

SENATE BILL 547

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2001 Regular Session
(11r1303)

ENROLLED BILL

-- Economic and Environmental Affairs/Environmental Matters --

Introduced by **Senators Jacobs, Conway, Dyson, Harris, McCabe, and Stone**

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 **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; the Board~~ 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.

1 BY repealing and reenacting, without amendments,

2 Article - Health Occupations

3 Section 17-205

4 Annotated Code of Maryland

5 (2000 Replacement Volume)

6 BY repealing and reenacting, with amendments,

7 Article - Health Occupations

8 ~~Section 17-205, 17-302.2, 17-3A-01, 17-3A-06, and 17-3A-11~~

9 ~~Section 17-205 and 17-3A-01~~

10 Annotated Code of Maryland

11 (2000 Replacement Volume)

12 BY adding to

13 Article - Health Occupations

14 Section 17-3A-02.1

15 Annotated Code of Maryland

16 (2000 Replacement Volume)

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

19 **Article - Health Occupations**

20 17-205.

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

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

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

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

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

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

31 (5) Adopt an official seal; and

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

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

5 ~~(c)~~ ~~(D)~~ (1) The Board may take action against a certified professional
6 counselor-marriage and family therapist or a licensed clinical marriage and family
7 therapist only if:

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

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

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

17 (i) Before taking action against the alcohol and drug counselor, the
18 Board discusses the proposed action with the Board member who is a certified
19 professional counselor-alcohol and drug or licensed clinical alcohol and drug
20 counselor; and

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

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

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

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

34 ~~(d)~~ ~~(E)~~ The Board shall establish or select examinations that the Board
35 considers appropriate to determine the ability of an applicant to be licensed or
36 certified by the Board.

1 ~~17-302.2.~~

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

4 (1) Provide counseling under the supervision of a certified professional
5 counselor; or

6 (2) Provide marriage and family therapy under the supervision of a
7 certified professional counselor marriage and family therapist];

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

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

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

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

18 (I) IF THE INDIVIDUAL IS WORKING AS A TRAINEE UNDER THE
19 SUPERVISION OF A LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST OR
20 ANOTHER HEALTH CARE PROVIDER LICENSED UNDER SUBTITLE 3A OF THIS TITLE
21 AND APPROVED BY THE BOARD TO SUPERVISE CERTIFIED AND LICENSED MARRIAGE
22 AND FAMILY THERAPISTS; AND

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

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

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

34 17-3A-01.

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

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

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

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

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

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

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

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

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

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

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

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

37 [(e)] (G) "Practice clinical professional counseling" means to engage
 38 professionally and for compensation in counseling and appraisal activities by
 39 providing services involving the application of counseling principles and methods in

1 the diagnosis, prevention, treatment, and amelioration of psychological problems,
2 emotional or mental conditions of individuals or groups.

3 17-3A-02.1.

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

7 (B) TO QUALIFY TO PRACTICE AS A LICENSED GRADUATE PROFESSIONAL
8 COUNSELOR OR A LICENSED GRADUATE MARRIAGE AND FAMILY THERAPIST, AN
9 APPLICANT INDIVIDUAL SHALL BE AN INDIVIDUAL WHO MEETS THE REQUIREMENTS
10 OF THIS SECTION.:

11 ~~(C)~~ (1) THE APPLICANT SHALL BE OF GOOD MORAL CHARACTER; AND

12 ~~(D)~~ (2) THE APPLICANT SHALL BE AT LEAST 18 YEARS OLD.

13 ~~(E)~~ (C) AN INDIVIDUAL MAY PRACTICE PROFESSIONAL COUNSELING AS A
14 LICENSED GRADUATE PROFESSIONAL COUNSELOR WITHOUT LICENSURE FOR A
15 LIMITED PERIOD OF TIME IF THE INDIVIDUAL:

16 (1) HAS PASSED THE NATIONAL PROFESSIONAL COUNSELOR
17 EXAMINATION APPROVED BY THE BOARD;

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

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

23 ~~(F)~~ D AN INDIVIDUAL MAY PRACTICE MARRIAGE AND FAMILY THERAPY
24 WITHOUT LICENSURE FOR A LIMITED PERIOD OF TIME IF THE INDIVIDUAL:

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

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

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

32 ~~(G)~~ (E) AN INDIVIDUAL MAY PROVIDE COUNSELING UNDER SUPERVISION
33 AS PROVIDED IN THIS SECTION IF THE INDIVIDUAL HAS A MASTER'S OR DOCTORAL
34 DEGREE IN A PROFESSIONAL COUNSELING FIELD THAT MEETS THE EDUCATIONAL
35 REQUIREMENTS OF § 17-3A-02 OF THIS SUBTITLE.

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

5 ~~(H)~~ (G) (1) AN INDIVIDUAL MAY NOT PRACTICE WITHOUT APPROVAL BY
6 THE BOARD.

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

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

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

14 (III) REPRESENT TO THE PUBLIC THAT THE INDIVIDUAL IS
15 APPROVED BY THE BOARD TO PRACTICE PROFESSIONAL COUNSELING OR MARRIAGE
16 AND FAMILY THERAPY; OR

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

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

23 ~~17-3A-06.~~

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

27 (B) ~~A LICENSED GRADUATE MARRIAGE AND FAMILY THERAPIST MAY~~
28 ~~PRACTICE MARRIAGE AND FAMILY THERAPY FOR A LIMITED PERIOD OF TIME:~~

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

33 (2) ~~WHILE FULFILLING THE EXPERIENTIAL REQUIREMENTS UNDER §~~
34 ~~17-3A-02(E) OF THIS TITLE.~~

35 (C) ~~A LICENSED GRADUATE PROFESSIONAL COUNSELOR MAY PRACTICE~~
36 ~~PROFESSIONAL COUNSELING FOR A LIMITED PERIOD OF TIME:~~

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

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

7 ~~17-3A-11.~~

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

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

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

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

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

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

25 (b) ~~Unless an individual is licensed to practice clinical alcohol and drug~~
 26 ~~counseling, clinical marriage and family therapy, or clinical professional counseling,~~
 27 ~~an individual may not:~~

28 (1) ~~Represent to the public by title, by description of services, methods,~~
 29 ~~or procedures, or otherwise, that the individual is licensed by the Board to provide~~
 30 ~~clinical alcohol and drug counseling services, clinical marriage and family therapy~~
 31 ~~services, or clinical professional counseling services in the State;~~

32 (2) ~~Use any title, abbreviation, sign, card, or other representation that~~
 33 ~~the individual is a licensed clinical alcohol and drug counselor, licensed clinical~~
 34 ~~marriage and family therapist, LICENSED GRADUATE MARRIAGE AND FAMILY~~
 35 ~~THERAPIST, [or] licensed clinical professional counselor, OR LICENSED GRADUATE~~
 36 ~~PROFESSIONAL COUNSELOR; or~~

37 (3) ~~Use the title "L.C.A.D.C.", "L.C.M.F.T.", "L.G.M.F.T.", [or] "L.C.P.C.",~~
 38 ~~OR "L.G.P.C.", or the words "licensed clinical alcohol and drug counselor", "licensed~~

1 clinical marriage and family therapist", "~~LICENSED GRADUATE MARRIAGE AND~~
2 ~~FAMILY THERAPIST~~", [or] "~~licensed clinical professional counselor~~", OR "~~LICENSED~~
3 ~~GRADUATE PROFESSIONAL COUNSELOR~~" with the intent to represent that the
4 individual practices clinical alcohol and drug counseling, clinical marriage and family
5 therapy, or clinical professional counseling.

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

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

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

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