUNSELING THAT THE BOARD APPROVES AS QUALIFYING
17 TRAINING AND EXPERIENCE UNDER THIS TITLE; AND

18 (4) AN INDIVIDUAL WHO IS AN ATTORNEY OR MEMBER OF THE
19 CLERGY:

20 (I) WHILE THE INDIVIDUAL IS WORKING WITHIN THE STANDARDS
21 AND ETHICS OF THE INDIVIDUAL'S PROFESSION; AND

22 (II) IF THE INDIVIDUAL DOES NOT REPRESENT TO THE PUBLIC BY
23 TITLE OR DESCRIPTION OF SERVICES THAT THE INDIVIDUAL PRACTICES
24 PROFESSIONAL COUNSELING.

25 17-302.

26 (a) To qualify for [certification] A PROFESSIONAL COUNSELOR LICENSE, an
27 applicant shall be an ADULT individual OF GOOD MORAL CHARACTER who meets the
28 requirements of this section.

29 [(b) The applicant shall be of good moral character.

30 (c) The applicant shall be at least 18 years old.

31 (d)] (B) AN APPLICANT FOR A PROFESSIONAL COUNSELOR LICENSE SHALL:

32 (1) [The applicant shall have] HOLD a master's or doctoral degree in a
33 professional counseling field from an accredited educational institution that is approved
34 by the Board[.];

35 (2) In the case of an applicant holding only a master's degree, [the
36 applicant shall] have completed, either as a part of the applicant's master's degree
37 program or after the award of the master's degree:

12

1 (i) A minimum of 60 graduate credit hours in counselor training
2 approved by the Board; and

3 (ii) Not less than 3 years, with a minimum of 3,000 hours, of supervised
4 experience in counseling approved by the Board, 2 years of which shall have been
5 completed after the award of the master's degree[.] ; AND

6 (3) In the case of an applicant holding a doctoral degree, [the applicant
7 shall] have completed, either as a part of the applicant's doctoral program or after the
8 award of the doctoral degree:

9 (i) A minimum of 90 graduate credit hours in counselor training
10 approved by the Board; and

11 (ii) Not less than 2 years of supervised experience in counseling
12 approved by the Board, 1 year of which shall have been completed after the award of the
13 doctorate.

14 (4) In this subsection, "counselor training" includes [but is not limited to]
15 instruction in:

16 (i) Counseling theory and ethics;

17 (ii) Counseling techniques;

18 (iii) Human growth and development and maladaptive behaviors;

19 (iv) Group dynamics, processing, and counseling;

20 (v) Social and cultural foundations;

21 (vi) Lifestyle and career development;

22 (vii) Appraisal of individuals;

23 (viii) Research and evaluation;

24 (ix) Participation in a supervised practicum in professional counseling;

25 (x) Marriage and family therapy; and

26 (xi) Alcohol and drug counseling.

27 (5) In this subsection, "training in marriage and family therapy" includes [,
28 but is not limited to,] instruction in the following specialized areas:

29 (i) Analysis of family systems;

30 (ii) Family therapy, theory, and techniques;

31 (iii) Couples therapy, theory, and techniques;

32 (iv) Gender and ethnicity in marriage and family therapy; and

33 (v) Sexual issues in marriage and family therapy.

13

1 [(e)] (C) Except as otherwise provided in this title, the applicant shall pass an
2 examination approved by the Board under this subtitle.

3 17-302.1.

4 To qualify as a [certified] LICENSED professional counselor-marriage and family
5 [therapist] THERAPY an applicant shall:

6 (1) Except as provided in this section, meet the requirements of § 17-302 of
7 this subtitle;

8 (2) Hold a master's or doctoral degree in a marriage and family field or have
9 completed a program of studies judged by the Board to be substantially equivalent in
10 subject matter and extent of training as required under § 17-302(d) of this subtitle; and

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

15 17-302.2.

16 (a) Subject to subsections (b) and (c) of this section, the Board may adopt
17 regulations to allow individuals to:

18 (1) Provide counseling under the supervision of a [certified] LICENSED
19 professional counselor OR A LICENSED PROFESSIONAL COUNSELOR-CLINICAL; [or]

20 (2) Provide marriage and family therapy under the supervision of a
21 [certified] LICENSED professional counselor-marriage and family [therapist]
22 THERAPY[.]; OR

23 (3) PROVIDE CLINICAL COUNSELING UNDER THE SUPERVISION OF A
24 LICENSED PROFESSIONAL COUNSELOR-CLINICAL.

25 (b) An individual may be authorized to provide counseling under supervision as
26 provided in subsection (a)(1) of this section if the individual has a master's or doctoral
27 degree in a professional counseling field from an accredited educational institution that is
28 approved by the Board.

29 (c) An individual may be authorized to provide marriage and family therapy
30 under supervision as provided in subsection (a)(2) of this section if the individual has a
31 master's or doctoral degree in a marriage and family field or has completed a program of
32 studies judged by the Board to be substantially equivalent in subject matter and extent of
33 training as required under § 17-302(d) of this subtitle.

34 (D) THE EVIDENTIARY PRIVILEGE EXTENDED TO CLIENTS OF PROFESSIONAL
35 COUNSELORS UNDER § 9-109.1 OF THE COURTS ARTICLE SHALL EXTEND TO THE
36 COMMUNICATIONS BETWEEN A CLIENT AND A PROFESSIONAL COUNSELOR
37 SUPERVISEE.

14

1 17-302.3.

2 (a) Except as otherwise provided in this section, to qualify as a [certified]
3 LICENSED professional counselor-alcohol and drug an applicant shall meet the
4 requirements of § 17-302 of this subtitle.

5 (b) The applicant shall be of good moral character.

6 (c) The applicant shall be at least 18 years old.

7 (d) (1) The applicant shall hold a master's or doctoral degree in a health and
8 human services counseling field from an accredited educational institution that is
9 approved by the Board or have completed a program of studies judged by the Board to be
10 substantially equivalent in subject matter and extent of training as required under this
11 section.

12 (2) The applicant shall have completed a minimum of 25 credit hours in
13 alcohol and drug counselor training.

14 (3) The applicant shall have completed not less than 3 years with a
15 minimum of 2,000 hours of supervised experience in alcohol and drug counseling
16 approved by the Board, 2 years of which shall have been completed after the award of the
17 master's or doctoral degree or its substantial equivalent.

18 (4) In this subsection, "alcohol and drug counselor training" includes but is
19 not limited to instruction in:

20 (i) Medical aspects of chemical dependency;

21 (ii) Group counseling;

22 (iii) Individual counseling;

23 (iv) Family counseling;

24 (v) Assessment and treatment planning;

25 (vi) Ethics for alcohol and drug counselors;

26 (vii) Human development;

27 (viii) Abnormal psychology; and

28 (ix) Courses pertaining to counselor core functions of screening,
29 intake, orientation, case management, crisis intervention, education and prevention,
30 referral, consultation, reports and [recordkeeping] RECORD KEEPING, and special
31 alcohol and drug dependency topics.

32 17-302.4.

33 (A) TO QUALIFY AS A LICENSED PROFESSIONAL COUNSELOR-CLINICAL, AN
34 APPLICANT SHALL:

35 (1) MEET THE REQUIREMENTS OF § 17-302, § 17-302.1, OR § 17-302.2 OF
36 THIS SUBTITLE, EXCEPT AS PROVIDED IN THIS SECTION;

15

1 (2) HAVE DOCUMENTATION EVIDENCING THE COMPLETION OF 60
2 HOURS OF GRADUATE CLINICAL COURSE WORK, INCLUDING TRAINING IN
3 PERSONALITY DEVELOPMENT, DIAGNOSIS AND TREATMENT OF MENTAL AND
4 EMOTIONAL DISORDERS, PSYCHOPATHOLOGY, AND PSYCHOTHERAPY FROM AN
5 ACCREDITED COLLEGE OR UNIVERSITY PROGRAM APPROVED BY THE BOARD;

6 (3) HAVE COMPLETED AT LEAST 3,000 HOURS OF DIRECT CLIENT
7 CONTACT IN A SUPERVISED CLINICAL SETTING AFTER RECEIVING A MASTER'S
8 DEGREE; AND

9 (4) HAVE DOCUMENTATION EVIDENCING THE SUCCESSFUL
10 COMPLETION OF EITHER THE NATIONAL CLINICAL MENTAL HEALTH COUNSELING
11 EXAMINATION OR ANOTHER RECOGNIZED EQUIVALENT CLINICAL COUNSELING
12 EXAMINATION APPROVED BY THE BOARD.

13 (B) (1) IN ADDITION TO THE REQUIREMENTS UNDER SUBSECTION (A) OF
14 THIS SECTION, AN APPLICANT SHALL HAVE A MINIMUM OF 144 HOURS OF PERIODIC
15 DIRECT SUPERVISION PROVIDED IN AT LEAST 2 CONSECUTIVE YEARS WHERE
16 CLINICAL SUPERVISION IS PART OF AN EMPLOYMENT CONTRACT AND THE
17 SUPERVISOR IS A LICENSED PROFESSIONAL COUNSELOR-CLINICAL.

18 (2) IF A LICENSED PROFESSIONAL COUNSELOR-CLINICAL IS NOT
19 AVAILABLE AT THE EMPLOYMENT SITE, THEN A LICENSED SOCIAL
20 WORKER-CLINICAL, A LICENSED PSYCHOLOGIST, OR A LICENSED PSYCHIATRIST
21 WHO IS APPROVED BY THE BOARD MAY PROVIDE THE SUPERVISION.

22 (3) AFTER OCTOBER 1, 2002, THE CLINICAL SUPERVISOR SHALL BE A
23 LICENSED PROFESSIONAL COUNSELOR-CLINICAL.

24 [17-302.4.] 17-302.5.

25 To qualify as a certified associate counselor-alcohol and drug an applicant shall:

26 (1) Hold a bachelor's degree from an accredited educational institution
27 approved by the Board in a health or human services counseling field or have completed
28 a program of studies judged by the Board to be substantially equivalent in subject matter
29 and extent of training to such a program of studies;

30 (2) Have completed not less than 3 years, with a minimum of 2,000 hours of
31 supervised experience in alcohol and drug counseling approved by the Board, 2 years of
32 which shall have been completed after the award of the bachelor's degree;

33 (3) Have a minimum of 20 credit hours in alcohol and drug counselor
34 training as defined in § 17-302.3(d)(4) of this title; and

35 (4) Practice alcohol and drug counseling under the supervision of a
36 [certified] LICENSED professional counselor-alcohol and drug or another health care
37 provider approved by the Board.

16

1 [17-302.5.] 17-302.6.

2 To qualify as a certified supervised counselor-alcohol and drug an applicant shall:

3 (1) Hold an associate's degree in a health or human services counseling field
4 or have completed a program of studies judged by the Board to be substantially
5 equivalent in subject matter to such a program of studies;

6 (2) Have completed not less than 2 years, with a minimum of 2,000 hours of
7 supervised experience in alcohol and drug counseling approved by the Board, 1 year of
8 which shall have been completed after the award of the associate's degree;

9 (3) Have a minimum of 15 credit hours in alcohol and drug counseling
10 training as defined in § 17-302.3(d)(4) of this subtitle; and

11 (4) Practice alcohol and drug counseling under the supervision of a
12 [certified] LICENSED professional counselor-alcohol and drug or another health care
13 provider approved by the Board and provide alcohol and drug counseling as an employee
14 of an agency or facility which is accredited by the Joint Commission on Accreditation of
15 Health Care Organizations or that is [certified] LICENSED under Title 8, Subtitle 4 of
16 the Health - General Article.

17 17-303.

18 An applicant for a [certificate] LICENSE shall:

19 (1) Submit an application to the Board on the form that the Board requires;

20 (2) Pay to the Board the application fee set by the Board; and

21 (3) Furnish to the Board the professional disclosure statement required
22 under § 17-312 of this subtitle.

23 17-304.

24 (a) An applicant who otherwise qualifies for a [certificate] LICENSE is entitled
25 to be examined as provided in this section.

26 (b) The Board shall give examinations to applicants at least twice a year, at the
27 times and places that the Board determines.

28 (c) The Board shall notify each qualified applicant of the time and place of
29 examination.

30 (d) The examination shall include a portion that tests an applicant's knowledge of
31 the Maryland Professional Counselors Act.

32 17-305.

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

35 (1) Is [certified or] licensed to provide professional counseling, [marriage]
36 PROFESSIONAL COUNSELING-MARRIAGE and family therapy [services], or [alcohol]
37 PROFESSIONAL COUNSELING-ALCOHOL and drug [counseling services] in any other

17

1 state or country if that state or country grants a similar waiver to licensees of this State;

2 or

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

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

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

6 (2) Provides adequate evidence that the applicant:

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

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

10 17-306.

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

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

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

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

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

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

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

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

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

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

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

18

1 (c) (1) The Board shall waive the requirements for certification as a certified
2 professional counselor-alcohol and drug under § 17-302.3 of this subtitle for any person
3 who:

4 (i) Has filed a letter of intent with the Board by July 1, 1997;

5 (ii) Holds a master's or doctoral degree in a health and human services
6 counseling field or has completed a program that the Board determines to be
7 substantially equivalent in subject matter and extent of training as a master's or doctoral
8 degree in a health and human services counseling field;

9 (iii) As of July 1, 1996, is certified as a certified chemical dependency
10 counselor or certified clinical supervisor by the Maryland Addiction Counselor
11 Certification Board;

12 (iv) Has completed not less than 3 years with a minimum of 3,000 hours
13 of supervised experience in alcohol and drug abuse counseling approved by the Board, 2
14 years of which shall have been completed after the award of the master's or doctoral
15 degree; and

16 (v) Has, by July 1, 2001, successfully passed an examination approved
17 by the Board.]

18 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD
19 SHALL WAIVE THE REQUIREMENTS FOR LICENSURE UNDER § 17-302 OF THIS
20 SUBTITLE FOR ANY PERSON WHO HAS BEEN CERTIFIED AS A PROFESSIONAL
21 COUNSELOR BY THE BOARD, AND FILED A LETTER OF INTENT BY JULY 1, 1998.

22 (B) THE BOARD SHALL WAIVE THE REQUIREMENTS FOR LICENSURE OF A
23 PROFESSIONAL COUNSELOR-CLINICAL FOR ANY PERSON WHO HAS FILED A LETTER
24 OF INTENT BY JULY 1, 1998 AND:

25 (1) HAS BEEN CERTIFIED BY THE BOARD AS A PROFESSIONAL
26 COUNSELOR OR AS A PROFESSIONAL COUNSELOR-MARRIAGE AND FAMILY
27 THERAPY, OR IS A PERSON WITH A MASTER'S DEGREE WHO IS DESIGNATED BY THE
28 BOARD AS ELIGIBLE FOR A LICENSE AS A LICENSED PROFESSIONAL
29 COUNSELOR-ALCOHOL AND DRUG;

30 (2) PROVIDES DOCUMENTATION TO THE BOARD EVIDENCING THE
31 COMPLETION OF 3 YEARS OF FULL-TIME EXPERIENCE OR THE EQUIVALENT OF 6,000
32 HOURS OF PART-TIME EXPERIENCE, AS A LICENSED PROFESSIONAL COUNSELOR,
33 LICENSED PROFESSIONAL COUNSELOR-MARRIAGE AND FAMILY THERAPY, OR
34 LICENSED PROFESSIONAL COUNSELOR-ALCOHOL AND DRUG, OR PROVIDING
35 PSYCHOTHERAPY SERVICES FOR COMPENSATION BY OCTOBER 1, 2000; OR

36 (3) PROVIDES DOCUMENTATION TO THE BOARD EVIDENCING THE
37 COMPLETION OF EITHER THE NATIONAL CLINICAL MENTAL HEALTH COUNSELOR
38 EXAMINATION OR ANOTHER COMPARABLE CLINICAL EXAMINATION APPROVED BY
39 THE BOARD BY OCTOBER 1, 2000.

19

1 [(2)] (C) The Board shall waive the requirements for certification as a
2 certified associate counselor-alcohol and drug for any person who has filed a letter of
3 intent with the Board by July 1, 1997 if:

4 [(i)] (1) The person holds a bachelor's degree in a health or human
5 services counseling field or has completed a program that the Board determines to be
6 substantially equivalent in subject matter and extent of training to a bachelor's degree in
7 a health or human services counseling field;

8 [(ii)] (2) The person, as of July 1, 1996, is certified as a certified
9 chemical dependency counselor or certified clinical supervisor by the Maryland Addiction
10 Counselor Certification Board or is employed in the capacity of a Program Specialist I, II,
11 or III, or its equivalent, if the person is employed by the State, a political subdivision of
12 the State, or an entity that provides alcohol and drug counseling services under contract
13 with the State or a political subdivision of the State; and

14 [(iii)] (3) The person has completed not less than 3 years with a
15 minimum of 3,000 hours of supervised experience in alcohol and drug abuse counseling
16 approved by the Board, 2 years of which shall have been completed after the award of the
17 bachelor's degree.

18 [(3)] (D) The Board shall waive the requirements for certification as a
19 certified supervised counselor-alcohol and drug for any person who has filed a letter of
20 intent with the Board by July 1, 1997 if:

21 [(i)] (1) The person holds an associate's degree in health or human
22 services counseling or has completed a program that the Board determines to be
23 substantially equivalent in subject matter and extent of training to an associate's degree in
24 health or human services counseling; or

25 [(ii)] (2) The person is certified as a certified alcoholism counselor or
26 certified drug counselor by the Maryland Addiction Counselor Certification Board or is
27 employed in the capacity of an Addiction Counselor II or III, or its equivalent, if the
28 person is employed by the State, a political subdivision of the State, or an entity that
29 provides alcohol and drug counseling services under contract with the State or a political
30 subdivision of the State.

31 17-307.

32 (a) The Board shall issue a [certificate] LICENSE to any applicant who meets the
33 requirements of this title.

34 (b) The Board shall include on each [certificate] LICENSE that the Board issues:

35 (1) The kind of [certificate] LICENSE;

36 (2) The full name of the [certificate] LICENSE holder;

37 (3) A serial number; and

38 (4) The seal of the Board.

20

1 (c) The Board may issue a [certificate] LICENSE to replace a lost, destroyed, or
 2 mutilated [certificate] LICENSE if the [certificate] LICENSE holder pays the
 3 [certificate] LICENSE replacement fee set by the Board.

4 17-308.

5 An individual who is [certified] LICENSED by the Board may:

6 (1) Use the title "[certified] LICENSED professional counselor",
 7 "[certified] LICENSED professional counselor-marriage and family [therapist]
 8 THERAPY", "[certified] LICENSED professional counselor-alcohol and drug",
 9 "LICENSED PROFESSIONAL COUNSELOR-CLINICAL", certified associate
 10 counselor-alcohol and drug", or "certified supervised counselor-alcohol and drug";

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

14 (3) Represent to the public that the individual is [certified] LICENSED as a
 15 professional counselor, [certified] LICENSED professional counselor-marriage and
 16 family [therapist] THERAPY, [certified] LICENSED professional counselor-alcohol and
 17 drug, LICENSED PROFESSIONAL COUNSELOR-CLINICAL, certified associate
 18 counselor-alcohol and drug, or certified supervised counselor-alcohol and drug.

19 17-309.

20 (a) A [certificate] LICENSE expires on the date set by the Board, unless the
 21 [certificate] LICENSE is renewed for an additional term as provided in this section. A
 22 license may not be renewed for a term longer than 2 years.

23 (b) At least 1 month before a [certificate] LICENSE expires, the Board shall send
 24 to the [certificate] LICENSE holder, by [first class] FIRST-CLASS mail to the last known
 25 address of the [certificate] LICENSE holder, a renewal notice that states:

26 (1) The date on which the current [certificate] LICENSE expires;

27 (2) The date by which the renewal application must be received by the
 28 Board for the renewal to be issued and mailed before the [certificate] LICENSE expires;
 29 and

30 (3) The amount of the renewal fee.

31 (c) Before the [certificate] LICENSE expires, the [certificate] LICENSE holder
 32 periodically may renew the [certificate] LICENSE for an additional 2-year term, if the
 33 [certificate] LICENSE holder:

34 (1) Otherwise is entitled to be [certified] LICENSED;

35 (2) Pays to the Board the renewal fee set by the Board; and

36 (3) Submits to the Board:

37 (i) A renewal application on the form that it requires; and

21

1 (ii) Satisfactory evidence of compliance with any continuing education
2 requirements set under this section for [certificate] LICENSE renewal.

3 (d) The Board may not authorize home study towards the completion of the
4 continuing education requirements.

5 (e) The Board shall renew the [certificate] LICENSE of each [certificate]
6 LICENSE holder who meets the requirements of this section.

7 17-310.

8 (a) (1) The Board shall place a [certificate] LICENSE on inactive status, if the
9 [certificate] LICENSE holder submits to the Board:

10 (i) An application for inactive status on the form required by the
11 Board; and

12 (ii) The inactive status fee set by the Board.

13 (2) The Board shall issue a [certificate] LICENSE to an individual who is on
14 inactive status if the individual complies with the renewal requirements that existed when
15 the individual was placed on inactive status.

16 (b) In accordance with its rules and regulations, the Board may reinstate the
17 [certificate] LICENSE of a professional counselor who:

18 (1) Has not been put on inactive status; and

19 (2) Has failed to renew the [certificate] LICENSE for any reason.

20 17-311.

21 (a) Each [certificate] LICENSE holder shall display the [certificate] LICENSE
22 conspicuously in the [certificate] LICENSE holder's office or place of employment.

23 (b) Each [certificate] LICENSE holder shall notify the Board of any change in
24 address.

25 17-312.

26 (a) Any individual who is [certified] LICENSED under this subtitle may not
27 charge a client or receive remuneration for professional counseling services unless:

28 (1) Before the performance of those services, the client is furnished a copy
29 of a professional disclosure statement; or

30 (2) (i) This professional disclosure statement is displayed in a
31 conspicuous location at the place where the services are performed; and

32 (ii) A copy of the statement is provided to the client on request.

33 (b) The professional disclosure statement shall contain:

34 (1) The name, title, business address, and business telephone number of the
35 professional counselor performing the services;

22

1 (2) The formal professional education of the professional counselor,
2 including the institutions attended and the degrees received from them;

3 (3) The areas of specialization of the professional counselor and the services
4 provided;

5 (4) In the case of a person [certified] LICENSED under this subtitle who is
6 engaged in a private individual practice, partnership, or group practice, the person's fee
7 schedule listed by type of service or hourly rate;

8 (5) At the bottom of the first page of the disclosure statement, the words,
9 "This information is required by the Board of Examiners of Professional Counselors
10 which regulates all [certified] LICENSED professional counselors and [certified]
11 LICENSED professional counselor-marriage and family [therapists] THERAPY"; and

12 (6) Immediately beneath the statement required by item (5) of this
13 subsection, the name, address, and telephone number of the Board.

14 17-313.

15 Subject to the hearing provisions of § 17-314 of this subtitle, the Board, on the
16 affirmative vote of a majority of its members then serving, may deny a [certificate]
17 LICENSE to any applicant, reprimand any [certificate] LICENSE holder, or suspend or
18 revoke a [certificate] LICENSE of any [certificate] LICENSE holder if the applicant or
19 [certificate] LICENSE holder:

20 (1) Fraudulently or deceptively obtains or attempts to obtain a [certificate]
21 LICENSE for the applicant or [certificate] LICENSE holder or for another;

22 (2) Is addicted to any narcotic or is habitually intoxicated;

23 (3) Aids or abets an unauthorized person in practicing professional
24 counseling or representing to be a [certified] LICENSED professional counselor;

25 (4) Violates the code of ethics adopted by the Board;

26 (5) Knowingly violates any provision of this title;

27 (6) Is convicted of or pleads guilty or nolo contendere to a felony or a crime
28 involving moral turpitude, whether or not any appeal or other proceeding is pending to
29 have the conviction or plea set aside;

30 (7) Is professionally, physically, or mentally incompetent;

31 (8) Submits a false statement to collect a fee;

32 (9) Violates any rule or regulation adopted by the Board;

33 (10) Is disciplined by a licensing or disciplinary authority of any other state or
34 country or convicted or disciplined by a court of any state or country for an act that would
35 be grounds for disciplinary action under the Board's disciplinary statutes; or

36 (11) Refuses, withholds from, denies, or discriminates against an individual
37 with regard to the provision of professional services for which the [certificate] LICENSE

23

1 holder is [certified] LICENSED and qualified to render because the individual is HIV
2 positive.

3 17-316.

4 For reasons the Board considers sufficient, and on the affirmative vote of a majority
5 of its members then serving, the Board may:

6 (1) Reinstate a [certificate] LICENSE that has been revoked;

7 (2) Reduce the period of a suspension; or

8 (3) Withdraw a reprimand.

9 17-401.

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

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

15 (2) Use any title, abbreviation, sign, card, or other representation that the
16 person is a [certified] LICENSED professional counselor, licensed professional
17 counselor-marriage and family [therapist] THERAPY, [certified] LICENSED
18 professional counselor-alcohol and drug, LICENSED PROFESSIONAL
19 COUNSELOR-CLINICAL certified associate counselor-alcohol and drug, or certified
20 supervised counselor-alcohol and drug; or

21 (3) Use the title "[C.P.C.] L.P.C.", "[C.P.C.-M.F.T.] L.P.C.-M.F.T.",
22 "[C.P.C.-A.D.] L.P.C.-A.D.", OR "L.P.C.-C." ["C.A.C.-A.D.", or "C.S.C.-A.D."], OR
23 the words REPRESENTED BY THE ABBREVIATIONS ["certified professional counselor"
24 or "licensed professional counselor-marriage and family therapist", or the words
25 "certified counselor" or "licensed marriage and family therapist"] with the intent to
26 represent that the person practices professional counseling [or], [marriage]
27 PROFESSIONAL COUNSELING-MARRIAGE and family therapy, PROFESSIONAL
28 COUNSELING-ALCOHOL AND DRUG, OR PROFESSIONAL COUNSELING-CLINICAL [or
29 the words "certified professional counselor-alcohol and drug", "certified associate
30 counselor-alcohol and drug", "certified supervised counselor-alcohol and drug" with the
31 intent to represent that the person practices alcohol and drug counseling].

32 17-403.

33 A PERSON MAY NOT:

34 (1) INTENTIONALLY GIVE FALSE INFORMATION TO THE BOARD WHEN
35 ATTEMPTING TO OBTAIN A LICENSE UNDER THIS SUBTITLE;

36 (2) INTENTIONALLY USE OR ATTEMPT TO USE THE LICENSE OF
37 ANOTHER PERSON WHO IS A LICENSED PROFESSIONAL COUNSELOR; AND

24

1 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, PRACTICE OR
2 ATTEMPT TO ENGAGE IN THE BUSINESS OF PROVIDING PROFESSIONAL COUNSELOR
3 SERVICES IN THIS STATE WITHOUT A LICENSE.

4 **Article - Courts and Judicial Proceedings**

5 9-109.1.

6 (a) (1) In this section, the following words have the meanings indicated.

7 (2) "Client" means an individual who communicates to or receives services
8 from a psychiatric-mental health nursing specialist or a professional counselor regarding
9 the diagnosis or treatment of the individual's mental or emotional disorder.

10 (3) "Professional counselor" means an individual who is [certified]
11 LICENSED as a counselor under Title 17 of the Health Occupations Article.

12 (4) "Psychiatric-mental health nursing specialist" means a registered nurse
13 who:

14 (i) Has a master's degree in psychiatric-mental health nursing; or

15 (ii) Has a baccalaureate degree in nursing and a master's degree in a
16 mental health field; or

17 (iii) Is certified as a clinical specialist in psychiatric and mental health
18 nursing by the American Nurses' Association or by a body approved by the Board of
19 Nursing.

20 (b) Unless otherwise provided, in any judicial, legislative, or administrative
21 proceeding, a client or a client's authorized representative has a privilege to refuse to
22 disclose, and to prevent a witness from disclosing, communications relating to diagnosis
23 or treatment of the client's mental or emotional disorder.

24 (c) (1) If a client is incompetent to assert or waive this privilege, a guardian
25 shall be appointed and shall act for the client.

26 (2) A guardian appointed before the proceeding has the authority to act for
27 the client.

28 (d) There is no privilege if:

29 (1) A disclosure is necessary for the purpose of placing the client in a facility
30 for mental illness;

31 (2) A judge finds that the client, after being informed that there will be no
32 privilege, makes communications in the course of an examination ordered by the court
33 and the issue at trial involves the client's mental or emotional disorder;

34 (3) In a civil or criminal proceeding:

35 (i) The client introduces the client's mental condition as an element
36 of the claim or defense; or

25

1 (ii) After the client's death, the client's mental condition is introduced
2 by any party claiming or defending through or as a beneficiary of the client;

3 (4) The client, the authorized representative of the client, or the personal
4 representative of the client makes a claim against the psychiatric-mental health nursing
5 specialist or the professional counselor for malpractice; or

6 (5) The client expressly consents to waive the privilege or, in the case of
7 death or disability, the client's personal representative waives the privilege for the
8 purpose of making a claim or bringing suit on a policy of insurance on life, health, or
9 physical condition.

10 (e) There is no privilege in:

11 (1) Any administrative or judicial nondelinquent juvenile proceeding;

12 (2) Any guardianship and adoption proceeding initiated by a child
13 placement agency;

14 (3) Any guardianship and protective services proceeding concerning a
15 disabled person; or

16 (4) Any criminal or delinquency proceeding in which there is a charge of
17 child abuse or neglect or that arises out of an investigation of suspected child abuse or
18 neglect.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 1997.