
By: **Senator Hollinger**

Introduced and read first time: February 5, 1999

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations - Employment Activities - Alcohol and Drug Abuse**
3 **Administration Requirements**

4 FOR the purpose of requiring certain individuals performing employment related
5 activities in certain alcohol and drug abuse facilities or programs to meet certain
6 requirements of certain regulations adopted by the Alcohol and Drug Abuse
7 Administration; providing for a delayed effective date of this Act; requiring the
8 Alcohol and Drug Abuse Administration to convene a task force to assess the
9 levels of experience, education, and training of individuals employed by certain
10 alcohol and drug abuse facilities or programs; providing for the composition and
11 staffing of the task force; requiring the task force to make certain
12 recommendations on or before a certain date; requiring the Alcohol and Drug
13 Abuse Administration to adopt certain regulations; and generally relating to the
14 employment activities of certain individuals performing employment related
15 activities in certain alcohol and drug abuse facilities or programs.

16 BY repealing and reenacting, with amendments,
17 Article - Health Occupations
18 Section 18-102
19 Annotated Code of Maryland
20 (1994 Replacement Volume and 1998 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article - Health Occupations
23 Section 18-102
24 Annotated Code of Maryland
25 (1994 Replacement Volume and 1998 Supplement)
26 (As enacted by Chapters 576 and 577 of the Acts of the General Assembly of
27 1996)

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

1

Article - Health Occupations

2 18-102.

3 Unless the individual uses as a title or describes the services the individual
4 provides by use of the words "psychological", "psychologist", or "psychology", this title
5 does not limit:

6 (1) The right of an individual to practice a health occupation that the
7 individual is licensed, certified, or otherwise authorized to practice under this article;

8 (2) The right of an individual to provide vocational rehabilitation
9 services as authorized under Title 9, Subtitle 6 of the Labor and Employment Article;

10 (3) The employment related activities and services of an individual who
11 is employed by an alcohol and drug abuse program or facility that [is accredited by
12 the Joint Commission on Accreditation of Healthcare Organizations or that is
13 certified under Title 8, Subtitle 4 of the Health - General Article;]:

14 (I) IS ACCREDITED BY THE JOINT COMMISSION ON
15 ACCREDITATION OF HEALTHCARE ORGANIZATIONS; OR

16 (II) IS CERTIFIED BY THE STATE UNDER TITLE 8, SUBTITLE 4 OF
17 THE HEALTH - GENERAL ARTICLE; or

18 (4) The nonprofit activities and services of a bona fide religious
19 organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue
20 Code.

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

23

Article - Health Occupations

24 18-102.

25 Unless the individual uses as a title or describes the services the individual
26 provides by use of the words "psychological", "psychologist", or "psychology", this title
27 does not limit:

28 (1) The right of an individual to practice a health occupation that the
29 individual is licensed, certified, or otherwise authorized to practice under this article;

30 (2) The right of an individual to provide vocational rehabilitation
31 services as authorized under Title 9, Subtitle 6 of the Labor and Employment Article;
32 [or]

33 (3) THE EMPLOYMENT RELATED ACTIVITIES AND SERVICES OF AN
34 INDIVIDUAL WHO IS EMPLOYED BY AN ALCOHOL AND DRUG ABUSE PROGRAM OR
35 FACILITY THAT:

1 (I) 1. IS ACCREDITED BY THE JOINT COMMISSION ON
2 ACCREDITATION OF HEALTHCARE ORGANIZATIONS; OR

3 2. IS CERTIFIED BY THE STATE UNDER TITLE 8, SUBTITLE 4
4 OF THE HEALTH - GENERAL ARTICLE; AND

5 (II) MEETS THE REQUIREMENTS OF THE REGULATIONS ADOPTED
6 BY THE STATE ALCOHOL AND DRUG ABUSE ADMINISTRATION OF THE DEPARTMENT
7 OF HEALTH AND MENTAL HYGIENE; OR

8 (4) The nonprofit activities and services of a bona fide religious
9 organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue
10 Code.

11 SECTION 3. AND BE IT FURTHER ENACTED, That nothing in this Act may
12 be construed to expand the scope of practice of any individual employed by an alcohol
13 and drug abuse program or facility accredited by the Joint Commission on
14 Accreditation of Healthcare Organizations or certified by the State under Title 8,
15 Subtitle 4 of the Health - General Article.

16 SECTION 4. AND BE IT FURTHER ENACTED, That:

17 (a) The Alcohol and Drug Abuse Administration shall convene a task force to
18 study and, on or before December 1, 2000, make recommendations to the Legislative
19 Policy Committee, the Senate Economic and Environmental Affairs Committee, and
20 the House Environmental Matters Committee regarding individuals employed by an
21 alcohol and drug abuse program or facility accredited by the Joint Commission on the
22 Accreditation of Healthcare Organizations or certified by the State under Title 8,
23 Subtitle 4 of the Health - General Article, including:

24 (1) An assessment of the levels of education, experience, and training of
25 the individuals employed by such programs or facilities;

26 (2) Recommendations for the establishment of a process by which
27 individuals employed by such programs or facilities are required to meet or are
28 working towards obtaining specific educational degrees and training requirements;
29 and

30 (3) Recommendations that incorporate a means to address the
31 grandfathering of individuals who are currently employed in a program or facility
32 accredited by the Joint Commission on the Accreditation of Healthcare Organizations
33 or certified by the State under Title 8, Subtitle 4 of the Health - General Article.

34 (b) The task force shall include representation from:

35 (1) The Board of Examiners of Professional Counselors;

36 (2) The Maryland Addictions Directors Council;

1 (3) A director of a drug abuse program or facility accredited by the Joint
2 Commission on the Accreditation of Healthcare Organizations;

3 (4) A director of a drug abuse program or facility certified by the State
4 under Title 8, Subtitle 4 of the Health - General Article;

5 (5) The Maryland Psychological Association;

6 (6) The Maryland Addiction Counselor Certification Board;

7 (7) The Maryland Chapter of the National Association of Social Workers;
8 and

9 (8) The professional associations of Licensed or Certified Professional
10 Counselors and Certified Alcohol and Drug Counselors in Maryland.

11 (c) The task force shall be staffed by the Alcohol and Drug Abuse
12 Administration.

13 (d) On or before December 1, 2001, and pursuant to the task force
14 recommendations, the Alcohol and Drug Abuse Administration shall adopt
15 regulations that provide a process for individuals employed by an alcohol and drug
16 abuse program or facility accredited by the Joint Commission on the Accreditation of
17 Healthcare Organizations or certified by the State under Title 8, Subtitle 4 of the
18 Health - General Article, to obtain or to work towards obtaining certification
19 demonstrating specific standards of education, training, and experience.

20 SECTION 5. AND BE IT FURTHER ENACTED, That Sections 1, 3, and 4 of
21 this Act shall take effect October 1, 1999.

22 SECTION 6. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
23 take effect October 1, 2001.