

Department of Legislative Services
 Maryland General Assembly
 2002 Session

FISCAL NOTE
Revised

House Bill 421

(Delegate Hubbard)

Environmental Matters

Education, Health, and Environmental Affairs

State Board of Professional Counselors and Therapists

This bill authorizes the State Board of Professional Counselors and Therapists to adopt regulations that create three new licensure categories: graduate alcohol and drug counseling (GADC), graduate marriage and family therapy (GMFT), and graduate professional counseling (GPC). A GADC, GMFT, or GPC may practice counseling without licensure for a limited time if the individual: (1) has passed the appropriate board-approved national professional counseling examination; (2) is working under the supervision of a licensed practitioner; (3) is fulfilling experiential requirements for licensure; and (4) has a master's or doctoral degree in professional counseling or marriage and family therapy that meets specified educational requirements. Individuals must be approved by the board before they can represent to the public that they are approved to practice and use the appropriate corresponding titles and initials. An individual who presents GADC, GPC, or GMFT credentials without proper board approval is guilty of a misdemeanor and subject to a maximum fine of \$500 or imprisonment not to exceed six months, or both.

Fiscal Summary

State Effect: Special fund revenues could increase by \$30,800 in FY 2003 due to collection of fees from graduate trainees who become licensed. Future year revenues reflect increases in the number of graduate alcohol and drug counselors, but no anticipated changes in the number of counseling or marriage and family therapy applicants or in the application fees.

(in dollars)	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
SF Revenue	\$30,800	\$30,800	\$31,500	\$31,500	\$32,300
Expenditure	\$0	\$0	\$0	\$0	\$0
Net Effect	\$30,800	\$30,800	\$31,500	\$31,500	\$32,300

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The board is authorized to issue a certificate for “certificated professional counselor-alcohol and drug,” “certified professional counselor,” and “certified professional counselor-marriage and family therapist.” To qualify for certification, an applicant must be of good moral character, at least 18, must have a masters or doctoral degree and meet minimum requirements for supervised experience in counseling. The board may adopt regulations that allow individuals to provide alcohol and drug counseling, counseling, or marriage and family therapy under the supervision of a certified professional counselor or certified therapist. The individuals must have a master’s or doctoral degree in professional counseling or marriage and family therapy and meet other specified curriculum requirements.

Background: Following completion of a master’s or doctoral degree, two years of clinical experience are required by the board to qualify for an alcohol and drug counseling, marriage and family therapy, or professional counseling certificate. According to the Mid-Atlantic Division of the American Association of Marriage and Family Therapy, some students have faced difficulty in finding employment following completion of their graduate work. The graduate licenses proposed under this bill would provide students with a recognizable professional credential that may facilitate acquisition of the necessary field expertise to qualify for full licensure.

This bill is related to Senate Bill 71, which was enacted as Chapter 355 of 2001. The law allows individuals to practice alcohol and drug counseling or clinical alcohol and drug counseling without certification or licensure for a limited period of time while fulfilling the experiential or study requirements for certification, if the individual is working as a trainee under a licensed professional’s supervision.

The State Board of Social Work Examiners currently issues a graduate social worker license similar to the graduate license proposed under this bill. Applicants for a graduate social worker license must have received a master’s degree in social work from a program accredited by the Council on Social Work Education. Graduate social worker licensees are authorized to practice under the supervision of a licensed certified social worker, licensed certified social worker-clinical, or licensed graduate social worker who meets qualifications.

The prior introduction of this bill, HB 522/SB 547 of 2001, passed the House and the Senate, but was vetoed by the Governor. In his veto message, the Governor expressed concern that the licenses proposed in HB 522/SB 547 were not specifically placed under the jurisdiction of the board, making the board's authority to discipline graduate students somewhat ambiguous. The Governor also stated that creating a license for graduate students as proposed in HB 522/SB 547 would be confusing to the public. Other health disciplines authorize the limited practice of a profession without a license to enable an applicant to meet experiential requirements. However, they do not allow the candidate to use any credentialing titles or initials until the person has achieved full licensure.

State Fiscal Effect: Special fund revenues could increase by \$30,750 in fiscal 2003. This estimate assumes that 200 master's and doctoral graduates would apply for GPC or GMFT after graduation in December and May and there would be 10 graduates in the alcohol and drug counseling field for a total of 410 graduates annually. Although there are no full graduate programs in addictions counseling, Johns Hopkins University does offer a specialty track. DHMH advises that more universities will offer graduate programs in the future, due to the new license. The number of graduates in the addictions counseling field is expected to increase in the out-years. The number of graduates in the counseling and marriage and family fields is expected to remain stable. There are 10 schools in Maryland that graduate about 40 counseling students annually. The board plans to charge an application fee of \$75 to each applicant, on an annual basis.

DHMH advises that one position, an office clerk I, would be needed to process applications and monitor student progress. The Department of Legislative Services (DLS) disagrees with this assessment. In responses to the fiscal notes for HB 522/SB 547 of 2001 and Chapter 355 of 2001, both passed by the General Assembly in 2001, DHMH responded that the bill's requirements could be handled within existing resources. While this bill is not exactly identical to HB 522/SB 547, the changes do not directly impact on the board's operations or finances. Furthermore, in board performance measures contained in the proposed operating budget for fiscal 2003, the board plans to process 200 new license applications, 75 reinstatements, and 2,884 renewal applications. The average time for these activities is listed as two working days. Under those circumstances, it is difficult to justify the necessity for a full-time staff person to process only 410 applications. DHMH also responded that a person was needed to monitor applicant progress. However, it is not apparent how an office clerk position could provide useful monitoring of master's and doctoral students who are completing clinical and experience requirements. DLS believes that the requirements for this bill can be handled within existing resources.

Additional Information

Prior Introductions: HB 522 of 2001 was passed by the House with amendments and passed by the Senate. It was vetoed by the Governor. SB 547 was cross-filed to HB 522, although it had slightly different provisions. It passed the Senate with amendments, and passed the House with amendments, then it was vetoed by the Governor.

Cross File: SB 575 (Senator Jacobs) - Education, Health, and Environmental Affairs.

Information Source(s): Office of Administrative Hearings, Department of Health and Mental Hygiene, Department of Legislative Services

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