

SENATE BILL 508

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1999 Regular Session
9lr2182
CF 9lr1305

By: **Senator Dorman**

Introduced and read first time: February 5, 1999

Assigned to: Economic and Environmental Affairs

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:

1 **Article - Health Occupations**

2 17-202.

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

5 (2) Of the nine Board members:

6 (i) Five shall be [certified] LICENSED as professional counselors[,
7 licensed] under Subtitle 3A of this section, including:8 1. One who is primarily engaged in professional counselor
9 education;

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

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

12 4. Two professional counselors at large;

13 (ii) One shall be a licensed [professional counselor-marriage and
14 family] CLINICAL MARRIAGE AND FAMILY therapist;15 (iii) One shall be a certified [or licensed] professional
16 counselor-alcohol and drug OR LICENSED CLINICAL ALCOHOL AND DRUG
17 COUNSELOR; and

18 (iv) Two shall be consumer members.

19 (3) The composition of the Board as to the race and sex of its members
20 shall reflect the composition of the population of the State.21 (4) The Governor shall appoint the professional counselors from a list
22 submitted to the Governor by the Secretary. Any association representing professional
23 counselors may submit recommendations for Board members to the Secretary.

24 (b) The consumer members of the Board:

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

26 (2) May not be or ever have been a certified OR LICENSED professional
27 counselor or in training to become a certified OR LICENSED professional counselor;28 (3) May not have a household member who is a certified OR LICENSED
29 professional counselor or in training to become a certified OR LICENSED professional
30 counselor;31 (4) May not participate or ever have participated in a commercial or
32 professional field related to professional counseling;

1 (5) May not have a household member who participates in a commercial
2 or 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 licensed [professional counselor-marriage] CLINICAL MARRIAGE and
8 family 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 [or licensed] professional counselor-alcohol and drug OR
14 LICENSED CLINICAL ALCOHOL AND DRUG COUNSELOR member 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) A certified associate counselor-alcohol and drug or a certified supervised
20 counselor-alcohol and drug shall be appointed by the Governor to serve as an advisor
21 to the Board.

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

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

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

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

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

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

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

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

4 17-205.

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

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

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

9 (i) Certified professional counselors;

10 (ii) Certified professional counselors-marriage and family
11 therapists;

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

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

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

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

17 (3) Adopt a code of ethics that the Board considers to be appropriate and
18 applicable to [certified professional counselors, certified professional
19 counselors-marriage and family therapists, certified professional counselors-alcohol
20 and drug, certified associate counselors-alcohol and drug, and certified supervised
21 counselors-alcohol and drug;] THE COUNSELORS OR THERAPISTS CURRENTLY
22 CERTIFIED OR LICENSED BY THE BOARD;

23 (4) Establish continuing education requirements for [certified
24 professional counselors, certified professional counselors-marriage and family
25 therapists, certified professional counselors-alcohol and drug, certified associate
26 counselors-alcohol and drug, and certified supervised counselors-alcohol and drug;]
27 THE COUNSELORS OR THERAPISTS CURRENTLY CERTIFIED OR LICENSED BY THE
28 BOARD;

29 (5) Adopt an official seal; and

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

32 (c) (1) The Board may not take action regarding certified professional
33 counselors-marriage and family therapists OR LICENSED CLINICAL MARRIAGE AND
34 FAMILY THERAPISTS without the approval of the Board member who is a [certified
35 professional counselor-marriage] LICENSED CLINICAL MARRIAGE and family
36 therapist.

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

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

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

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

15 (d) The Board shall establish or select an examination that the Board
16 considers appropriate to determine the ability of an applicant to be [a certified
17 professional counselor, a certified professional counselor-marriage and family
18 therapist, certified professional counselor-alcohol and drug, certified associate
19 counselor-alcohol and drug, or certified supervised counselor-alcohol and drug.]
20 LICENSED OR CERTIFIED BY THE BOARD.

21 17-206.

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

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

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

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

29 17-3A-01.

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

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

34 (c) "Practice clinical alcohol and drug counseling" means to engage
35 professionally and for compensation in alcohol and drug counseling and appraisal
36 activities [while representing oneself to be a licensed clinical alcohol and drug
37 counselor] BY PROVIDING SERVICES INVOLVING THE APPLICATION OF COUNSELING

1 PRINCIPLES AND METHODS IN THE DIAGNOSIS, PREVENTION, TREATMENT, AND
2 AMELIORATION OF PSYCHOLOGICAL PROBLEMS, EMOTIONAL OR MENTAL
3 CONDITIONS OF INDIVIDUALS OR GROUPS.

4 (d) "Practice clinical marriage and family therapy" means to engage
5 professionally and for compensation in marriage and family therapy and appraisal
6 activities [while representing oneself to be a licensed clinical marriage and family
7 therapist] BY PROVIDING SERVICES INVOLVING THE APPLICATION OF COUNSELING
8 PRINCIPLES AND METHODS IN THE DIAGNOSIS, PREVENTION, TREATMENT, AND
9 AMELIORATION OF PSYCHOLOGICAL PROBLEMS, EMOTIONAL OR MENTAL
10 CONDITIONS OF INDIVIDUALS OR GROUPS.

11 (e) "Practice clinical professional counseling" means to engage professionally
12 and for compensation in counseling and appraisal activities [while representing
13 oneself to be a licensed clinical professional counselor] BY PROVIDING SERVICES
14 INVOLVING THE APPLICATION OF COUNSELING PRINCIPLES AND METHODS IN THE
15 DIAGNOSIS, PREVENTION, TREATMENT, AND AMELIORATION OF PSYCHOLOGICAL
16 PROBLEMS, EMOTIONAL OR MENTAL CONDITIONS OF INDIVIDUALS OR GROUPS.

17 17-3A-12.

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

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

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

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

26 17-3A-13.

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

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

- 34 (1) REINSTATE A REVOKED LICENSE;
- 35 (2) REDUCE THE PERIOD OF A SUSPENSION OR PROBATION; OR
- 36 (3) WITHDRAW A REPRIMAND.

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