
By: **Senators Jacobs, Conway, Dyson, Harris, McCabe, and Stone**
Introduced and read first time: February 2, 2001
Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 20, 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; the Board to adopt certain~~
9 ~~regulations regarding practicing under supervision as a certain counselor or~~
10 ~~therapist; providing certain qualifications for practice under supervision;~~
11 authorizing the use of certain titles and certain representations; prohibiting the
12 use of those titles and representations by individuals not licensed; providing
13 certain penalties for certain violations; defining certain terms; and generally
14 relating to licensed clinical marriage and family therapists, licensed graduate
15 marriage and family therapists, licensed clinical professional counselors, and
16 licensed graduate clinical professional counselors.

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

23 BY adding to
24 Article - Health Occupations
25 Section 17-3A-02.1

1 Annotated Code of Maryland
2 (2000 Replacement Volume)

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

5 **Article - Health Occupations**

6 17-205.

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

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

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

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

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

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

17 (5) Adopt an official seal; and

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

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

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

27 (i) Before taking action against the certified professional
28 counselor-marriage and family therapist or the licensed clinical marriage and family
29 therapist, the Board discusses the proposed action with the Board member who is a
30 licensed clinical marriage and family therapist; and

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

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

3 (i) Before taking action against the alcohol and drug counselor, the
4 Board discusses the proposed action with the Board member who is a certified
5 professional counselor-alcohol and drug or licensed clinical alcohol and drug
6 counselor; and

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

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

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

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

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

23 ~~17-302.2.~~

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

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

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

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

32 (I) ~~IF THE INDIVIDUAL IS WORKING AS A TRAINEE UNDER THE~~
33 ~~SUPERVISION OF A CERTIFIED PROFESSIONAL COUNSELOR, A LICENSED CLINICAL~~
34 ~~PROFESSIONAL COUNSELOR, OR ANOTHER HEALTH CARE PROVIDER LICENSED~~
35 ~~UNDER THIS ARTICLE AND APPROVED BY THE BOARD; AND~~

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

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

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

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

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

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

19 17-3A-01.

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

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

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

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

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

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

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

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

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

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

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

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

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

26 17-3A-02.1.

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

30 (B) TO QUALIFY TO PRACTICE AS A LICENSED GRADUATE PROFESSIONAL
31 COUNSELOR OR A LICENSED GRADUATE MARRIAGE AND FAMILY THERAPIST, AN
32 APPLICANT SHALL BE AN INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS
33 SECTION.

34 (C) THE APPLICANT SHALL BE OF GOOD MORAL CHARACTER.

35 (D) THE APPLICANT SHALL BE AT LEAST 18 YEARS OLD.

36 (E) AN INDIVIDUAL MAY PRACTICE PROFESSIONAL COUNSELING AS A
37 LICENSED GRADUATE PROFESSIONAL COUNSELOR WITHOUT LICENSURE FOR A
38 LIMITED PERIOD OF TIME IF THE INDIVIDUAL:

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

3 (2) IS UNDER THE SUPERVISION OF A LICENSED CLINICAL
4 PROFESSIONAL COUNSELOR OR ANOTHER HEALTH CARE PROVIDER LICENSED
5 UNDER THIS ARTICLE AS APPROVED BY THE BOARD; AND

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

8 (F) AN INDIVIDUAL MAY PRACTICE MARRIAGE AND FAMILY THERAPY
9 WITHOUT LICENSURE FOR A LIMITED PERIOD OF TIME IF THE INDIVIDUAL;

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

12 (2) IS UNDER THE SUPERVISION OF A LICENSED CLINICAL MARRIAGE
13 AND FAMILY THERAPIST OR ANOTHER HEALTH CARE PROVIDER LICENSED UNDER
14 THIS ARTICLE AS APPROVED BY THE BOARD; AND

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

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

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

25 (I) (1) AN INDIVIDUAL MAY NOT PRACTICE WITHOUT APPROVAL BY THE
26 BOARD.

27 (2) AN INDIVIDUAL SHALL BE APPROVED BY THE BOARD TO PRACTICE
28 AS A LICENSED GRADUATE PROFESSIONAL COUNSELOR OR A LICENSED GRADUATE
29 MARRIAGE AND FAMILY THERAPIST BEFORE THE INDIVIDUAL MAY;

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

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

34 (III) REPRESENT TO THE PUBLIC THAT THE INDIVIDUAL IS
35 APPROVED BY THE BOARD TO PRACTICE PROFESSIONAL COUNSELING OR MARRIAGE
36 AND FAMILY THERAPY; OR

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

4 (J) ANY INDIVIDUAL WHO VIOLATES SUBSECTION (I) OF THIS SECTION IS
5 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT
6 EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.

7 ~~17-3A-06.~~

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

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

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

17 ~~(2) WHILE FULFILLING THE EXPERIENTIAL REQUIREMENTS UNDER §~~
18 ~~17-3A-02(E) OF THIS TITLE.~~

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

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

25 ~~(2) WHILE FULFILLING THE EXPERIENTIAL REQUIREMENTS UNDER §~~
26 ~~17-3A-02(F) OF THIS TITLE.~~

27 ~~17-3A-11.~~

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

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

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

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

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

6 (iv) ~~A LICENSED GRADUATE MARRIAGE AND FAMILY THERAPIST
 7 WORKING UNDER SUPERVISION IN ACCORDANCE WITH § 17-3A-06(C) OF THIS
 8 SUBTITLE.~~

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

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

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

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

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

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

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

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

