

HOUSE BILL 768

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1998 Regular Session
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CF 8lr2058

By: **Delegates Hubbard, Proctor, Mandel, and Crumlin**
Crumlin, Nathan-Pulliam, Ciliberti, and Klausmeier

Introduced and read first time: February 11, 1998

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 1998

CHAPTER _____

1 AN ACT concerning

2 **Professional Counselors - Licensing**

3 FOR the purpose of establishing requirements for the licensing of clinical professional
4 counselors, clinical marriage and family therapists, and clinical alcohol and
5 drug counselors; requiring the State Board of Examiners of Professional
6 Counselors (Board) to waive certain requirements for licensing of certain
7 individuals under specified circumstances; requiring the Board to issue certain
8 licenses; authorizing certain individuals to render certain diagnoses;
9 establishing requirements for the renewal of certain licenses; establishing
10 certain prohibitions and conditions relating to the surrender of certain licenses;
11 prohibiting certain individuals from engaging in certain actions or making
12 certain representations in the State or using certain titles unless licensed by the
13 Board; establishing certain criminal penalties; defining certain terms; altering a
14 certain definition; mandating the development of certain regulations between
15 the Board and the Board of Examiners of Psychologists; and generally relating
16 to the licensing of clinical professional counselors, clinical marriage and family
17 therapists, and clinical alcohol and drug counselors in the State.

18 BY repealing and reenacting, with amendments,
19 Article - Courts and Judicial Proceedings
20 Section 9-109.1(a)
21 Annotated Code of Maryland
22 (1995 Replacement Volume and 1997 Supplement)

23 BY repealing and reenacting, without amendments,
24 Article - Courts and Judicial Proceedings

1 Section 9-109.1(b)
 2 Annotated Code of Maryland
 3 (1995 Replacement Volume and 1997 Supplement)

4 BY repealing and reenacting, with amendments,
 5 Article - Health Occupations
 6 Section 17-101(c), 17-202, and 17-205(c)
 7 Annotated Code of Maryland
 8 (1994 Replacement Volume and 1997 Supplement)

9 BY adding to
 10 Article - Health Occupations
 11 Section 17-3A-01 through 17-3A-11, inclusive, to be under the new subtitle
 12 "Subtitle 3A. Licensing"
 13 Annotated Code of Maryland
 14 (1994 Replacement Volume and 1997 Supplement)

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

17 **Article - Courts and Judicial Proceedings**

18 9-109.1.

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

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

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

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

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

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

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

34 (b) Unless otherwise provided, in any judicial, legislative, or administrative
 35 proceeding, a client or a client's authorized representative has a privilege to refuse to

1 disclose, and to prevent a witness from disclosing, communications relating to
 2 diagnosis or treatment of the client's mental or emotional disorder.

3

Article - Health Occupations

4 17-101.

5 (c) (1) "Appraisal" means:

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

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

12 (3) ~~THE INSTRUMENTS REFERENCED IN § 17-101(C)(1) MAY NOT~~

13 (2) "APPRAISAL" DOES NOT INCLUDE INSTRUMENTS WHICH REQUIRE
 14 SPECIALIZED PSYCHOLOGICAL TRAINING FOR ADMINISTRATION AND
 15 INTERPRETATION UNLESS THE LICENSED OR CERTIFIED PROFESSIONAL
 16 COUNSELOR HAS COMPLETED TRAINING DEEMED BY THE BOARD OF EXAMINERS OF
 17 PSYCHOLOGISTS AND THE BOARD OF PROFESSIONAL COUNSELORS TO BE
 18 EQUIVALENT TO THAT OF A LICENSED PSYCHOLOGIST WHO IS QUALIFIED TO
 19 ADMINISTER THE SAME TYPES OF INSTRUMENTS.

20 17-202.

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

23 (2) Of the nine Board members:

24 (i) Five shall be certified as professional counselors, LICENSED
 25 UNDER SUBTITLE 3A OF THIS SECTION, including:

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

28 2. One who is employed in the private sector;

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

30 4. Two professional counselors at large;

31 (ii) One shall be a ~~certified~~ LICENSED professional
 32 counselor-marriage and family therapist;

33 (iii) One shall be a certified OR LICENSED professional
 34 counselor-alcohol and drug; and

1 (iv) Two shall be consumer members.

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

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

7 (b) The consumer members of the Board:

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

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

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

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

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

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

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

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

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

25 (2) Meet the educational and supervised experience requirements of §
26 17-302 of this title.

27 (d) The certified OR LICENSED professional counselor-alcohol and drug
28 member of the Board shall:

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

31 (2) Meet the educational and supervised experience requirements of §
32 17-302.3 of this title.

1 (e) A certified associate counselor-alcohol and drug or a certified supervised
2 counselor-alcohol and drug shall be appointed by the Governor to serve as an advisor
3 to the Board.

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

6 (g) (1) The term of a member is 4 years.

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

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

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

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

14 (h) (1) The governor may remove a member for incompetency, misconduct, or
15 neglect of duty.

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

19 17-205.

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

23 (2) The Board may not take action regarding alcohol and drug counselors
24 without the approval of the Board member who is a certified professional
25 counselor-alcohol and drug.

26 (3) THE BOARD SHALL INVESTIGATE ALL COMPLAINTS FILED AGAINST
27 LICENSED PROFESSIONAL COUNSELORS IF, AT THE TIME OF THE VIOLATION, THE
28 LICENSED PROFESSIONAL COUNSELOR HAS ALSO REGISTERED AND QUALIFIED FOR
29 PSYCHOLOGY ASSOCIATE STATUS BY VIRTUE OF HOLDING A MASTER'S DEGREE
30 UNDER TITLE 18 (MARYLAND PSYCHOLOGISTS ACT) OF THIS ARTICLE.

31 (4) THE BOARD SHALL NOTIFY THE BOARD OF EXAMINERS OF
32 PSYCHOLOGISTS OF THE COMPLAINT IN WRITING WITHIN 60 DAYS OF RECEIPT OF
33 THE COMPLAINT IF AN INVESTIGATION OF THE SUPERVISING LICENSED
34 PSYCHOLOGISTS IS WARRANTED.

1 (5) THE BOARD SHALL INITIATE DISCIPLINARY ACTION AGAINST ANY
2 LICENSED PROFESSIONAL COUNSELOR WHO ALSO REGISTERS AS A PSYCHOLOGY
3 ASSOCIATE AND VIOLATES ANY PORTION OF THIS STATUTE.

4 SUBTITLE 3A. LICENSING.

5 17-3A-01.

6 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (B) "LICENSE" MEANS, ~~UNLESS THE CONTEXT REQUIRES OTHERWISE,~~ A
9 LICENSE ISSUED BY THE BOARD TO PRACTICE CLINICAL PROFESSIONAL
10 COUNSELING, CLINICAL MARRIAGE AND FAMILY THERAPY, OR CLINICAL ALCOHOL
11 AND DRUG COUNSELING.

12 (C) "PRACTICE CLINICAL ALCOHOL AND DRUG COUNSELING" MEANS TO
13 ENGAGE PROFESSIONALLY AND FOR COMPENSATION IN ALCOHOL AND DRUG
14 COUNSELING AND APPRAISAL ACTIVITIES WHILE REPRESENTING ONESELF TO BE A
15 LICENSED CLINICAL ALCOHOL AND DRUG COUNSELOR.

16 (D) "PRACTICE CLINICAL MARRIAGE AND FAMILY THERAPY" MEANS TO
17 ENGAGE PROFESSIONALLY AND FOR COMPENSATION IN MARRIAGE AND FAMILY
18 THERAPY AND APPRAISAL ACTIVITIES WHILE REPRESENTING ONESELF TO BE A
19 LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST.

20 (E) "PRACTICE CLINICAL PROFESSIONAL COUNSELING" MEANS TO ENGAGE
21 PROFESSIONALLY AND FOR COMPENSATION IN COUNSELING AND APPRAISAL
22 ACTIVITIES WHILE REPRESENTING ONESELF TO BE A LICENSED CLINICAL
23 PROFESSIONAL COUNSELOR.

24 17-3A-02.

25 (A) TO QUALIFY FOR LICENSING, AN APPLICANT SHALL BE AN INDIVIDUAL
26 WHO MEETS THE APPLICABLE REQUIREMENTS OF THIS SECTION.

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

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

29 (D) FOR A LICENSE TO PRACTICE CLINICAL ALCOHOL AND DRUG
30 COUNSELING, THE APPLICANT SHALL HAVE:

31 (1) MET THE REQUIREMENTS OF § 17-302.3 OF THIS ARTICLE; AND

32 (2) PROVIDED DOCUMENTATION TO THE BOARD EVIDENCING THE
33 COMPLETION OF 60 HOURS OF GRADUATE COURSE WORK, INCLUDING TRAINING IN
34 PERSONALITY DEVELOPMENT, DIAGNOSIS AND TREATMENT OF MENTAL AND
35 EMOTIONAL DISORDERS, PSYCHOPATHOLOGY, AND PSYCHOTHERAPY IN ALCOHOL

1 AND DRUG DISORDERS FROM AN ACCREDITED COLLEGE OR UNIVERSITY APPROVED
2 BY THE BOARD.

3 (E) FOR A LICENSE TO PRACTICE CLINICAL MARRIAGE AND FAMILY THERAPY,
4 THE APPLICANT SHALL HAVE:

5 (1) MET THE REQUIREMENTS OF § 17-302.1 OF THIS ARTICLE; AND

6 (2) PROVIDED DOCUMENTATION TO THE BOARD EVIDENCING THE
7 COMPLETION OF 60 HOURS OF GRADUATE COURSE WORK, INCLUDING TRAINING IN
8 PERSONALITY DEVELOPMENT, DIAGNOSIS AND TREATMENT OF MENTAL AND
9 EMOTIONAL DISORDERS, PSYCHOPATHOLOGY, FAMILY THERAPY, AND
10 PSYCHOTHERAPY FROM AN ACCREDITED COLLEGE OR UNIVERSITY APPROVED BY
11 THE BOARD.

12 (F) FOR A LICENSE TO PRACTICE CLINICAL PROFESSIONAL COUNSELING, THE
13 APPLICANT SHALL HAVE:

14 (1) MET OR PREVIOUSLY MET AT THE TIME OF CERTIFICATION THE
15 REQUIREMENTS OF § 17-302 OF THIS ARTICLE; AND

16 (2) PROVIDED DOCUMENTATION TO THE BOARD EVIDENCING THE
17 COMPLETION OF 60 HOURS OF GRADUATE COURSE WORK IN THE LICENSEE'S
18 RESPECTIVE AREA OF PRACTICE, INCLUDING TRAINING IN PERSONALITY
19 DEVELOPMENT, DIAGNOSIS, AND TREATMENT OF MENTAL AND EMOTIONAL
20 DISORDERS, PSYCHOPATHOLOGY, AND PSYCHOTHERAPY FROM AN ACCREDITED
21 COLLEGE OR UNIVERSITY PROGRAM APPROVED BY THE BOARD.

22 (G) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, THE APPLICANT SHALL
23 PASS AN EXAMINATION APPROVED BY THE BOARD.

24 (H) THE APPLICANT SHALL PROVIDE DOCUMENTATION EVIDENCING THE
25 COMPLETION OF 2 YEARS OF POSTGRADUATE SUPERVISED CLINICAL EXPERIENCE
26 AS REQUIRED BY THE BOARD.

27 17-3A-03.

28 (A) THE BOARD SHALL WAIVE THE REQUIREMENTS FOR LICENSING OF ANY
29 PERSON UNDER § 17-3A-02 OF THIS SUBTITLE FOR ANY PERSON WHO HAS FILED A
30 LETTER OF INTENT WITH THE BOARD BY OCTOBER 1, 1999, AND WHO BY OCTOBER 1,
31 2001:

32 (1) HAS BEEN CERTIFIED BY THE BOARD AS A CERTIFIED
33 PROFESSIONAL COUNSELOR, CERTIFIED PROFESSIONAL COUNSELOR-MARRIAGE
34 AND FAMILY THERAPIST, OR A CERTIFIED PROFESSIONAL COUNSELOR-ALCOHOL
35 AND DRUG OR IS A PERSON WITH A MASTERS' DEGREE OR DOCTORAL DEGREE WHO IS
36 DESIGNATED BY THE BOARD AS ELIGIBLE FOR A LICENSE AS A LICENSED CLINICAL
37 PROFESSIONAL COUNSELOR, LICENSED CLINICAL MARRIAGE AND FAMILY
38 THERAPIST, OR LICENSED CLINICAL ALCOHOL AND DRUG COUNSELOR; AND

1 (2) HAS PROVIDED DOCUMENTATION TO THE BOARD EVIDENCING THE
2 COMPLETION OF 3 YEARS OF FULL-TIME EXPERIENCE OR ITS EQUIVALENT
3 PROVIDING PSYCHOTHERAPY SERVICES FOR COMPENSATION, AS A CERTIFIED
4 PROFESSIONAL COUNSELOR, CERTIFIED PROFESSIONAL COUNSELOR-MARRIAGE
5 AND FAMILY THERAPIST, OR CERTIFIED PROFESSIONAL COUNSELOR-ALCOHOL AND
6 DRUG OR THEIR EQUIVALENT AS DETERMINED BY THE BOARD.

7 (B) A LICENSE ISSUED UNDER THIS SUBTITLE SHALL BE VALID FOR 2 YEARS.

8 (C) THE CURRENT PROFESSIONAL COUNSELOR MEMBERS OF THE BOARD
9 WHO ARE NOT LICENSED UNDER THIS SUBTITLE MAY SERVE THE REMAINDER OF
10 THEIR TERM.

11 17-3A-04.

12 TO APPLY FOR A LICENSE, AN APPLICANT SHALL:

13 (1) SUBMIT AN APPLICATION ON THE FORM THAT THE BOARD
14 REQUIRES; AND

15 (2) PAY TO THE BOARD THE APPLICATION FEE SET BY THE BOARD.

16 17-3A-05.

17 (A) THE BOARD SHALL ISSUE A LICENSE TO ANY APPLICANT WHO MEETS THE
18 REQUIREMENTS OF THIS SUBTITLE.

19 (B) THE BOARD SHALL INCLUDE ON EACH LICENSE THAT THE BOARD ISSUES:

20 (1) THE KIND OF LICENSE;

21 (2) THE FULL NAME OF THE LICENSEE;

22 (3) A SERIAL NUMBER;

23 (4) THE SIGNATURES OF THE CHAIRMAN AND THE SECRETARY OF THE
24 BOARD; AND

25 (5) THE SEAL OF THE BOARD.

26 (C) THE BOARD MAY ISSUE A LICENSE TO REPLACE A LOST, DESTROYED, OR
27 MUTILATED LICENSE IF THE LICENSEE PAYS THE LICENSE REPLACEMENT FEE SET
28 BY THE BOARD.

29 17-3A-06.

30 A LICENSE AUTHORIZES THE LICENSEE TO PRACTICE CLINICAL ALCOHOL AND
31 DRUG COUNSELING, CLINICAL MARRIAGE AND FAMILY THERAPY, OR CLINICAL
32 PROFESSIONAL COUNSELING WHILE THE LICENSE IS EFFECTIVE.

1 17-3A-07.

2 ~~AN INDIVIDUAL MAY RENDER A DIAGNOSIS BASED ON A RECOGNIZED MANUAL~~
3 ~~OF MENTAL AND EMOTIONAL DISORDER AND USE PSYCHOTHERAPY TO TREAT A~~
4 ~~DISORDER IF THE INDIVIDUAL HAS RECEIVED A LICENSE FROM THE BOARD. AN~~
5 INDIVIDUAL LICENSED UNDER THIS SUBTITLE MAY PROVIDE SERVICES INVOLVING
6 THE APPLICATION OF COUNSELING PRINCIPLES AND METHODS IN THE DIAGNOSIS,
7 PREVENTION, TREATMENT, AND AMELIORATION OF PSYCHOLOGICAL PROBLEMS,
8 EMOTIONAL CONDITIONS, OR MENTAL CONDITIONS OF INDIVIDUALS OR GROUPS.

9 17-3A-08.

10 (A) (1) A LICENSE EXPIRES ON THE DATE SET BY THE BOARD, UNLESS THE
11 LICENSE IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN THIS SECTION.

12 (2) A LICENSE MAY NOT BE RENEWED FOR A TERM LONGER THAN 2
13 YEARS.

14 (B) AT LEAST 1 MONTH BEFORE THE LICENSE EXPIRES, THE BOARD SHALL
15 SEND TO THE LICENSEE, BY FIRST CLASS MAIL TO THE LAST KNOWN ADDRESS OF
16 THE LICENSEE, A RENEWAL NOTICE THAT STATES:

17 (1) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

18 (2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE
19 RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE
20 THE LICENSE EXPIRES; AND

21 (3) THE AMOUNT OF THE RENEWAL FEE.

22 (C) EACH LICENSEE SHALL NOTIFY THE BOARD OF ANY CHANGE IN THE
23 ADDRESS OF THE LICENSEE.

24 (D) BEFORE THE LICENSE EXPIRES, THE LICENSEE PERIODICALLY MAY
25 RENEW IT FOR AN ADDITIONAL 2-YEAR TERM, IF THE LICENSEE:

26 (1) OTHERWISE IS ENTITLED TO BE LICENSED;

27 (2) PAYS TO THE BOARD THE RENEWAL FEE SET BY THE BOARD;

28 (3) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE FORM
29 THAT THE BOARD REQUIRES; AND

30 (4) SUBMITS SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY
31 CONTINUING EDUCATION REQUIREMENTS SET FORTH UNDER THIS SECTION FOR
32 LICENSE RENEWAL.

33 (E) (1) THE BOARD SHALL RENEW THE LICENSE OF AND ISSUE A RENEWAL
34 CERTIFICATE TO EACH LICENSEE WHO MEETS THE REQUIREMENTS OF THIS
35 SECTION.

1 (2) THE BOARD SHALL INCLUDE THE TERM OF THE RENEWAL ON EACH
2 RENEWAL CERTIFICATE THAT THE BOARD ISSUES.

3 17-3A-09.

4 (A) (1) THE BOARD SHALL PLACE A LICENSEE ON INACTIVE STATUS, IF THE
5 LICENSEE:

6 (I) SUBMITS TO THE BOARD AN APPLICATION FOR INACTIVE
7 STATUS ON THE FORM REQUIRED BY THE BOARD; AND

8 (II) PAYS THE INACTIVE STATUS FEE SET BY THE BOARD.

9 (2) THE BOARD SHALL ISSUE A LICENSE TO AN INDIVIDUAL WHO IS ON
10 INACTIVE STATUS IF THE INDIVIDUAL COMPLIES WITH THE RENEWAL
11 REQUIREMENTS THAT ARE IN EFFECT WHEN THE INDIVIDUAL REQUESTS THE
12 RENEWAL OF THE LICENSE.

13 (B) THE BOARD, IN ACCORDANCE WITH ITS REGULATIONS, MAY REINSTATE
14 THE LICENSE OF A LICENSE HOLDER WHO:

15 (1) HAS NOT PLACED THE LICENSE ON INACTIVE STATUS; AND

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

17 17-3A-10.

18 (A) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A LICENSE,
19 A LICENSED CLINICAL ALCOHOL AND DRUG COUNSELOR, A LICENSED CLINICAL
20 MARRIAGE AND FAMILY THERAPIST, OR A LICENSED CLINICAL PROFESSIONAL
21 COUNSELOR MAY NOT SURRENDER THE LICENSE NOR MAY THE LICENSE LAPSE BY
22 OPERATION OF LAW WHILE THE LICENSEE IS UNDER INVESTIGATION OR WHILE
23 CHARGES ARE PENDING AGAINST THE LICENSE HOLDER.

24 (B) THE BOARD MAY SET CONDITIONS ON ITS AGREEMENT WITH THE
25 LICENSED CLINICAL ALCOHOL AND DRUG COUNSELOR, LICENSED CLINICAL
26 MARRIAGE AND FAMILY THERAPIST, OR LICENSED CLINICAL PROFESSIONAL
27 COUNSELOR UNDER INVESTIGATION OR AGAINST WHOM CHARGES ARE PENDING TO
28 ACCEPT SURRENDER OF THE LICENSE.

29 17-3A-11.

30 (A) AN INDIVIDUAL MAY NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER
31 TO PRACTICE CLINICAL ALCOHOL AND DRUG COUNSELING, CLINICAL MARRIAGE
32 AND FAMILY THERAPY, OR CLINICAL PROFESSIONAL COUNSELING IN THE STATE
33 UNLESS LICENSED BY THE BOARD.

34 (B) UNLESS AN INDIVIDUAL IS LICENSED TO PRACTICE CLINICAL ALCOHOL
35 AND DRUG COUNSELING, CLINICAL MARRIAGE AND FAMILY THERAPY, OR CLINICAL
36 PROFESSIONAL COUNSELING, AN INDIVIDUAL MAY NOT:

1 (1) REPRESENT TO THE PUBLIC BY TITLE, BY DESCRIPTION OF
2 SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE INDIVIDUAL IS
3 LICENSED BY THE BOARD TO PROVIDE CLINICAL ALCOHOL AND DRUG COUNSELING
4 SERVICES, CLINICAL MARRIAGE AND FAMILY THERAPY SERVICES, OR CLINICAL
5 PROFESSIONAL COUNSELING SERVICES IN THE STATE;

6 (2) USE ANY TITLE, ABBREVIATION, SIGN, CARD, OR OTHER
7 REPRESENTATION THAT THE INDIVIDUAL IS A LICENSED CLINICAL ALCOHOL AND
8 DRUG COUNSELOR, LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST, OR
9 LICENSED CLINICAL PROFESSIONAL COUNSELOR; OR

10 (3) USE THE TITLE "L.C.A.D.C.", "L.C.M.F.T.", OR "L.C.P.C." OR THE WORDS
11 "LICENSED CLINICAL ALCOHOL AND DRUG COUNSELOR", "LICENSED CLINICAL
12 MARRIAGE AND FAMILY THERAPIST", OR "LICENSED CLINICAL PROFESSIONAL
13 COUNSELOR" WITH THE INTENT TO REPRESENT THAT THE INDIVIDUAL PRACTICES
14 CLINICAL ALCOHOL AND DRUG COUNSELING, CLINICAL MARRIAGE AND FAMILY
15 THERAPY, OR CLINICAL PROFESSIONAL COUNSELING.

16 (C) (1) ANY INDIVIDUAL WHO VIOLATES ANY PROVISION OF THIS SECTION
17 IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT
18 EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.

19 (2) EACH VIOLATION OF THIS SECTION IS A SEPARATE OFFENSE.

20 (D) THIS SUBTITLE MAY NOT BE CONSTRUED TO LIMIT THE SCOPE OF
21 PRACTICE OF ANY INDIVIDUAL WHO IS DULY LICENSED UNDER THE HEALTH
22 OCCUPATIONS ARTICLE.

23 SECTION 2. AND BE IT FURTHER ENACTED, That the Board of Examiners
24 of Professional Counselors and the Board of Examiners of Psychologists shall develop
25 regulations by October 1, 2000 that articulate the minimum training standards for
26 the administration and interpretation of psychological testing by professional
27 counselors licensed or certified by the Board of Examiners of Professional Counselors
28 and minimum continuing education requirements of licensed professional counselors.

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 1998.