

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 621  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “(Board);” insert “altering certain requirements for when the Board may take action against certain individuals;”; in line 8, strike “deny, suspend, revoke,” and substitute “deny a license to certain applicants, reprimand certain licensees, suspend or revoke the license of certain licensees;”; in the same line, strike “licenses” and substitute “licensees and certificate holders; providing certain exemptions to certain licensing requirements; requiring certain licensees to display a license in a certain manner and place; requiring certain licensees to notify the Board of any change in address; requiring certain licensees to provide a certain professional disclosure statement to a client under certain circumstances; authorizing the Board to reduce the period of probation of certain certificate holders under certain circumstances; making certain stylistic and conforming changes”; in line 14, strike “and” and substitute “17-311, 17-312, 17-313, 17-316;”; in the same line, after “17-3A-01” insert “, and 17-3A-11(a)”; and after line 26, insert:

“BY repealing and reenacting, with amendments,  
Article - Courts and Judicial Proceedings  
Section 9-109.1(a)(3)  
Annotated Code of Maryland  
(1998 Replacement Volume)”.

AMENDMENT NO. 2

On pages 4 and 5, strike in their entirety the lines beginning with line 32 on page 4 through line 4 on page 5, inclusive, and substitute:

“(C) (1) THE BOARD MAY TAKE ACTION AGAINST A CERTIFIED PROFESSIONAL COUNSELOR-MARRIAGE AND FAMILY THERAPIST OR A LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST ONLY IF:

(Over)

(I) BEFORE TAKING ACTION AGAINST THE CERTIFIED PROFESSIONAL COUNSELOR-MARRIAGE AND FAMILY THERAPIST OR THE LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST, THE BOARD DISCUSSES THE PROPOSED ACTION WITH THE BOARD MEMBER WHO IS A LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST; AND

(II) THE BOARD MEMBER WHO IS A LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST VOTES, EITHER IN THE AFFIRMATIVE OR IN THE NEGATIVE, ON THE PROPOSED ACTION.

(2) THE BOARD MAY TAKE ACTION AGAINST AN ALCOHOL AND DRUG COUNSELOR ONLY IF:

(I) BEFORE TAKING ACTION AGAINST THE ALCOHOL AND DRUG COUNSELOR, THE BOARD DISCUSSES THE PROPOSED ACTION WITH THE BOARD MEMBER WHO IS A CERTIFIED PROFESSIONAL COUNSELOR-ALCOHOL AND DRUG OR LICENSED CLINICAL ALCOHOL AND DRUG COUNSELOR; AND

(II) THE BOARD MEMBER WHO IS A CERTIFIED PROFESSIONAL COUNSELOR-ALCOHOL AND DRUG OR LICENSED CLINICAL ALCOHOL AND DRUG COUNSELOR VOTES, EITHER IN THE AFFIRMATIVE OR IN THE NEGATIVE, ON THE PROPOSED ACTION.”.

AMENDMENT NO. 3

On page 5, after line 28, insert:

“17-311.

(a) Each certificate holder OR LICENSEE shall display the certificate OR LICENSE conspicuously in the certificate holder's OR LICENSEE'S office or place of employment.

(b) Each certificate holder OR LICENSEE shall notify the Board of any change in address.

17-312.

(a) Any individual who is certified under this subtitle OR LICENSED UNDER SUBTITLE 3A OF THIS TITLE may not charge a client or receive remuneration for professional counseling services unless:

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

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

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

(b) The professional disclosure statement shall contain:

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

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

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

(4) In the case of a person certified under this subtitle OR LICENSED UNDER SUBTITLE 3A OF THIS TITLE who is engaged in a private individual practice, partnership, or group practice, the person's fee schedule listed by type of service or hourly rate;

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

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

(Over)

17-313.

Subject to the hearing provisions of § 17-314 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a certificate to any applicant, PLACE ANY CERTIFICATE HOLDER ON PROBATION, reprimand any certificate holder, or suspend or revoke a certificate of any certificate holder if the applicant or certificate holder:

- (1) Fraudulently or deceptively obtains or attempts to obtain a certificate for the applicant or certificate holder or for another;
- (2) Is addicted to any narcotic or is habitually intoxicated;
- (3) Aids or abets an unauthorized person in practicing professional counseling or representing to be a certified professional counselor;
- (4) Violates the code of ethics adopted by the Board;
- (5) Knowingly violates any provision of this title;
- (6) Is convicted of or pleads guilty or nolo contendere to a felony or a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;
- (7) Is professionally, physically, or mentally incompetent;
- (8) Submits a false statement to collect a fee;
- (9) Violates any rule or regulation adopted by the Board;
- (10) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes; or

(11) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the certificate holder is certified and qualified to render because the individual is HIV positive.

17-316.

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

- (1) Reinstate a certificate that has been revoked;
- (2) Reduce the period of a suspension OR PROBATION; or
- (3) Withdraw a reprimand.”.

On page 6, after line 16, insert:

“17-3A-11.

(a) (1) [An] EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN individual may not practice, attempt to practice, or offer to practice clinical alcohol and drug counseling, clinical marriage and family therapy, or clinical professional counseling in the State unless licensed by the Board.

(2) SUBJECT TO THE RULES AND REGULATIONS OF THE BOARD, PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO:

(I) A STUDENT WORKING UNDER THE SUPERVISION OF A LICENSED MENTAL HEALTH CARE PROVIDER WHILE PURSUING A SUPERVISED COURSE OF STUDY IN COUNSELING THAT THE BOARD APPROVES AS QUALIFYING TRAINING AND EXPERIENCE UNDER THIS TITLE; OR

(II) AN INDIVIDUAL WITH A GRADUATE DEGREE IN COUNSELING OR A RELATED FIELD WHO IS WORKING UNDER THE SUPERVISION OF

(Over)

A MENTAL HEALTH CARE PROVIDER DULY LICENSED UNDER THIS ARTICLE FOR THE PURPOSE OF QUALIFYING FOR A LICENSE UNDER THIS TITLE.”;

in line 28, strike “DENY, SUSPEND, REVOKE, OR” and substitute “DENY A LICENSE TO AN APPLICANT, SUSPEND OR REVOKE A LICENSE OF A LICENSEE,”; in the same line, strike “AN APPLICANT OR” and substitute “A”; in line 29, strike “LICENSE” and substitute “LICENSEE”; in the same line, after “APPLICANT” insert “OR LICENSEE”; and after line 36, insert:

“Article - Courts and Judicial Proceedings

9-109.1.

(a) (3) “Professional counselor” means an individual who is certified [or], licensed, OR EXEMPTED FROM LICENSURE as a counselor under Title 17 of the Health Occupations Article.”.