

Department of Legislative Services  
Maryland General Assembly  
1999 Session

**FISCAL NOTE**  
**Revised**

House Bill 621 (Delegate Hubbard)

Environmental Matters

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

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This bill changes the composition of the Board of Examiners of Professional Counselors to require the five professional counselors to be licensed instead of certified. The bill also gives the board disciplinary authority over applicants and licensees, including the power to deny, suspend, or revoke the license of an applicant or licensee, or reprimand or place on probation an applicant or licensee if the applicant or licensee has committed any acts prohibited by law.

The bill also allows the board to adopt a code of ethics for licensed counselors and allows the board to conduct examinations as a requirement for licensure.

In addition, the bill alters the definitions of “practice clinical professional counseling,” “practice clinical marriage and family therapy,” and “practice clinical alcohol and drug counseling” by repealing the requirement that an individual must represent oneself to be a licensed professional counselor. A person may not practice clinical counseling unless licensed by the State, with the exception of a student pursuing qualified training or an individual with a graduate degree in counseling pursuing licensure. In both circumstances, the individuals must be under the supervision of a licensed mental health care provider.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in special fund revenues. Any additional hearings could be handled with existing board resources.

**Local Effect:** None.

**Small Business Effect:** Potential minimal. Professional counselors who are self-employed or operate as small businesses would be subject to regulatory oversight and disciplinary actions, which may include loss of license. Certain unlicensed individuals who practice clinical professional counseling will be unable to do so without seeking licensure because this bill broadens the scope of the licensed practice of professional counseling.

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**Fiscal Analysis**

**Background:** Chapter law 132 (Acts of 1998) gave the Board of Examiners of Professional

Counselors (BEPC) the authority to license clinical professional counselors, clinical marriage and family therapists, and clinical alcohol and drug counselors. Previously, the board had the authority to grant certification to professional counselors. Certification is a voluntary process and is not required to practice as a professional counselor. An individual who wants to practice as a “clinical” professional counselor, however, must obtain licensure from the board. Chapter 132 of 1998 extended licensure authority to the board, but neglected to grant disciplinary authority over licensees.

**State Revenues:** Special fund revenues could increase by an indeterminate minimal amount as a result of increased licensure fees. Under current law, an individual may be practicing clinical professional counseling without holding a license, as long as the individual does not hold oneself out as being licensed. Under the bill’s requirements, the individual would have to either stop practicing clinical counseling or seek licensure. Currently, applications for licensure cost \$175. Licenses are renewed on a biennial basis and renewal fees are \$150. There are insufficient data at this time to reliably predict the number of individuals who will seek licensure under this provision of the bill. Any increase is expected to be negligible.

**State Expenditures:** The bill grants disciplinary authority to the board over licensees, but the number of disciplinary actions is expected to be minimal. Consequently, any additional hearings for the Office of Administrative Hearings can be handled with existing resources.

**Information Source(s):** Department of Health and Mental Hygiene (Board of Examiners of Professional Counselors), Office of Administrative Hearings, Department of Legislative Services.

<b>Fiscal Note History:</b>	First Reader - March 9, 1999
dmm/jr	Revised - House Third Reader - April 2, 1999
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