
By: **Delegate Hubbard**

Introduced and read first time: February 11, 1999

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations - Professional Counselors - Licensing and Certification**

3 FOR the purpose of altering certain requirements for the licensing of clinical
4 professional counselors, clinical marriage and family therapists, and clinical
5 alcohol and drug counselors; altering the membership and authority of the State
6 Board of Examiners of Professional Counselors (Board); altering certain
7 definitions; establishing certain examination requirements; authorizing the
8 Board to deny, suspend, revoke, or place on probation certain licenses; and
9 generally relating to the licensing of clinical professional counselors, clinical
10 marriage and family therapists, and clinical alcohol and drug counselors in the
11 State.

12 BY repealing and reenacting, with amendments,
13 Article - Health Occupations
14 Section 17-202, 17-205, 17-206(b), and 17-3A-01
15 Annotated Code of Maryland
16 (1994 Replacement Volume and 1998 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article - Health Occupations
19 Section 17-206(a)
20 Annotated Code of Maryland
21 (1994 Replacement Volume and 1998 Supplement)

22 BY adding to
23 Article - Health Occupations
24 Section 17-3A-12 and 17-3A-13
25 Annotated Code of Maryland
26 (1994 Replacement Volume and 1998 Supplement)

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

{/MAIN;2}

29 **Article - Health Occupations**

30 17-202.

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

33 (2) Of the nine Board members:

34 (i) Five shall be [certified] LICENSED as professional counselors[,
35 licensed] under Subtitle 3A of this section, including:

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

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

83 required by Article I, § 9 of the State Constitution.

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

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

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

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

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

92 (h) (1) The Governor may remove a member for incompetency, misconduct,
93 or neglect of duty.

{/MAIN;4}

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

97 17-205.

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

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

101 (1) Maintain a registry of all COUNSELORS OR THERAPISTS currently[:

102 (i) Certified professional counselors;

103 (ii) Certified professional counselors-marriage and family
104 therapists;

105 (iii) Certified professional counselors-alcohol and drug;

106 (iv) Certified associate counselors-alcohol and drug; and

107 (v) Certified supervised counselors-alcohol and drug;] LICENSED
108 OR CERTIFIED BY THE BOARD;

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

110 (3) Adopt a code of ethics that the Board considers to be appropriate and
111 applicable to [certified professional counselors, certified professional
112 counselors-marriage and family therapists, certified professional counselors-alcohol
113 and drug, certified associate counselors-alcohol and drug, and certified supervised
114 counselors-alcohol and drug;] THE COUNSELORS OR THERAPISTS CURRENTLY
115 CERTIFIED OR LICENSED BY THE BOARD;

116 (4) Establish continuing education requirements for [certified
117 professional counselors, certified professional counselors-marriage and family
118 therapists, certified professional counselors-alcohol and drug, certified associate
119 counselors-alcohol and drug, and certified supervised counselors-alcohol and drug;]
120 THE COUNSELORS OR THERAPISTS CURRENTLY CERTIFIED OR LICENSED BY THE
121 BOARD;

122 (5) Adopt an official seal; and

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

125 (c) (1) The Board may not take action regarding certified professional
126 counselors-marriage and family therapists OR LICENSED CLINICAL MARRIAGE AND

127 FAMILY THERAPISTS without the approval of the Board member who is a [certified
128 professional counselor-marriage] LICENSED CLINICAL MARRIAGE and family
129 therapist.

{/MAIN;5}

130 (2) The Board may not take action regarding alcohol and drug counselors
131 without the approval of the Board member who is a certified professional
132 counselor-alcohol and drug OR LICENSED CLINICAL ALCOHOL AND DRUG
133 COUNSELOR.

134 (3) The Board shall investigate all complaints filed against licensed
135 professional counselors if, at the time of the violation, the licensed professional
136 counselor has also registered and qualified for psychology associate status by virtue of
137 holding a master's degree under Title 18 (Maryland Psychologists Act) of this article.

138 (4) The Board shall notify the Board of Examiners of Psychologists of the
139 complaint in writing within 60 days of receipt of the complaint if an investigation of
140 the supervising licensed psychologists is warranted.

141 (5) The Board shall initiate disciplinary action against any licensed
142 professional counselor who also registers as a psychology associate and violates any
143 portion of this statute.

144 (d) The Board shall establish or select [on examination] EXAMINATIONS that
145 the Board considers appropriate to determine the ability of an applicant to be [a
146 certified professional counselor, a certified professional counselor-marriage and
147 family therapist, certified professional counselor-alcohol and drug, certified associate
148 counselor-alcohol and drug, or certified supervised counselor-alcohol and drug.]
149 LICENSED OR CERTIFIED BY THE BOARD.

150 17-206.

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

152 (b) (1) The Board may set reasonable fees for the issuance and renewal of
153 LICENSES OR certificates and its other services.

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

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

158 17-3A-01.

159 (a) In this subtitle the following words have the meanings indicated.

160 (b) "License" means a license issued by the Board to practice clinical
161 professional counseling, clinical marriage and family therapy, or clinical alcohol and
162 drug counseling.

163 (c) "Practice clinical alcohol and drug counseling" means to engage
164 professionally and for compensation in alcohol and drug counseling and appraisal
165 activities [while representing oneself to be a licensed clinical alcohol and drug
166 counselor] BY PROVIDING SERVICES INVOLVING THE APPLICATION OF COUNSELING
167 {/MAIN;6}PRINCIPLES AND METHODS IN THE DIAGNOSIS, PREVENTION, TREATMENT, AND
168 AMELIORATION OF PSYCHOLOGICAL PROBLEMS, EMOTIONAL OR MENTAL
169 CONDITIONS OF INDIVIDUALS OR GROUPS.

170 (d) "Practice clinical marriage and family therapy" means to engage
171 professionally and for compensation in marriage and family therapy and appraisal
172 activities [while representing oneself to be a licensed clinical marriage and family
173 therapist] BY PROVIDING SERVICES INVOLVING THE APPLICATION OF THERAPY
174 PRINCIPLES AND METHODS IN THE DIAGNOSIS, PREVENTION, TREATMENT, AND
175 AMELIORATION OF PSYCHOLOGICAL PROBLEMS, EMOTIONAL OR MENTAL
176 CONDITIONS OF INDIVIDUALS OR GROUPS.

177 (e) "Practice clinical professional counseling" means to engage professionally

178 and for compensation in counseling and appraisal activities [while representing
179 oneself to be a licensed clinical professional counselor] BY PROVIDING SERVICES
180 INVOLVING THE APPLICATION OF COUNSELING PRINCIPLES AND METHODS IN THE
181 DIAGNOSIS, PREVENTION, TREATMENT, AND AMELIORATION OF PSYCHOLOGICAL
182 PROBLEMS, EMOTIONAL OR MENTAL CONDITIONS OF INDIVIDUALS OR GROUPS.

183 17-3A-12.

184 (A) AN APPLICANT WHO OTHERWISE QUALIFIES FOR A LICENSE IS ENTITLED
185 TO BE EXAMINED AS PROVIDED IN THIS SECTION.

186 (B) THE BOARD SHALL GIVE EXAMINATIONS TO APPLICANTS AT LEAST TWICE
187 A YEAR, AT THE TIMES AND PLACES THAT THE BOARD DETERMINES.

188 (C) THE BOARD SHALL NOTIFY EACH QUALIFIED APPLICANT OF THE TIME
189 AND PLACE OF EXAMINATION.

190 (D) THE EXAMINATION SHALL INCLUDE A PORTION THAT TESTS AN
191 APPLICANT'S KNOWLEDGE OF THE MARYLAND PROFESSIONAL COUNSELORS ACT.

192 17-3A-13.

193 (A) THE BOARD, ON AN AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS
194 THEN SERVING, MAY DENY, SUSPEND, REVOKE, OR REPRIMAND AN APPLICANT OR
195 LICENSEE, OR PLACE A LICENSE ON PROBATION, IF THE APPLICANT HAS
196 COMMITTED ANY OF THE ACTS PROSCRIBED IN § 17-313 OF THIS TITLE, SUBJECT TO
197 THE PROVISIONS IN §§ 17-314 AND 17-315 OF THIS TITLE.

198 (B) THE BOARD, ON AN AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS
199 THEN SERVING, AND FOR REASONS THE BOARD MAY CONSIDER SUFFICIENT, MAY:

200 (1) REINSTATE A REVOKED LICENSE;

201 (2) REDUCE THE PERIOD OF A SUSPENSION OR PROBATION; OR

202 (3) WITHDRAW A REPRIMAND.

{/MAIN;7}

203 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
204 October 1, 1999.