

CF 7r2977

By: Senators Craig, Middleton, and ~~Dorman~~ Dorman, Collins, Conway, Dyson, and Hollinger

Introduced and read first time: January 31, 1997

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 25, 1997

CHAPTER ____

1 AN ACT concerning

2 **Health Occupations - Professional Counselors Counselors-Clinical and Professional**
 3 **Counselors-Marriage and Family Therapist-Clinical - Licensure and Regulation**

4 FOR the purpose of ~~altering the requirements for practicing professional counseling from~~
 5 ~~a certification scheme to a licensure scheme~~ establishing requirements for the
 6 licensure of professional counselors-clinical and professional counselors-marriage
 7 and family therapist-clinical; altering the membership of the State Board of
 8 Examiners of Professional Counselors; altering certain duties and powers of the
 9 Board; excluding certain persons from the requirements of licensure under certain
 10 circumstances; ~~establishing requirements for the licensure of professional~~
 11 ~~counselors-clinical~~; altering the circumstances under which the requirements of
 12 Title 17 of the Health - General Article may be waived; prohibiting a person from
 13 providing false information under certain circumstances; extending certain
 14 evidentiary privileges to clients of professional counselors to include
 15 communications between the client and the supervisee of the professional
 16 counselor; providing for the construction of Title 17 of the Health - General
 17 Article; defining certain terms; making stylistic changes; requiring the State Board
 18 of Examiners of Professional Counselors to make a certain assessment and report to
 19 the General Assembly on the results of its assessment on or before a certain date
 20 and make recommendations to the General Assembly on or before a certain date
 21 regarding the licensing of certain certified professional counselors-alcohol and
 22 drug; and generally relating to the licensure and regulation of professional
 23 counselors.

24 BY repealing and reenacting, with amendments,

25 Article - Health Occupations

26 Section 17-101, 17-104, 17-202, 17-205, ~~17-206~~, 17-301, 17-302, 17-302.2, 17-303,

2

1 17-304, and 17-307 through 17-313, 17-316, and 17-401
2 Annotated Code of Maryland
3 (1994 Replacement Volume and 1996 Supplement)

4 BY renumbering

5 Article - Health Occupations
6 Section 17-302.4 and 17-302.5, respectively
7 to be Section 17-302.5 and 17-302.6, respectively
8 Annotated Code of Maryland
9 (1994 Replacement Volume and 1996 Supplement)

10 BY adding to

11 Article - Health Occupations
12 Section 17-103.1, 17-302.4, and ~~17-403~~ 17-306.1
13 Annotated Code of Maryland
14 (1994 Replacement Volume and 1996 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article - Courts and Judicial Proceedings
17 Section 9-109.1
18 Annotated Code of Maryland
19 (1995 Replacement Volume and 1996 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That Section(s) 17-302.4 and 17-302.5, respectively, of Article - Health
22 Occupations of the Annotated Code of Maryland be renumbered to be Section(s)
23 17-302.5 and 17-302.6, respectively.

24 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
25 read as follows:

26 **Article - Health Occupations**

27 17-101.

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

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

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

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

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

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

3

1 (5) To use informational and community substance abuse resources relating
 2 to personal, social, emotional, educational, and vocational development
 3 and adjustment.}

4 ~~{(c)}~~ ~~(B)~~ "Appraisal" means:

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

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

10 ~~{(d)}~~ ~~(C)~~ "Board" means the State Board of Examiners of Professional
 11 Counselors.

12 ~~{(e)}~~ "Certificate" means a certificate issued by the Board to practice professional
 13 counseling.

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

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

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

19 (2) To define goals;

20 (3) To make decisions;

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

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

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

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

30 (2) The identification and assessment of client needs and the
 31 implementation of therapeutic intervention.}

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

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

1 {3} "Certified professional counselor-alcohol and drug" means an individual
2 who is certified by the Board to practice alcohol and drug counseling in the State.

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

6 (k) "Practice alcohol and drug counseling" means to engage professionally and for
7 compensation in alcohol and drug counseling activities while representing oneself to be a
8 certified professional counselor-alcohol and drug, a certified supervised
9 counselor-alcohol and drug, or a certified assistant counselor-alcohol and drug.

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

13 (m) "Practice professional counseling" means to engage professionally and for
14 compensation in counseling and appraisal activities while representing oneself to be a
15 professional counselor.}

16 ~~(F)-(4)~~ (N) "LICENSE" MEANS A LICENSE ISSUED BY THE BOARD TO
17 PRACTICE;

18 (1) PROFESSIONAL COUNSELING COUNSELING-CLINICAL; OR

19 (2) PROFESSIONAL COUNSELING-MARRIAGE AND FAMILY
20 THERAPIST-CLINICAL.

21 ~~(2) "LICENSE" INCLUDES A PROFESSIONAL COUNSELOR LICENSE, A~~
22 ~~PROFESSIONAL COUNSELOR MARRIAGE AND FAMILY THERAPY LICENSE, A~~
23 ~~PROFESSIONAL COUNSELOR ALCOHOL AND DRUG LICENSE, AND A PROFESSIONAL~~
24 ~~COUNSELOR CLINICAL LICENSE.~~

25 ~~(G) "LICENSED PROFESSIONAL COUNSELOR" MEANS A PROFESSIONAL~~
26 ~~COUNSELOR LICENSED BY THE BOARD TO PRACTICE PROFESSIONAL COUNSELING.~~

27 ~~(H) "LICENSED PROFESSIONAL COUNSELOR MARRIAGE AND FAMILY~~
28 ~~THERAPY" MEANS A PROFESSIONAL COUNSELOR LICENSED BY THE BOARD TO~~
29 ~~PRACTICE PROFESSIONAL COUNSELING MARRIAGE AND FAMILY THERAPY.~~

30 ~~(I) "LICENSED PROFESSIONAL COUNSELOR ALCOHOL AND DRUG" MEANS A~~
31 ~~PROFESSIONAL COUNSELOR LICENSED BY THE BOARD TO PRACTICE PROFESSIONAL~~
32 ~~COUNSELING ALCOHOL AND DRUG.~~

33 ~~(J)~~ (O) "LICENSED PROFESSIONAL COUNSELOR-CLINICAL" MEANS A
34 PROFESSIONAL COUNSELOR LICENSED BY THE BOARD TO PRACTICE PROFESSIONAL
35 COUNSELING-CLINICAL.

36 (P) "LICENSED PROFESSIONAL COUNSELOR-MARRIAGE AND FAMILY
37 THERAPIST-CLINICAL" MEANS A PROFESSIONAL COUNSELOR LICENSED BY THE
38 BOARD TO PRACTICE PROFESSIONAL COUNSELING-MARRIAGE AND FAMILY
39 THERAPIST-CLINICAL.

1 ~~(K) "PRACTICE PROFESSIONAL COUNSELING" MEANS TO ENGAGE IN THE~~
2 ~~BUSINESS OF PROFESSIONAL COUNSELING FOR COMPENSATION BY APPLYING~~
3 ~~COUNSELING THERAPY AND THERAPEUTIC METHODS AND PRINCIPLES TO ASSIST~~
4 ~~CLIENTS TO:~~

5 ~~(1) DEVELOP AN UNDERSTANDING OF INTRAPERSONAL AND~~
6 ~~INTERPERSONAL PROBLEMS;~~

7 ~~(2) DEFINE GOALS;~~

8 ~~(3) MAKE DECISIONS;~~

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

11 ~~(5) USE INFORMATION AND COMMUNITY RESOURCES AS THESE~~
12 ~~RESOURCES ARE RELATED TO PERSONAL, SOCIAL, EMOTIONAL, EDUCATIONAL,~~
13 ~~AND VOCATIONAL DEVELOPMENT AND ADJUSTMENT.~~

14 ~~(L) "PRACTICE PROFESSIONAL COUNSELING-ALCOHOL AND DRUG" MEANS~~
15 ~~TO ENGAGE IN THE BUSINESS OF PROFESSIONAL COUNSELING-ALCOHOL AND~~
16 ~~DRUG FOR COMPENSATION BY ASSISTING INDIVIDUALS, FAMILIES, OR GROUPS~~
17 ~~THROUGH THE CLIENT-COUNSELOR RELATIONSHIP TO:~~

18 ~~(1) DEVELOP AN UNDERSTANDING OF INTRAPERSONAL AND~~
19 ~~INTERPERSONAL SUBSTANCE ABUSE PROBLEMS;~~

20 ~~(2) DEFINE GOALS RELATED TO SUBSTANCE ABUSE;~~

21 ~~(3) MAKE DECISIONS RELATED TO SUBSTANCE ABUSE; AND~~

22 ~~(4) PLAN A COURSE OF ACTION REFLECTING THE NEEDS, INTERESTS,~~
23 ~~AND ABILITIES OF THE INDIVIDUAL, FAMILY, OR GROUP RELATED SUBSTANCE~~
24 ~~ABUSE; AND~~

25 ~~(5) USE INFORMATION AND COMMUNITY SUBSTANCE ABUSE~~
26 ~~RESOURCES AS THESE RESOURCES ARE RELATED TO PERSONAL, SOCIAL,~~
27 ~~EMOTIONAL, EDUCATIONAL, AND VOCATIONAL DEVELOPMENT AND ADJUSTMENT.~~

28 ~~(M)~~ (Q) (1) "PRACTICE PROFESSIONAL COUNSELING-CLINICAL" MEANS TO
29 ENGAGE IN THE BUSINESS OF PROFESSIONAL COUNSELING-CLINICAL FOR
30 COMPENSATION BY APPLYING CLINICAL COUNSELING THEORIES, METHODS, AND
31 THERAPEUTIC INTERVENTIONS FOR THE ALLEVIATION OF INTERPERSONAL,
32 MENTAL, AND EMOTIONAL CONDITIONS.

33 (2) "PRACTICE PROFESSIONAL COUNSELING-CLINICAL" INCLUDES THE
34 RENDERING OF A DIAGNOSIS BASED ON A RECOGNIZED MANUAL OF MENTAL AND
35 EMOTIONAL DISORDERS AND THE USE OF PSYCHOTHERAPY TO TREAT THE
36 DISORDERS.

37 (R) (1) "PRACTICE PROFESSIONAL COUNSELING-MARRIAGE AND FAMILY
38 THERAPIST-CLINICAL" MEANS TO ENGAGE IN THE BUSINESS OF PROFESSIONAL
39 COUNSELING-MARRIAGE AND FAMILY THERAPIST-CLINICAL FOR COMPENSATION

6

1 BY APPLYING CLINICAL COUNSELING THEORIES, METHODS, AND THERAPEUTIC
2 INTERVENTIONS FOR THE ALLEVIATION OF INTERPERSONAL, MENTAL, AND
3 EMOTIONAL CONDITIONS.

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

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

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

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

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

17 17-103.1.

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

21 17-104.

22 (a) A ~~{certificate}~~LICENSE to practice professional counseling authorizes the
23 ~~{certificate}~~LICENSE holder to practice professional counseling while the ~~{certificate}~~
24 LICENSE is effective.

25 (b) A ~~{certificate}~~LICENSE to practice ~~{marriage}~~PROFESSIONAL
26 COUNSELING-MARRIAGE and family therapy authorizes the ~~{certificate}~~LICENSE
27 holder to practice ~~{marriage}~~PROFESSIONAL COUNSELING-MARRIAGE and family
28 therapy while the ~~{certificate}~~LICENSE is effective.

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

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

35 17-202.

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

38 (2) Of the nine Board members:

7

1 (i) [Five] ~~FOUR~~ THREE shall be ~~{certified}~~~~LICENSED~~ as
2 professional counselors, including:

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

9 (ii) One shall be a ~~{certified}~~~~LICENSED~~ professional
10 counselor-marriage and family ~~{therapist}~~~~THERAPY~~;

11 (iii) One shall be a ~~{certified}~~~~LICENSED~~ professional
12 counselor-alcohol and drug; [and]

13 (IV) ONE SHALL BE A LICENSED PROFESSIONAL
14 COUNSELOR-CLINICAL; ~~AND~~

15 (V) ONE SHALL BE A LICENSED PROFESSIONAL
16 COUNSELOR-MARRIAGE AND FAMILY THERAPIST-CLINICAL; AND

17 [(iv)] ~~(V)~~ (VI) Two shall be consumer members.

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

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

23 (b) The consumer members of the Board:

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

25 (2) May not be or ever have been a ~~{certified}~~~~LICENSED~~ professional
26 counselor, LICENSED PROFESSIONAL COUNSELOR-CLINICAL, OR LICENSED
27 PROFESSIONAL COUNSELOR-MARRIAGE AND FAMILY THERAPIST-CLINICAL or in
28 training to become a ~~{certified}~~~~LICENSED~~ professional counselor, LICENSED
29 PROFESSIONAL COUNSELOR-CLINICAL, OR LICENSED PROFESSIONAL
30 COUNSELOR-MARRIAGE AND FAMILY THERAPIST-CLINICAL;

31 (3) May not have a household member who is a ~~{certified}~~~~LICENSED~~
32 professional counselor, LICENSED PROFESSIONAL COUNSELOR-CLINICAL, OR
33 LICENSED PROFESSIONAL COUNSELOR-MARRIAGE AND FAMILY
34 THERAPIST-CLINICAL or in training to become a ~~{certified}~~~~LICENSED~~ professional
35 counselor, LICENSED PROFESSIONAL COUNSELOR-CLINICAL, OR LICENSED
36 PROFESSIONAL COUNSELOR-MARRIAGE AND FAMILY THERAPIST-CLINICAL;

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

8

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

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

5 (7) While members of the Board, may not have a substantial financial
6 interest in a person regulated by the Board.

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

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

11 (2) Meet the educational and supervised experience requirements of §
12 17-302 of this title.

13 (d) The ~~certified~~ ~~LICENSED~~ professional counselor-alcohol and drug member
14 of the Board shall:

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

17 (2) Meet the educational and supervised experience requirements of §
18 17-302.3 of this title.

19 (E) THE LICENSED PROFESSIONAL COUNSELOR-CLINICAL MEMBER OF THE
20 BOARD SHALL:

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

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

25 (F) THE LICENSED PROFESSIONAL COUNSELOR-MARRIAGE AND FAMILY
26 THERAPIST-CLINICAL MEMBER OF THE BOARD SHALL:

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

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

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

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

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

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

9

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

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

4 [(g)] ~~(H)~~ (I) (1) The Governor may remove a member for incompetency,
5 misconduct, or neglect of duty.

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

9 17-205.

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

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

13 (1) Maintain a registry of all currently:

14 (i) ~~{Certified} LICENSED~~ professional counselors;

15 (ii) ~~{Certified} LICENSED~~ professional counselors-marriage and
16 family ~~{therapists} THERAPY~~;

17 (iii) ~~{Certified} LICENSED~~ professional counselors-alcohol and drug;

18 (IV) LICENSED PROFESSIONAL COUNSELORS-CLINICAL;

19 (V) LICENSED PROFESSIONAL COUNSELOR-MARRIAGE AND
20 FAMILY THERAPIST-CLINICAL;

21 [(iv)] ~~(V)~~ (VI) Certified associate counselors-alcohol and drug; and

22 [(v)] ~~(VI)~~ (VII) Certified supervised counselors-alcohol and drug.

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

24 (3) Adopt a code of ethics that the Board considers to be appropriate and
25 applicable to ~~{certified} LICENSED~~ professional counselors, ~~{certified} LICENSED~~
26 professional counselors-marriage and family ~~{therapists} THERAPY~~, ~~{certified}~~
27 ~~LICENSED~~ professional counselors-alcohol and drug, LICENSED PROFESSIONAL
28 COUNSELORS-CLINICAL, LICENSED PROFESSIONAL COUNSELORS-MARRIAGE AND
29 FAMILY THERAPISTS-CLINICAL, certified associate counselors-alcohol and drug, and
30 certified supervised counselors-alcohol and drug;

31 (4) Establish continuing education requirements for ~~{certified} LICENSED~~
32 professional counselors, ~~{certified} LICENSED~~ professional counselors-marriage and
33 family ~~{therapists} THERAPY~~, ~~{certified} LICENSED~~ professional counselors-alcohol
34 and drug, LICENSED PROFESSIONAL COUNSELORS-CLINICAL, LICENSED
35 PROFESSIONAL COUNSELORS-MARRIAGE AND FAMILY THERAPISTS-CLINICAL,
36 certified associate counselors-alcohol and drug, and certified supervised
37 counselors-alcohol and drug;

10

1 (5) Adopt an official seal; and

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

4 (c) (1) The Board may not take action regarding ~~{certified} LICENSED~~
5 professional counselors-marriage and family ~~{therapists} THERAPY~~ without the
6 approval of the Board member who is a ~~{certified} LICENSED~~ professional
7 counselor-marriage and family ~~{therapist} THERAPY~~.

8 (2) The Board may not take action regarding ~~{alcohol} LICENSED~~
9 ~~PROFESSIONAL COUNSELORS-ALCOHOL~~ and drug ~~{counselors}~~ without the approval
10 of the Board member who is a ~~{certified} LICENSED~~ professional counselor-alcohol and
11 drug.

12 (3) THE BOARD MAY NOT TAKE ACTION REGARDING LICENSED
13 PROFESSIONAL COUNSELORS-CLINICAL WITHOUT THE APPROVAL OF THE BOARD
14 MEMBER WHO IS A LICENSED PROFESSIONAL COUNSELOR-CLINICAL.

15 (4) THE BOARD MAY NOT TAKE ACTION REGARDING LICENSED
16 PROFESSIONAL COUNSELORS-MARRIAGE AND FAMILY THERAPISTS-CLINICAL
17 WITHOUT THE APPROVAL OF THE BOARD MEMBER WHO IS A LICENSED
18 PROFESSIONAL COUNSELOR-MARRIAGE AND FAMILY THERAPIST-CLINICAL.

19 (d) The Board shall establish or select an examination that the Board considers
20 appropriate to determine the ability of an applicant to be a ~~{certified} LICENSED~~
21 professional counselor, a ~~{certified} LICENSED~~ professional counselor-marriage and
22 family ~~{therapist} THERAPY~~, ~~{certified} LICENSED~~ professional counselor-alcohol and
23 drug, certified associate counselor-alcohol and drug, LICENSED PROFESSIONAL
24 COUNSELORS-CLINICAL, LICENSED PROFESSIONAL COUNSELORS-MARRIAGE AND
25 FAMILY THERAPISTS-CLINICAL, or certified supervised counselor-alcohol and drug.

26 ~~17-206.~~

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

28 ~~(b) (1) The Board may set reasonable fees for the issuance and renewal of~~
29 ~~{certificates} LICENSES and its other services.~~

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

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

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

36 ~~(2) The Comptroller shall distribute the fees to the State Board of~~
37 ~~Examiners of Professional Counselors Fund.~~

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

11

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

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

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

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

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

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

12 17-301.

13 (a) An individual shall be ~~{certified}~~LICENSED as a professional counselor or
14 licensed professional counselor-marriage and family ~~{therapist}~~THERAPY by the Board
15 before the individual may:

16 (1) Use the title "~~{certified}~~LICENSED professional counselor";

17 (2) Use the initials "~~{C.P.C.}~~L.P.C." after the name of the individual; or

18 (3) Represent to the public that the individual is ~~{certified}~~LICENSED as a
19 professional counselor.

20 (b) An individual shall be ~~{certified}~~LICENSED as a professional
21 counselor-marriage and family ~~{therapist}~~THERAPY by the Board before the individual
22 may:

23 (1) Use the title "~~{certified}~~LICENSED professional counselor-marriage
24 and family ~~{therapist}~~THERAPY";

25 (2) Use the initials "~~{C.P.C.-M.F.T.}~~L.P.C.-M.F.T." after the name of the
26 individual; or

27 (3) Represent to the public that the individual is ~~{certified}~~LICENSED as a
28 ~~{certified}~~LICENSED professional counselor-marriage and family ~~{therapist}~~
29 THERAPY.

30 (c) (1) An individual shall be ~~{certified}~~LICENSED as a ~~{certified}~~LICENSED
31 professional counselor-alcohol and drug by the Board before the individual may:

32 (i) Use the title "~~{certified}~~LICENSED professional
33 counselor-alcohol and drug";

34 (ii) Use the initials "~~{C.P.C.-A.D.}~~L.P.C.-A.D." after the name of the
35 individual; or

36 (iii) Represent to the public that the individual is ~~{certified}~~
37 LICENSED as a ~~{certified}~~LICENSED professional counselor-alcohol and drug.

12

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

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

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

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

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

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

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

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

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

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

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

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

20 (4) REPRESENT TO THE PUBLIC THAT THE INDIVIDUAL IS LICENSED AS
21 A LICENSED PROFESSIONAL COUNSELOR-MARRIAGE AND FAMILY
22 THERAPIST-CLINICAL.

23 (E) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL SHALL
24 BE LICENSED BY THE BOARD BEFORE THE INDIVIDUAL MAY PRACTICE
25 PROFESSIONAL ~~COUNSELING~~ COUNSELING-CLINICAL, OR PROFESSIONAL
26 COUNSELING-MARRIAGE AND FAMILY THERAPIST-CLINICAL IN THIS STATE.

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

28 (1) AN INDIVIDUAL EMPLOYED BY THE FEDERAL, STATE, COUNTY,
29 BALTIMORE CITY, OR OTHER LOCAL GOVERNMENTS WHILE PERFORMING THE
30 DUTIES OF THAT EMPLOYMENT, UNLESS THE INDIVIDUAL APPLIES FOR A
31 CERTIFICATE OR A LICENSE UNDER THIS SUBTITLE;

32 (2) AN INDIVIDUAL WHO DOES NOT USE ANY TITLE, ABBREVIATION,
33 SIGN, CARD, OR OTHER REPRESENTATION THAT THE INDIVIDUAL IS A
34 PROFESSIONAL COUNSELOR OR IS ENGAGED IN THE BUSINESS OF PROVIDING
35 PROFESSIONAL COUNSELING;

13

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

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

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

8 (II) IF THE INDIVIDUAL DOES NOT REPRESENT TO THE PUBLIC BY
9 TITLE OR DESCRIPTION OF SERVICES THAT THE INDIVIDUAL PRACTICES
10 PROFESSIONAL COUNSELING.

11 17-302.

12 (a) To qualify for ~~{certification}~~, A PROFESSIONAL COUNSELOR
13 COUNSELOR-CLINICAL LICENSE, OR A PROFESSIONAL COUNSELOR-MARRIAGE AND
14 FAMILY THERAPIST-CLINICAL LICENSE, an applicant shall be an ADULT individual OF
15 GOOD MORAL CHARACTER who meets the requirements of this section.

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

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

18 (d)] (B) AN APPLICANT FOR CERTIFICATION, A PROFESSIONAL COUNSELOR
19 COUNSELOR-CLINICAL LICENSE, OR A PROFESSIONAL COUNSELOR-MARRIAGE AND
20 FAMILY THERAPIST-CLINICAL LICENSE SHALL:

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

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

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

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

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

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

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

14

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

- 3 (i) Counseling theory and ethics;
- 4 (ii) Counseling techniques;
- 5 (iii) Human growth and development and maladaptive behaviors;
- 6 (iv) Group dynamics, processing, and counseling;
- 7 (v) Social and cultural foundations;
- 8 (vi) Lifestyle and career development;
- 9 (vii) Appraisal of individuals;
- 10 (viii) Research and evaluation;
- 11 (ix) Participation in a supervised practicum in professional counseling;
- 12 (x) Marriage and family therapy; and
- 13 (xi) Alcohol and drug counseling.

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

- 16 (i) Analysis of family systems;
- 17 (ii) Family therapy, theory, and techniques;
- 18 (iii) Couples therapy, theory, and techniques;
- 19 (iv) Gender and ethnicity in marriage and family therapy; and
- 20 (v) Sexual issues in marriage and family therapy.

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

23 ~~17-302.1.~~

24 ~~To qualify as a [certified] LICENSED professional counselor marriage and family~~
25 ~~[therapist] THERAPY an applicant shall:~~

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

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

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

15

1 17-302.2.

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

4 (1) Provide counseling under the supervision of a ~~{certified}~~ ~~LICENSED~~
5 professional counselor OR A LICENSED PROFESSIONAL COUNSELOR-CLINICAL; [or]

6 (2) Provide marriage and family therapy under the supervision of a
7 ~~{certified}~~ ~~LICENSED~~ professional counselor-marriage and family ~~{therapist}~~
8 ~~THERAPY~~[.]; OR

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

11 (b) An individual may be authorized to provide counseling under supervision as
12 provided in subsection (a)(1) of this section if the individual ~~has~~:

13 (1) HAS a master's or doctoral degree in a professional counseling field from
14 an accredited educational institution that is approved by the Board; AND

15 (2) IS WORKING UNDER SUPERVISION FOR THE PURPOSE OF
16 QUALIFYING FOR THE REQUIREMENTS FOR CERTIFICATION OR LICENSURE UNDER
17 THIS TITLE.

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

23 (D) THE EVIDENTIARY PRIVILEGE EXTENDED TO CLIENTS OF PROFESSIONAL
24 COUNSELORS UNDER § 9-109.1 OF THE COURTS ARTICLE SHALL EXTEND TO THE
25 COMMUNICATIONS BETWEEN A CLIENT AND A PROFESSIONAL COUNSELOR
26 SUPERVISEE.

27 ~~17-302.3.~~

28 (a) ~~Except as otherwise provided in this section, to qualify as a {certified}~~
29 ~~LICENSED professional counselor alcohol and drug an applicant shall meet the~~
30 ~~requirements of § 17-302 of this subtitle.~~

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

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

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

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

16

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

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

7 ~~(i) Medical aspects of chemical dependency;~~

8 ~~(ii) Group counseling;~~

9 ~~(iii) Individual counseling;~~

10 ~~(iv) Family counseling;~~

11 ~~(v) Assessment and treatment planning;~~

12 ~~(vi) Ethics for alcohol and drug counselors;~~

13 ~~(vii) Human development;~~

14 ~~(viii) Abnormal psychology; and~~

15 ~~(ix) Courses pertaining to counselor core functions of screening,~~
16 ~~intake, orientation, case management, crisis intervention, education and prevention,~~
17 ~~referral, consultation, reports and [recordkeeping] RECORD KEEPING, and special~~
18 ~~alcohol and drug dependency topics.~~

19 17-302.4.

20 (A) TO QUALIFY AS A LICENSED PROFESSIONAL COUNSELOR-CLINICAL OR
21 LICENSED PROFESSIONAL COUNSELOR-MARRIAGE AND FAMILY
22 THERAPIST-CLINICAL, AN APPLICANT SHALL:

23 (1) MEET THE REQUIREMENTS OF § 17-302, § 17-302.1, ~~OR~~ § 17-302.2, OR §
24 17-302.3 OF THIS SUBTITLE, EXCEPT AS PROVIDED IN THIS SECTION;

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

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

33 (4) HAVE DOCUMENTATION EVIDENCING THE SUCCESSFUL
34 COMPLETION OF EITHER THE NATIONAL CLINICAL MENTAL HEALTH COUNSELING
35 EXAMINATION OR ANOTHER RECOGNIZED EQUIVALENT CLINICAL COUNSELING
36 EXAMINATION APPROVED BY THE BOARD.

37 (B) (1) IN ADDITION TO THE REQUIREMENTS UNDER SUBSECTION (A) OF
38 THIS SECTION, AN APPLICANT FOR A PROFESSIONAL COUNSELING-CLINICAL

17

1 LICENSE SHALL HAVE A MINIMUM OF 144 HOURS OF PERIODIC DIRECT SUPERVISION
2 PROVIDED IN AT LEAST 2 CONSECUTIVE YEARS WHERE CLINICAL SUPERVISION IS
3 PART OF AN EMPLOYMENT CONTRACT AND THE SUPERVISOR IS A LICENSED
4 PROFESSIONAL COUNSELOR-CLINICAL.

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

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

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

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

23 (3) AFTER OCTOBER 1, 2002, THE CLINICAL SUPERVISOR SHALL BE A
24 LICENSED PROFESSIONAL COUNSELOR-MARRIAGE AND FAMILY
25 THERAPIST-CLINICAL.

26 [~~17-302.4.] 17-302.5.~~

27 ~~To qualify as a certified associate counselor alcohol and drug an applicant shall:~~

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

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

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

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

18

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}~~ OR 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}~~ OR LICENSE is
25 entitled 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~~

19

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.~~

1 (e) ~~(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 17-306.1.

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

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

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

40 (3) ~~PROVIDES DOCUMENTATION TO THE BOARD EVIDENCING THE~~
41 ~~COMPLETION OF EITHER THE NATIONAL CLINICAL MENTAL HEALTH COUNSELOR~~

21

1 EXAMINATION OR ANOTHER COMPARABLE CLINICAL EXAMINATION APPROVED BY
2 THE BOARD BY OCTOBER 1, 2000.

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

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

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

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

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

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

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

33 17-307.

34 (a) The Board shall issue a {certificate} OR LICENSE to any applicant who meets
35 the requirements of this title.

36 (b) The Board shall include on each {certificate} OR LICENSE that the Board
37 issues:

38 (1) The kind of {certificate} OR LICENSE;

39 (2) The full name of the {certificate} OR LICENSE holder;

40 (3) A serial number; and

22

1 (4) The seal of the Board.

2 (c) The Board may issue a ~~{certificate}~~ OR LICENSE to replace a lost, destroyed,
3 or mutilated ~~{certificate}~~ OR LICENSE if the ~~{certificate}~~ OR LICENSE holder pays the
4 ~~{certificate}~~ OR LICENSE replacement fee set by the Board.

5 17-308.

6 (A) An individual who is ~~{certified}~~ LICENSED by the Board may:

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

12 (2) Use the initials "~~{C.P.C.}~~ ~~L.P.C.~~", "~~{C.P.C.-M.F.T.}~~ ~~L.P.C.-M.F.T.~~",
13 "~~{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
14 the name of the individual; and

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

20 (B) AN INDIVIDUAL WHO IS LICENSED BY THE BOARD AS A LICENSED
21 PROFESSIONAL COUNSELOR-CLINICAL MAY:

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

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

24 AND

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

27 (C) AN INDIVIDUAL WHO IS LICENSED BY THE BOARD AS A LICENSED
28 PROFESSIONAL COUNSELOR-MARRIAGE AND FAMILY THERAPIST-CLINICAL MAY:

29 (1) USE THE TITLE "LICENSED PROFESSIONAL COUNSELOR-MARRIAGE
30 AND FAMILY THERAPIST-CLINICAL";

31 (2) USE THE INITIALS "L.P.C.-M.F.T.-C." AFTER THE NAME OF THE
32 INDIVIDUAL; AND

33 (3) REPRESENT TO THE PUBLIC THAT THE INDIVIDUAL IS LICENSED AS
34 A LICENSED PROFESSIONAL COUNSELOR-MARRIAGE AND FAMILY
35 THERAPIST-CLINICAL.

23

1 17-309.

2 (a) A {certificate} OR LICENSE expires on the date set by the Board, unless the
 3 {certificate} OR LICENSE is renewed for an additional term as provided in this section. A
 4 license may not be renewed for a term longer than 2 years.

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

8 (1) The date on which the current {certificate} OR LICENSE expires;

9 (2) The date by which the renewal application must be received by the
 10 Board for the renewal to be issued and mailed before the {certificate} OR LICENSE
 11 expires; and

12 (3) The amount of the renewal fee.

13 (c) Before the {certificate} OR LICENSE expires, the {certificate} OR LICENSE
 14 holder periodically may renew the {certificate} OR LICENSE for an additional 2-year
 15 term, if the {certificate} OR LICENSE holder:

16 (1) Otherwise is entitled to be {certified} OR LICENSED;

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

18 (3) Submits to the Board:

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

20 (ii) Satisfactory evidence of compliance with any continuing education
 21 requirements set under this section for {certificate} OR LICENSE renewal.

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

24 (e) The Board shall renew the {certificate} OR LICENSE of each {certificate}
 25 OR LICENSE holder who meets the requirements of this section.

26 17-310.

27 (a) (1) The Board shall place a {certificate} OR LICENSE on inactive status, if
 28 the {certificate} OR LICENSE holder submits to the Board:

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

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

32 (2) The Board shall issue a {certificate} OR LICENSE to an individual who
 33 is on inactive status if the individual complies with the renewal requirements that existed
 34 when the individual was placed on inactive status.

35 (b) In accordance with its rules and regulations, the Board may reinstate the
 36 {certificate} ~~LICENSE~~ of a professional counselor who:

24

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

2 (2) Has failed to renew the ~~{certificate}~~ LICENSE for any reason.

3 (C) IN ACCORDANCE WITH ITS RULES AND REGULATIONS, THE BOARD MAY
4 REINSTATE THE LICENSE OF A PROFESSIONAL COUNSELOR-CLINICAL OR
5 PROFESSIONAL COUNSELOR-MARRIAGE AND FAMILY THERAPIST-CLINICAL WHO:

6 (1) HAS NOT BEEN PUT ON INACTIVE STATUS; AND

7 (2) HAS FAILED TO RENEW THE LICENSE FOR ANY REASON.

8 17-311.

9 (a) Each ~~{certificate}~~ OR LICENSE holder shall display the ~~{certificate}~~ OR
10 LICENSE conspicuously in the ~~{certificate}~~ OR LICENSE holder's office or place of
11 employment.

12 (b) Each ~~{certificate}~~ OR LICENSE holder shall notify the Board of any change in
13 address.

14 17-312.

15 (a) Any individual who is ~~{certified}~~ OR LICENSED under this subtitle may not
16 charge a client or receive remuneration for professional counseling services unless:

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

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

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

22 (b) The professional disclosure statement shall contain:

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

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

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

29 (4) In the case of a person ~~{certified}~~ OR LICENSED under this subtitle
30 who is engaged in a private individual practice, partnership, or group practice, the
31 person's fee schedule listed by type of service or hourly rate;

32 (5) ~~(D) A~~ (D) FOR CERTIFICATE HOLDERS, AT the bottom of the first page
33 of the disclosure statement, the words, "This information is required by the Board of
34 Examiners of Professional Counselors which regulates all ~~{certified}~~ LICENSED
35 professional counselors and ~~{certified}~~ LICENSED professional counselor-marriage and
36 family ~~{therapists}~~ THERAPY"; and

25

1 (II) FOR PROFESSIONAL COUNSELORS-CLINICAL LICENSE
 2 HOLDERS, AT THE BOTTOM OF THE FIRST PAGE OF THE DISCLOSURE STATEMENT,
 3 THE WORDS, "THIS INFORMATION IS REQUIRED BY THE BOARD OF EXAMINERS OF
 4 PROFESSIONAL COUNSELORS WHICH REGULATES ALL LICENSED PROFESSIONAL
 5 COUNSELORS-CLINICAL"; AND

6 (III) FOR PROFESSIONAL COUNSELORS-MARRIAGE AND FAMILY
 7 THERAPISTS-CLINICAL LICENSE HOLDERS, AT THE BOTTOM OF THE FIRST PAGE OF
 8 THE DISCLOSURE STATEMENT, THE WORDS, "THIS INFORMATION IS REQUIRED BY
 9 THE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS WHICH REGULATES
 10 ALL LICENSED PROFESSIONAL COUNSELORS-MARRIAGE AND FAMILY
 11 THERAPISTS-CLINICAL"; 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} OR
 17 LICENSE to any applicant, reprimand any {certificate} OR LICENSE holder, or suspend
 18 or revoke a {certificate} OR LICENSE of any {certificate} OR LICENSE holder if the
 19 applicant or {certificate} OR LICENSE holder:

20 (1) Fraudulently or deceptively obtains or attempts to obtain a {certificate}
 21 OR LICENSE for the applicant or {certificate} OR 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~~;

24 (I) PRACTICING professional counseling or representing to be a
 25 {certified} ~~LICENSED~~ professional counselor;

26 (II) PRACTICING PROFESSIONAL COUNSELING-CLINICAL OR
 27 REPRESENTING TO BE A LICENSED PROFESSIONAL COUNSELOR-CLINICAL; OR

28 (III) PRACTICING PROFESSIONAL COUNSELING-MARRIAGE AND
 29 FAMILY THERAPIST-CLINICAL;

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

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

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

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

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

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

26

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

4 (11) Refuses, withholds from, denies, or discriminates against an individual
5 with regard to the provision of professional services for which the {certificate} OR
6 LICENSE holder is {certified} OR LICENSED and qualified to render because the
7 individual is HIV positive.

8 17-316.

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

11 (1) Reinstate a {certificate} OR LICENSE that has been revoked;

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

13 (3) Withdraw a reprimand.

14 17-401.

15 (A) Except as otherwise provided in this title, unless a person is {certified}
16 ~~LICENSED~~ to practice professional counseling, the person may not:

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

20 (2) Use any title, abbreviation, sign, card, or other representation that the
21 person is a {certified} ~~LICENSED~~ professional counselor, licensed professional
22 counselor-marriage and family {therapist} ~~THERAPY~~, {certified} ~~LICENSED~~
23 professional counselor-alcohol and drug, ~~LICENSED PROFESSIONAL~~
24 ~~COUNSELOR CLINICAL~~ certified associate counselor-alcohol and drug, or certified
25 supervised counselor-alcohol and drug; or

26 (3) Use the title "{C.P.C.} ~~L.P.C.~~", "{C.P.C.-M.F.T.} ~~L.P.C. M.F.T.~~",
27 "{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
28 the words ~~REPRESENTED BY THE ABBREVIATIONS~~ {"certified professional counselor"
29 or "licensed professional counselor-marriage and family therapist", or the words
30 "certified counselor" or "licensed marriage and family therapist" } with the intent to
31 represent that the person practices professional counseling {or}, {marriage}
32 ~~PROFESSIONAL COUNSELING MARRIAGE~~ and family therapy, ~~PROFESSIONAL~~
33 ~~COUNSELING ALCOHOL AND DRUG, OR PROFESSIONAL COUNSELING CLINICAL~~ {or
34 the words "certified professional counselor-alcohol and drug", "certified associate
35 counselor-alcohol and drug", "certified supervised counselor-alcohol and drug" with the
36 intent to represent that the person practices alcohol and drug counseling}.

37 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, UNLESS A PERSON IS
38 LICENSED TO PRACTICE PROFESSIONAL COUNSELING-CLINICAL, THE PERSON MAY
39 NOT:

1 (1) REPRESENT TO THE PUBLIC BY TITLE, BY DESCRIPTION OF
2 SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE PERSON IS
3 LICENSED BY THE BOARD TO PROVIDE PROFESSIONAL COUNSELING-CLINICAL
4 SERVICES IN THIS STATE;

5 (2) USE ANY TITLE, ABBREVIATION, SIGN, CARD, OR OTHER
6 REPRESENTATION THAT THE PERSON IS A LICENSED PROFESSIONAL
7 COUNSELOR-CLINICAL; OR

8 (3) USE THE TITLE "L.P.C.-C.", OR THE WORDS "LICENSED
9 PROFESSIONAL COUNSELOR-CLINICAL" WITH THE INTENT TO REPRESENT THAT
10 THE PERSON PRACTICES PROFESSIONAL COUNSELING-CLINICAL.

11 (C) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, UNLESS A PERSON IS
12 LICENSED TO PRACTICE PROFESSIONAL COUNSELING-MARRIAGE AND FAMILY
13 THERAPIST-CLINICAL, THE PERSON MAY NOT:

14 (1) REPRESENT TO THE PUBLIC BY TITLE, BY DESCRIPTION OF
15 SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE PERSON IS
16 LICENSED BY THE BOARD TO PROVIDE PROFESSIONAL COUNSELING-MARRIAGE
17 AND FAMILY THERAPIST-CLINICAL SERVICES IN THIS STATE;

18 (2) USE ANY TITLE, ABBREVIATION, SIGN, CARD, OR OTHER
19 REPRESENTATION THAT THE PERSON IS A LICENSED PROFESSIONAL
20 COUNSELOR-MARRIAGE AND FAMILY THERAPIST-CLINICAL; OR

21 (3) USE THE TITLE "L.P.C.-M.F.T.-C.", OR THE WORDS "LICENSED
22 PROFESSIONAL COUNSELOR-MARRIAGE AND FAMILY THERAPIST-CLINICAL" WITH
23 THE INTENT TO REPRESENT THAT THE PERSON PRACTICES PROFESSIONAL
24 COUNSELING-MARRIAGE AND FAMILY THERAPIST-CLINICAL.

25 ~~47-403.~~

26 (D) A PERSON MAY NOT:

27 (1) (I) INTENTIONALLY GIVE FALSE INFORMATION TO THE BOARD
28 WHEN ATTEMPTING TO OBTAIN A ~~LICENSE~~ CERTIFICATE UNDER THIS SUBTITLE;

29 (2) (II) INTENTIONALLY USE OR ATTEMPT TO USE THE ~~LICENSE~~
30 CERTIFICATE OF ANOTHER PERSON WHO IS A ~~LICENSED~~ CERTIFIED PROFESSIONAL
31 COUNSELOR; ~~AND~~ OR

32 (3) (III) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, PRACTICE
33 OR ATTEMPT TO ENGAGE IN THE BUSINESS OF PROVIDING PROFESSIONAL
34 COUNSELOR SERVICES IN THIS STATE WITHOUT A ~~LICENSE~~. CERTIFICATE; OR

35 (2) (I) INTENTIONALLY GIVE FALSE INFORMATION TO THE BOARD
36 WHEN ATTEMPTING TO OBTAIN A LICENSE UNDER THIS SUBTITLE;

37 (II) INTENTIONALLY USE OR ATTEMPT TO USE THE LICENSE OF
38 ANOTHER PERSON WHO IS A LICENSED PROFESSIONAL COUNSELOR-CLINICAL OR
39 LICENSED PROFESSIONAL COUNSELOR-MARRIAGE AND FAMILY
40 THERAPIST-CLINICAL; OR

1 (III) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, PRACTICE
2 OR ATTEMPT TO ENGAGE IN THE BUSINESS OF PROVIDING PROFESSIONAL
3 COUNSELOR-CLINICAL OR PROFESSIONAL COUNSELOR-MARRIAGE AND FAMILY
4 THERAPIST-CLINICAL SERVICES IN THIS STATE WITHOUT A LICENSE.

5 **Article - Courts and Judicial Proceedings**

6 9-109.1.

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

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

11 (3) "Professional counselor" means an individual who is {certified} OR
12 LICENSED as a counselor under Title 17 of the Health Occupations Article.

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

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

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

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

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

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

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

29 (d) There is no privilege if:

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

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

35 (3) In a civil or criminal proceeding:

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

29

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 3. AND BE IT FURTHER ENACTED, That:

20 (a) On or before January 1, 1998, the State Board of Examiners of Professional
21 Counselors shall:

22 (1) Assess whether, as to those certified professional counselors who meet
23 the requirements of § 17-306 of the Health Occupations Article, as enacted by Section 2
24 of this Act, it is advisable to specify distinctions in title by specialization; and

25 (2) Report to the General Assembly, in accordance with § 2-1312 of the
26 State Government Article, on the results of its assessment.

27 (b) On or before January 1, 1999, the State Board of Examiners of Professional
28 Counselors shall issue recommendations to the General Assembly, in accordance with §
29 2-1312 of the State Government Article, that certified professional counselors-alcohol
30 and drug who meet the requirements of § 17-302.3 of the Health Occupations Article,
31 should be licensed in a manner comparable with the provisions of this Act relating to
32 licensed professional counselors-clinical and licensed professional counselors-marriage
33 and family therapist-clinical.

34 SECTION 2- 4. AND BE IT FURTHER ENACTED, That this Act shall take
35 effect October 1, 1997.

