

HOUSE BILL 522

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2001 Regular Session  
1lr1302  
CF 1lr1303

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By: **Delegate Hubbard**

Introduced and read first time: February 5, 2001

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Professional Counselors and Therapists**

3 FOR the purpose of reinstating a statutory veto previously granted the licensed  
4 clinical marriage and family therapist member of the State Board of  
5 Professional Counselors and Therapists; authorizing licensed graduate  
6 marriage and family therapists and licensed graduate clinical professional  
7 counselors to provide services under certain supervision; authorizing the Board  
8 to designate who may provide the supervision; authorizing the use of certain  
9 titles and certain representations; prohibiting the use of those titles and  
10 representations by individuals not licensed; defining certain terms; and  
11 generally relating to licensed clinical marriage and family therapists, licensed  
12 graduate marriage and family therapists, licensed clinical professional  
13 counselors, and licensed graduate clinical professional counselors.

14 BY repealing and reenacting, with amendments,  
15 Article - Health Occupations  
16 Section 17-205, 17-302.2, 17-3A-01, 17-3A-06, and 17-3A-11  
17 Annotated Code of Maryland  
18 (2000 Replacement Volume)

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

21 **Article - Health Occupations**

22 17-205.

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

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

26 (1) Maintain a registry of all counselors or therapists currently licensed  
27 or certified by the Board;

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

1           (3)       Adopt a code of ethics that the Board considers to be appropriate and  
2 applicable to the counselors or therapists currently certified or licensed by the Board;

3           (4)       Establish continuing education requirements for the counselors or  
4 therapists currently certified or licensed by the Board;

5           (5)       Adopt an official seal; and

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

8       (C)       EXCEPT AS PROVIDED FOR DISCIPLINARY ACTIONS UNDER SUBSECTION  
9 (D)(1) OF THIS SECTION, THE BOARD MAY NOT TAKE ACTION REGARDING LICENSED  
10 CLINICAL MARRIAGE AND FAMILY THERAPY WITHOUT THE APPROVAL OF THE  
11 BOARD MEMBER WHO IS A LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST.

12       [(c)]     (D)     (1)       The Board may take action against a certified professional  
13 counselor-marriage and family therapist or a licensed clinical marriage and family  
14 therapist only if:

15                   (i)       Before taking action against the certified professional  
16 counselor-marriage and family therapist or the licensed clinical marriage and family  
17 therapist, the Board discusses the proposed action with the Board member who is a  
18 licensed clinical marriage and family therapist; and

19                   (ii)      The Board member who is a licensed clinical marriage and  
20 family therapist votes, either in the affirmative or in the negative, on the proposed  
21 action.

22           (2)       The Board may take action against an alcohol and drug counselor  
23 only if:

24                   (i)       Before taking action against the alcohol and drug counselor, the  
25 Board discusses the proposed action with the Board member who is a certified  
26 professional counselor-alcohol and drug or licensed clinical alcohol and drug  
27 counselor; and

28                   (ii)      The Board member who is a certified professional  
29 counselor-alcohol and drug or licensed clinical alcohol and drug counselor votes,  
30 either in the affirmative or in the negative, on the proposed action.

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

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

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

4       [(d)]       (E)       The Board shall establish or select examinations that the Board  
5 considers appropriate to determine the ability of an applicant to be licensed or  
6 certified by the Board.

7 17-302.2.

8       (a)       Subject to subsections (b) and (c) of this section[, the Board may adopt  
9 regulations to allow individuals to:

10           (1)       Provide counseling under the supervision of a certified professional  
11 counselor; or

12           (2)       Provide marriage and family therapy under the supervision of a  
13 certified professional counselor-marriage and family therapist];

14           (1)       AN INDIVIDUAL MAY PRACTICE PROFESSIONAL COUNSELING  
15 WITHOUT CERTIFICATION FOR A LIMITED PERIOD OF TIME:

16                   (I)       IF THE INDIVIDUAL IS WORKING AS A TRAINEE UNDER THE  
17 SUPERVISION OF A CERTIFIED PROFESSIONAL COUNSELOR, A LICENSED CLINICAL  
18 PROFESSIONAL COUNSELOR, OR ANOTHER HEALTH CARE PROVIDER LICENSED  
19 UNDER THIS ARTICLE AND APPROVED BY THE BOARD; AND

20                   (II)       WHILE FULFILLING THE EXPERIENTIAL REQUIREMENTS  
21 UNDER § 17-3A-02(F) OF THIS TITLE.

22           (2)       AN INDIVIDUAL MAY PRACTICE MARRIAGE AND FAMILY THERAPY  
23 WITHOUT CERTIFICATION FOR A LIMITED PERIOD OF TIME:

24                   (I)       IF THE INDIVIDUAL IS WORKING AS A TRAINEE UNDER THE  
25 SUPERVISION OF A LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST OR  
26 ANOTHER HEALTH CARE PROVIDER LICENSED UNDER SUBTITLE 3A OF THIS TITLE  
27 AND APPROVED BY THE BOARD TO SUPERVISE CERTIFIED AND LICENSED MARRIAGE  
28 AND FAMILY THERAPISTS; AND

29                   (II)       WHILE FULFILLING THE EXPERIENTIAL REQUIREMENTS  
30 UNDER § 17-302.1(3) OR § 17-3A-02(E) OF THIS TITLE.

31       (b)       An individual may be authorized to provide counseling under supervision  
32 as provided in subsection (a)(1) of this section if the individual has a master's or  
33 doctoral degree in a professional counseling field from an accredited educational  
34 institution that is approved by the Board.

35       (c)       An individual may be authorized to provide marriage and family therapy  
36 under supervision as provided in subsection (a)(2) of this section if the individual has  
37 a master's or doctoral degree in a marriage and family field or has completed a

1 program of studies judged by the Board to be substantially equivalent in subject  
2 matter and extent of training as required under § 17-302(d) of this subtitle.

3 17-3A-01.

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

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

8 (C) "LICENSED GRADUATE MARRIAGE AND FAMILY THERAPIST" MEANS A  
9 GRADUATE OF A MASTERS OR DOCTORAL MARRIAGE AND FAMILY THERAPY  
10 PROGRAM OF AN ACCREDITED COLLEGE OR UNIVERSITY OR IS EQUIVALENT AS  
11 DETERMINED BY THE BOARD WHO:

12 (1) HAS PASSED THE NATIONAL MARRIAGE AND FAMILY THERAPY  
13 EXAMINATION APPROVED BY THE BOARD; BUT

14 (2) HAS NOT COMPLETED THE CLINICAL REQUIREMENTS REQUIRED  
15 UNDER § 17-3A-02(E) OF THIS SUBTITLE.

16 (D) "LICENSED GRADUATE PROFESSIONAL COUNSELOR" MEANS A GRADUATE  
17 OF A MASTERS OR DOCTORAL PROFESSIONAL COUNSELOR PROGRAM OF AN  
18 ACCREDITED COLLEGE OR UNIVERSITY WHO:

19 (1) HAS PASSED THE NATIONAL PROFESSIONAL COUNSELOR  
20 EXAMINATION APPROVED BY THE BOARD; BUT

21 (2) HAS NOT COMPLETED THE CLINICAL REQUIREMENTS REQUIRED  
22 UNDER § 17-3A-02(F) OF THIS SUBTITLE.

23 [(c)] (E) "Practice clinical alcohol and drug counseling" means to engage  
24 professionally and for compensation in alcohol and drug counseling and appraisal  
25 activities by providing services involving the application of counseling principles and  
26 methods in the diagnosis, prevention, treatment, and amelioration of psychological  
27 problems, emotional or mental conditions of individuals or groups.

28 [(d)] (F) "Practice clinical marriage and family therapy" means to engage  
29 professionally and for compensation in marriage and family therapy and appraisal  
30 activities by providing services involving the application of therapy principles and  
31 methods in the diagnosis, prevention, treatment, and amelioration of psychological  
32 problems, emotional or mental conditions of individuals or groups.

33 [(e)] (G) "Practice clinical professional counseling" means to engage  
34 professionally and for compensation in counseling and appraisal activities by  
35 providing services involving the application of counseling principles and methods in  
36 the diagnosis, prevention, treatment, and amelioration of psychological problems,  
37 emotional or mental conditions of individuals or groups.

1 17-3A-06.

2 (A) A license authorizes the licensee to practice clinical alcohol and drug  
3 counseling, clinical marriage and family therapy, or clinical professional counseling  
4 while the license is effective.

5 (B) A LICENSED GRADUATE MARRIAGE AND FAMILY THERAPIST MAY  
6 PRACTICE MARRIAGE AND FAMILY THERAPY FOR A LIMITED PERIOD OF TIME:

7 (1) IF THE INDIVIDUAL IS WORKING AS A TRAINEE UNDER THE  
8 SUPERVISION OF A LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST OR  
9 OTHER HEALTH CARE PROVIDER LICENSED UNDER SUBTITLE 3A OF THIS TITLE AND  
10 APPROVED BY THE BOARD; AND

11 (2) WHILE FULFILLING THE EXPERIENTIAL REQUIREMENTS UNDER §  
12 17-3A-02(E) OF THIS TITLE.

13 (C) A LICENSED GRADUATE PROFESSIONAL COUNSELOR MAY PRACTICE  
14 PROFESSIONAL COUNSELING FOR A LIMITED PERIOD OF TIME:

15 (1) IF THE INDIVIDUAL IS WORKING AS A TRAINEE UNDER THE  
16 SUPERVISION OF A LICENSED CLINICAL PROFESSIONAL COUNSELOR OR OTHER  
17 HEALTH CARE PROVIDER LICENSED UNDER THIS ARTICLE AND APPROVED BY THE  
18 BOARD; AND

19 (2) WHILE FULFILLING THE EXPERIENTIAL REQUIREMENTS UNDER §  
20 17-3A-02(F) OF THIS TITLE.

21 17-3A-11.

22 (a) (1) Except as otherwise provided in paragraph (2) of this subsection, an  
23 individual may not practice, attempt to practice, or offer to practice clinical alcohol  
24 and drug counseling, clinical marriage and family therapy, or clinical professional  
25 counseling in the State unless licensed by the Board.

26 (2) Subject to the rules and regulations of the Board, paragraph (1) of  
27 this subsection does not apply to:

28 (i) A student working under the supervision of a licensed mental  
29 health care provider while pursuing a supervised course of study in counseling that  
30 the Board approves as qualifying training and experience under this title; [or]

31 (ii) An individual with a graduate degree in counseling or a related  
32 field who is working under the supervision of a mental health care provider duly  
33 licensed under this article for the purpose of qualifying for a license under this title;

34 (III) A LICENSED GRADUATE PROFESSIONAL COUNSELOR WORKING  
35 UNDER SUPERVISION IN ACCORDANCE WITH § 17-3A-06(B) OF THIS SUBTITLE; OR

1 (IV) A LICENSED GRADUATE MARRIAGE AND FAMILY THERAPIST  
2 WORKING UNDER SUPERVISION IN ACCORDANCE WITH § 17-3A-06(C) OF THIS  
3 SUBTITLE.

4 (b) Unless an individual is licensed to practice clinical alcohol and drug  
5 counseling, clinical marriage and family therapy, or clinical professional counseling,  
6 an individual may not:

7 (1) Represent to the public by title, by description of services, methods,  
8 or procedures, or otherwise, that the individual is licensed by the Board to provide  
9 clinical alcohol and drug counseling services, clinical marriage and family therapy  
10 services, or clinical professional counseling services in the State;

11 (2) Use any title, abbreviation, sign, card, or other representation that  
12 the individual is a licensed clinical alcohol and drug counselor, licensed clinical  
13 marriage and family therapist, LICENSED GRADUATE MARRIAGE AND FAMILY  
14 THERAPIST, [or] licensed clinical professional counselor, OR LICENSED GRADUATE  
15 PROFESSIONAL COUNSELOR; or

16 (3) Use the title "L.C.A.D.C.", "L.C.M.F.T.", "L.G.M.F.T.", [or] "L.C.P.C.",  
17 OR "L.G.P.C.", or the words "licensed clinical alcohol and drug counselor", "licensed  
18 clinical marriage and family therapist", "LICENSED GRADUATE MARRIAGE AND  
19 FAMILY THERAPIST", [or] "licensed clinical professional counselor", OR "LICENSED  
20 GRADUATE PROFESSIONAL COUNSELOR" with the intent to represent that the  
21 individual practices clinical alcohol and drug counseling, clinical marriage and family  
22 therapy, or clinical professional counseling.

23 (c) (1) Any individual who violates any provision of this section is guilty of a  
24 misdemeanor and on conviction is subject to a fine not exceeding \$500 or  
25 imprisonment not exceeding 6 months or both.

26 (2) Each violation of this section is a separate offense.

27 (d) This subtitle may not be construed to limit the scope of practice of any  
28 individual who is duly licensed under this article.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2001.