
By: **Delegate Hubbard**

Introduced and read first time: February 10, 2003

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Professional Clinical Counselors - Specialized Test Administration -**
3 **Standards**

4 FOR the purpose of altering the definition of "appraisal" as it pertains to the licensing
5 and regulation by the State Board of Professional Counselors and Therapists;
6 requiring the State Board of Professional Counselors and Therapists to adopt
7 certain regulations that establish certain standards for the administration and
8 interpretation of certain tests by a licensed clinical professional counselor and
9 certain continuing education credits; and generally relating to permitting
10 professional clinical counselors to administer specialized tests if standards are
11 met.

12 BY repealing and reenacting, without amendments,
13 Article - Health Occupations
14 Section 17-101(a)
15 Annotated Code of Maryland
16 (2000 Replacement Volume and 2002 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article - Health Occupations
19 Section 17-101(c) and 17-205
20 Annotated Code of Maryland
21 (2000 Replacement Volume and 2002 Supplement)

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

24 **Article - Health Occupations**

25 17-101.

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

27 (c) (1) "Appraisal" means:

1 (i) Selecting, administering, scoring, and interpreting instruments
2 designed to assess an individual's aptitudes, attitudes, abilities, achievements,
3 interests, and personal characteristics; and

4 (ii) Using nonstandardized methods and techniques for
5 understanding human behavior in relation to coping with, adapting to, or changing
6 life situations.

7 (2) "Appraisal" does not include instruments which require specialized
8 psychological training for administration and interpretation unless the licensed [or
9 certified professional counselor has completed training deemed by the Board of
10 Examiners of Psychologists and the State Board of Professional Counselors and
11 Therapists to be equivalent to that of a licensed psychologist who is qualified to
12 administer the same types of instruments] **CLINICAL PROFESSIONAL COUNSELOR
13 MEETS THE COMPETENCY STANDARDS FOR THE ADMINISTRATION AND
14 INTERPRETATION OF SPECIALIZED PSYCHOLOGICAL TESTS AS ADOPTED BY THE
15 BOARD.**

16 17-205.

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

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

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

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

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

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

27 (5) Adopt an official seal; and

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

30 (c) (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
35 therapist, the Board discusses the proposed action with the Board member who is a
36 licensed clinical marriage and family therapist; and

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

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

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

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

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

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

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

23 (d) The Board shall establish or select examinations that the Board considers
24 appropriate to determine the ability of an applicant to be licensed or certified by the
25 Board.

26 (E) THE BOARD SHALL ADOPT REGULATIONS THAT ESTABLISH:

27 (1) COMPETENCY STANDARDS FOR THE ADMINISTRATION AND
28 INTERPRETATION OF SPECIALIZED PSYCHOLOGICAL TESTS BY A LICENSED CLINICAL
29 PROFESSIONAL COUNSELOR; AND

30 (2) MINIMUM CONTINUING EDUCATION CREDIT REQUIREMENTS FOR
31 THE COMPETENCY STANDARDS ESTABLISHED UNDER ITEM (1) OF THIS SUBSECTION.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2003.