

SENATE BILL 71

Unofficial Copy
J2

2001 Regular Session
(11r0063)

ENROLLED BILL

-- *Economic and Environmental Affairs/Environmental Matters* --

Introduced by **Chairman, Economic and Environmental Affairs Committee**
(Departmental - Health and Mental Hygiene)

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Alcohol and Drug Administration - Certification and Licensure**
3 **Requirements - Alcohol and Drug Counseling**

4 FOR the purpose of defining certain terms; altering certain waiver provisions that
5 apply to certification as a certified professional counselor-alcohol and drug, a
6 certified associate counselor-alcohol and drug, or a certified supervised
7 counselor-alcohol and drug; authorizing an individual to work as a trainee
8 under certain circumstances; clarifying certain provisions relating to prohibited
9 acts related to the practice of alcohol and drug counseling and clinical alcohol
10 and drug counseling; and generally relating to the practice of alcohol and drug
11 counseling and clinical alcohol and drug counseling.

12 BY adding to
13 Article - Health Occupations
14 Section 17-301(d)
15 Annotated Code of Maryland

1 (2000 Replacement Volume)

2 BY repealing and reenacting, with amendments,

3 Article - Health Occupations

4 Section 17-306(c) and 17-3A-11(a)

5 Annotated Code of Maryland

6 (2000 Replacement Volume)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article - Health Occupations**

10 17-301.

11 (D) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE
12 MEANINGS INDICATED.

13 (II) "APPROVED ALCOHOL AND DRUG SUPERVISOR" MEANS:

14 1. A CERTIFIED PROFESSIONAL COUNSELOR-ALCOHOL AND
15 DRUG;

16 2. A LICENSED CLINICAL ALCOHOL AND DRUG COUNSELOR;

17 OR

18 3. A HEALTH CARE PROVIDER CERTIFIED OR LICENSED
19 UNDER THE HEALTH OCCUPATIONS ARTICLE WITH DOCUMENTED EXPERTISE IN
20 ALCOHOL AND DRUG COUNSELING, AS APPROVED BY THE BOARD.

21 (III) "UNDER THE SUPERVISION OF AN APPROVED ALCOHOL AND
22 DRUG SUPERVISOR" MEANS ENGAGING IN AN ONGOING PROCESS THAT INCLUDES
23 DIRECT, ON-SITE, FACE-TO-FACE, INDIVIDUAL OR GROUP MEETINGS WITH AN
24 APPROVED ALCOHOL AND DRUG SUPERVISOR FOCUSED ON QUALITY OF DELIVERY
25 OF ALCOHOL AND DRUG COUNSELING SERVICES AND IMPROVEMENT OF
26 COUNSELING SKILLS FOR A MINIMUM OF 1 DOCUMENTED HOUR FOR EACH 40-HOUR
27 WORK WEEK BUT NOT LESS THAN 2 DOCUMENTED HOURS PER MONTH FOR LESS
28 THAN A 40-HOUR WORK WEEK.

29 (2) AN INDIVIDUAL MAY PRACTICE ALCOHOL AND DRUG COUNSELING
30 WITHOUT CERTIFICATION FOR A LIMITED PERIOD OF TIME, AS DETERMINED BY THE
31 BOARD, IF THE INDIVIDUAL IS WORKING AS A TRAINEE UNDER THE SUPERVISION OF
32 ~~A CERTIFIED PROFESSIONAL COUNSELOR-ALCOHOL AND DRUG, A LICENSED~~
33 ~~CLINICAL ALCOHOL AND DRUG COUNSELOR, OR ANOTHER HEALTH CARE PROVIDER~~
34 ~~LICENSED UNDER THIS ARTICLE AND APPROVED BY THE BOARD~~ AN APPROVED
35 ALCOHOL AND DRUG SUPERVISOR WHILE FULFILLING THE EXPERIENTIAL OR
36 COURSE OF STUDY REQUIREMENTS UNDER § 17-302.3, § 17-302.4, § 17-302.5, OR §
37 17-3A-02 OF THIS TITLE.

1 (2) (3) AN INDIVIDUAL MAY PRACTICE CLINICAL ALCOHOL AND DRUG
 2 COUNSELING WITHOUT A LICENSE FOR A LIMITED PERIOD OF TIME, AS DETERMINED
 3 BY THE BOARD, IF THE INDIVIDUAL IS WORKING AS A TRAINEE UNDER THE
 4 SUPERVISION OF ~~A LICENSED CLINICAL ALCOHOL AND DRUG COUNSELOR OR~~
 5 ~~ANOTHER HEALTH CARE PROVIDER CERTIFIED OR LICENSED UNDER THIS ARTICLE~~
 6 ~~AND APPROVED BY THE BOARD~~ AN APPROVED ALCOHOL AND DRUG SUPERVISOR
 7 WHILE FULFILLING THE EXPERIENTIAL OR COURSE OF STUDY REQUIREMENTS
 8 UNDER § 17-302.3, § 17-302.4, § 17-302.5, OR § 17-3A-02 OF THIS TITLE.

9 17-306.

10 (c) (1) The Board shall waive the requirements for certification as a
 11 certified professional counselor-alcohol and drug under § 17-302.3 of this subtitle for
 12 any person who:

13 (i) Has filed a letter of intent with the Board by [July 1, 1998]
 14 OCTOBER 1, 2001;

15 (ii) Holds a master's or doctoral degree in a health and human
 16 services counseling field or has completed a program that the Board determines to be
 17 substantially equivalent in subject matter and extent of training as a master's or
 18 doctoral degree in a health and human services counseling field;

19 (iii) As of July 1, [1997] 2001, is certified as a certified chemical
 20 dependency counselor, its equivalent, or higher by the Maryland Addiction Counselor
 21 Certification Board, another state, the Certification Commission of the National
 22 Association of Alcoholism and Drug Abuse Counselors, or the International
 23 Certification Reciprocity Consortium, or is employed in the capacity of a Program
 24 Specialist I, II, III, or its equivalent, or higher, [if the person is employed by the
 25 State, a political subdivision of the State, or an entity that provides alcohol and drug
 26 counseling services under contract with the State or a political subdivision of the
 27 State] IN AN AGENCY OR FACILITY ACCREDITED BY THE JOINT COMMISSION ON
 28 ACCREDITATION OF HEALTH CARE ORGANIZATIONS OR CERTIFIED UNDER TITLE 8,
 29 SUBTITLE 4 OF THE HEALTH - GENERAL ARTICLE;

30 (iv) Has completed not less than 3 years with a minimum of 3,000
 31 hours of supervised experience in alcohol and drug abuse counseling approved by the
 32 Board, 2 years of which shall have been completed after the award of the master's or
 33 doctoral degree; and

34 (v) Has, by [July] OCTOBER 1, 2001, successfully passed an
 35 examination approved by the Board.

36 (2) The Board shall waive the requirements for certification as a
 37 certified associate counselor-alcohol and drug for any person who has filed a letter of
 38 intent with the Board by [July 1, 1998] OCTOBER 1, 2001 if:

39 (i) The person holds a bachelor's degree in a health or human
 40 services counseling field or has completed a program that the Board determines to be

1 substantially equivalent in subject matter and extent of training to a bachelor's
2 degree in a health or human services counseling field;

3 (ii) The person, as of July 1, [1997] 2001, is certified as a certified
4 chemical dependency counselor, its equivalent, or higher, by the Maryland Addiction
5 Counselor Certification Board, another state, the Certification Commission of the
6 National Association of Alcoholism and Drug Abuse Counselors, or the International
7 Certification Reciprocity Consortium, or is employed in the capacity of a Program
8 Specialist I, II, III, or its equivalent, or higher, [if the person is employed by the
9 State, a political subdivision of the State, or an entity that provides alcohol and drug
10 counseling services under contract with the State or a political subdivision of the
11 State] IN AN AGENCY OR FACILITY ACCREDITED BY THE JOINT COMMISSION ON
12 ACCREDITATION OF HEALTH CARE ORGANIZATIONS OR CERTIFIED UNDER TITLE 8,
13 SUBTITLE 4 OF THE HEALTH - GENERAL ARTICLE; and

14 (iii) The person has completed not less than 3 years with a
15 minimum of 3,000 hours of supervised experience in alcohol and drug abuse
16 counseling approved by the Board, 2 years of which shall have been completed after
17 the award of the bachelor's degree or a program that the Board determines to be
18 substantially equivalent in subject matter and extent of training.

19 (3) The Board shall waive the requirements for certification as a
20 certified supervised counselor-alcohol and drug for any person who has filed a letter
21 of intent with the Board by [July 1, 1998] OCTOBER 1, 2001 if:

22 (i) The person holds an associate's degree in health or human
23 services counseling or has completed a program that the Board determines to be
24 substantially equivalent in subject matter and extent of training to an associate's
25 degree in health or human services counseling; or

26 (ii) The person, as of July 1, [1997] 2001, is certified as a certified
27 alcoholism counselor, certified drug counselor, or higher, by the Maryland Addiction
28 Counselor Certification Board, another state, the Certification Commission of the
29 National Association of Alcoholism and Drug Abuse Counselors, or the International
30 Certification Reciprocity Consortium, or is employed in the capacity of an Addiction
31 Counselor II or III, or its equivalent, or higher, [if the person is employed by the
32 State, a political subdivision of the State, or an entity that provides alcohol and drug
33 counseling services under contract with the State or a political subdivision of the
34 State] IN AN AGENCY OR FACILITY ACCREDITED BY THE JOINT COMMISSION ON
35 ACCREDITATION OF HEALTH CARE ORGANIZATIONS OR CERTIFIED UNDER TITLE 8,
36 SUBTITLE 4 OF THE HEALTH - GENERAL ARTICLE.

37 17-3A-11.

38 (a) (1) Except as otherwise provided in paragraph (2) of this subsection, an
39 individual may not practice, attempt to practice, or offer to practice clinical alcohol
40 and drug counseling, clinical marriage and family therapy, or clinical professional
41 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 OR

10 (III) AN INDIVIDUAL WHO, IN ACCORDANCE WITH § 17-301(D) OF
11 THIS TITLE, IS WORKING AS A TRAINEE UNDER THE SUPERVISION OF A LICENSED
12 CLINICAL ALCOHOL AND DRUG COUNSELOR OR ANOTHER HEALTH CARE PROVIDER
13 CERTIFIED OR LICENSED UNDER THIS ARTICLE AND APPROVED BY THE BOARD
14 WHILE FULFILLING THE EXPERIENTIAL OR COURSE OF STUDY REQUIREMENTS
15 UNDER § 17-302.3, § 17-302.4, § 17-302.5, OR § 17-3A-02 OF THIS TITLE.

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