
By: **Delegate Hubbard**

Introduced and read first time: February 5, 2001

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 1, 2001

CHAPTER _____

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 State Board of~~
9 ~~Professional Counselors and Therapists to adopt certain regulations regarding~~
10 ~~practicing under supervision as a certain counselor or therapist; providing~~
11 ~~certain qualifications for practice under supervision; authorizing the use of~~
12 ~~certain titles and certain representations; prohibiting the use of those titles and~~
13 ~~representations by individuals not licensed; providing certain penalties for~~
14 ~~certain violations; defining certain terms; and generally relating to licensed~~
15 ~~clinical marriage and family therapists, licensed graduate marriage and family~~
16 ~~therapists, licensed clinical professional counselors, and licensed graduate~~
17 ~~clinical professional counselors.~~

18 BY repealing and reenacting, with amendments,
19 Article - Health Occupations
20 ~~Section 17-205, 17-302.2, 17-3A-01, 17-3A-06, and 17-3A-11~~
21 Section 17-3A-01
22 Annotated Code of Maryland
23 (2000 Replacement Volume)

24 BY repealing and reenacting, without amendments,
25 Article - Health Occupations

1 Section 17-205
 2 Annotated Code of Maryland
 3 (2000 Replacement Volume)

4 BY adding to
 5 Article - Health Occupations
 6 Section 17-3A-02.1
 7 Annotated Code of Maryland
 8 (2000 Replacement Volume)

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

11 **Article - Health Occupations**

12 17-205.

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

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

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

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

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

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

23 (5) Adopt an official seal; and

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

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

30 ~~{c}~~ ~~(D)~~ (1) The Board may take action against a certified professional
 31 counselor-marriage and family therapist or a licensed clinical marriage and family
 32 therapist only if:

33 (i) Before taking action against the certified professional
 34 counselor-marriage and family therapist or the licensed clinical marriage and family

1 therapist, the Board discusses the proposed action with the Board member who is a
2 licensed clinical marriage and family therapist; and

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

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

8 (i) Before taking action against the alcohol and drug counselor, the
9 Board discusses the proposed action with the Board member who is a certified
10 professional counselor-alcohol and drug or licensed clinical alcohol and drug
11 counselor; and

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

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

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

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

25 ~~{(d)}~~ ~~(E)~~ The Board shall establish or select examinations that the Board
26 considers appropriate to determine the ability of an applicant to be licensed or
27 certified by the Board.

28 ~~17-302.2.~~

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

31 ~~(1) Provide counseling under the supervision of a certified professional~~
32 ~~counselor; or~~

33 ~~(2) Provide marriage and family therapy under the supervision of a~~
34 ~~certified professional counselor-marriage and family therapist;:~~

35 ~~(1) AN INDIVIDUAL MAY PRACTICE PROFESSIONAL COUNSELING~~
36 ~~WITHOUT CERTIFICATION FOR A LIMITED PERIOD OF TIME:~~

1 (4) ~~IF THE INDIVIDUAL IS WORKING AS A TRAINEE UNDER THE~~
2 ~~SUPERVISION OF A CERTIFIED PROFESSIONAL COUNSELOR, A LICENSED CLINICAL~~
3 ~~PROFESSIONAL COUNSELOR, OR ANOTHER HEALTH CARE PROVIDER LICENSED~~
4 ~~UNDER THIS ARTICLE AND APPROVED BY THE BOARD; AND~~

5 (H) ~~WHILE FULFILLING THE EXPERIENTIAL REQUIREMENTS~~
6 ~~UNDER § 17-3A-02(F) OF THIS TITLE.~~

7 (2) ~~AN INDIVIDUAL MAY PRACTICE MARRIAGE AND FAMILY THERAPY~~
8 ~~WITHOUT CERTIFICATION FOR A LIMITED PERIOD OF TIME;~~

9 (4) ~~IF THE INDIVIDUAL IS WORKING AS A TRAINEE UNDER THE~~
10 ~~SUPERVISION OF A LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST OR~~
11 ~~ANOTHER HEALTH CARE PROVIDER LICENSED UNDER SUBTITLE 3A OF THIS TITLE~~
12 ~~AND APPROVED BY THE BOARD TO SUPERVISE CERTIFIED AND LICENSED MARRIAGE~~
13 ~~AND FAMILY THERAPISTS; AND~~

14 (H) ~~WHILE FULFILLING THE EXPERIENTIAL REQUIREMENTS~~
15 ~~UNDER § 17-302.1(3) OR § 17-3A-02(E) OF THIS TITLE.~~

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

20 (e) ~~An individual may be authorized to provide marriage and family therapy~~
21 ~~under supervision as provided in subsection (a)(2) of this section if the individual has~~
22 ~~a master's or doctoral degree in a marriage and family field or has completed a~~
23 ~~program of studies judged by the Board to be substantially equivalent in subject~~
24 ~~matter and extent of training as required under § 17-302(d) of this subtitle.~~

25 17-3A-01.

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

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

30 (C) ~~"LICENSED GRADUATE MARRIAGE AND FAMILY THERAPIST" MEANS A~~
31 ~~GRADUATE OF A MASTERS OR DOCTORAL MARRIAGE AND FAMILY THERAPY~~
32 ~~PROGRAM OF AN ACCREDITED COLLEGE OR UNIVERSITY OR IS EQUIVALENT AS~~
33 ~~DETERMINED BY THE BOARD WHO:~~

34 (1) ~~HAS PASSED THE NATIONAL MARRIAGE AND FAMILY THERAPY~~
35 ~~EXAMINATION APPROVED BY THE BOARD; BUT~~

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

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

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

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

(C) "LICENSED GRADUATE MARRIAGE AND FAMILY THERAPIST" MEANS AN
INDIVIDUAL APPROVED BY THE BOARD TO PRACTICE MARRIAGE AND FAMILY
THERAPY UNDER SUPERVISION WHILE FULFILLING THE SUPERVISED EXPERIENCE
REQUIREMENTS FOR LICENSURE.

(D) "LICENSED GRADUATE PROFESSIONAL COUNSELOR" MEANS AN
INDIVIDUAL APPROVED BY THE BOARD TO PRACTICE PROFESSIONAL COUNSELING
UNDER SUPERVISION WHILE FULFILLING THE SUPERVISED EXPERIENCE
REQUIREMENTS FOR LICENSURE.

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

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

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

31 17-3A-02.1.

(A) THE BOARD MAY ADOPT REGULATIONS TO ALLOW AN INDIVIDUAL TO
PRACTICE UNDER SUPERVISION AS A LICENSED GRADUATE PROFESSIONAL
COUNSELOR OR A LICENSED GRADUATE MARRIAGE AND FAMILY THERAPIST.

(B) TO QUALIFY TO PRACTICE AS A LICENSED GRADUATE PROFESSIONAL
COUNSELOR OR A LICENSED GRADUATE MARRIAGE AND FAMILY THERAPIST, AN
INDIVIDUAL SHALL BE:

(1) OF GOOD MORAL CHARACTER; AND

1 (2) AT LEAST 18 YEARS OLD.

2 (C) AN INDIVIDUAL MAY PRACTICE PROFESSIONAL COUNSELING AS A
3 LICENSED GRADUATE PROFESSIONAL COUNSELOR WITHOUT LICENSURE FOR A
4 LIMITED PERIOD OF TIME IF THE INDIVIDUAL:

5 (1) HAS PASSED THE NATIONAL PROFESSIONAL COUNSELOR
6 EXAMINATION APPROVED BY THE BOARD;

7 (2) IS UNDER THE SUPERVISION OF A LICENSED CLINICAL
8 PROFESSIONAL COUNSELOR OR ANOTHER HEALTH CARE PROVIDER LICENSED
9 UNDER THIS ARTICLE, AS APPROVED BY THE BOARD; AND

10 (3) IS FULFILLING THE REQUIREMENTS FOR SUPERVISED EXPERIENCE
11 UNDER § 17-3A-02 OF THIS SUBTITLE.

12 (D) AN INDIVIDUAL MAY PRACTICE MARRIAGE AND FAMILY THERAPY
13 WITHOUT LICENSURE FOR A LIMITED PERIOD OF TIME IF THE INDIVIDUAL:

14 (1) HAS PASSED THE NATIONAL MARRIAGE AND FAMILY THERAPY
15 EXAMINATION APPROVED BY THE BOARD;

16 (2) IS UNDER THE SUPERVISION OF A LICENSED CLINICAL MARRIAGE
17 AND FAMILY THERAPIST OR ANOTHER HEALTH CARE PROVIDER LICENSED UNDER
18 THIS ARTICLE, AS APPROVED BY THE BOARD; AND

19 (3) IS FULFILLING THE REQUIREMENTS FOR SUPERVISED EXPERIENCE
20 UNDER § 17-3A-02 OF THIS SUBTITLE.

21 (E) AN INDIVIDUAL MAY PROVIDE COUNSELING UNDER SUPERVISION AS
22 PROVIDED IN THIS SECTION IF THE INDIVIDUAL HAS A MASTER'S OR DOCTORAL
23 DEGREE IN A PROFESSIONAL COUNSELING FIELD THAT MEETS THE EDUCATIONAL
24 REQUIREMENTS OF § 17-3A-02 OF THIS SUBTITLE.

25 (F) AN INDIVIDUAL MAY PROVIDE MARRIAGE AND FAMILY THERAPY UNDER
26 SUPERVISION AS PROVIDED IN THIS SECTION IF THE INDIVIDUAL HAS A MASTER'S
27 OR DOCTORAL DEGREE IN A MARRIAGE AND FAMILY FIELD THAT MEETS THE
28 EDUCATIONAL REQUIREMENTS OF § 17-3A-02 OF THIS SUBTITLE.

29 (G) (1) AN INDIVIDUAL MAY NOT PRACTICE WITHOUT APPROVAL BY THE
30 BOARD.

31 (2) AN INDIVIDUAL SHALL BE APPROVED BY THE BOARD TO PRACTICE
32 AS A LICENSED GRADUATE PROFESSIONAL COUNSELOR OR A LICENSED GRADUATE
33 MARRIAGE AND FAMILY THERAPIST BEFORE THE INDIVIDUAL MAY:

34 (I) USE THE TITLE "LICENSED GRADUATE PROFESSIONAL
35 COUNSELOR" OR "LICENSED GRADUATE MARRIAGE AND FAMILY THERAPIST";

1 (II) USE THE INITIALS "L.G.P.C." OR "L.G.M.F.T." AFTER THE NAME OF
2 THE INDIVIDUAL;

3 (III) REPRESENT TO THE PUBLIC THAT THE INDIVIDUAL IS
4 APPROVED BY THE BOARD TO PRACTICE PROFESSIONAL COUNSELING OR MARRIAGE
5 AND FAMILY THERAPY; OR

6 (IV) USE ANY TITLE, ABBREVIATION, SIGN, CARD, OR OTHER
7 REPRESENTATION THAT THE INDIVIDUAL IS A LICENSED GRADUATE PROFESSIONAL
8 COUNSELOR OR A LICENCED GRADUATE MARRIAGE AND FAMILY THERAPIST.

9 (H) ANY INDIVIDUAL WHO VIOLATES SUBSECTION (G) OF THIS SECTION IS
10 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT
11 EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.

12 ~~17-3A-06.~~

13 (A) ~~A license authorizes the licensee to practice clinical alcohol and drug~~
14 ~~counseling, clinical marriage and family therapy, or clinical professional counseling~~
15 ~~while the license is effective.~~

16 (B) ~~A LICENSED GRADUATE MARRIAGE AND FAMILY THERAPIST MAY~~
17 ~~PRACTICE MARRIAGE AND FAMILY THERAPY FOR A LIMITED PERIOD OF TIME;~~

18 (1) ~~IF THE INDIVIDUAL IS WORKING AS A TRAINEE UNDER THE~~
19 ~~SUPERVISION OF A LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST OR~~
20 ~~OTHER HEALTH CARE PROVIDER LICENSED UNDER SUBTITLE 3A OF THIS TITLE AND~~
21 ~~APPROVED BY THE BOARD; AND~~

22 (2) ~~WHILE FULFILLING THE EXPERIENTIAL REQUIREMENTS UNDER §~~
23 ~~17-3A-02(E) OF THIS TITLE.~~

24 (C) ~~A LICENSED GRADUATE PROFESSIONAL COUNSELOR MAY PRACTICE~~
25 ~~PROFESSIONAL COUNSELING FOR A LIMITED PERIOD OF TIME;~~

26 (1) ~~IF THE INDIVIDUAL IS WORKING AS A TRAINEE UNDER THE~~
27 ~~SUPERVISION OF A LICENSED CLINICAL PROFESSIONAL COUNSELOR OR OTHER~~
28 ~~HEALTH CARE PROVIDER LICENSED UNDER THIS ARTICLE AND APPROVED BY THE~~
29 ~~BOARD; AND~~

30 (2) ~~WHILE FULFILLING THE EXPERIENTIAL REQUIREMENTS UNDER §~~
31 ~~17-3A-02(F) OF THIS TITLE.~~

32 ~~17-3A-11.~~

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

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

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

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

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

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

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

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

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

26 (3) Use the title "L.C.A.D.C.", "L.C.M.F.T.", "L.G.M.F.T.", [or] "L.C.P.C.",
27 OR "L.G.P.C.", or the words "licensed clinical alcohol and drug counselor", "licensed
28 clinical marriage and family therapist", "LICENSED GRADUATE MARRIAGE AND
29 FAMILY THERAPIST", [or] "licensed clinical professional counselor", OR "LICENSED
30 GRADUATE PROFESSIONAL COUNSELOR" with the intent to represent that the
31 individual practices clinical alcohol and drug counseling, clinical marriage and family
32 therapy, or clinical professional counseling.

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

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

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

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