
By: ~~Delegate Hubbard~~ **Delegates Hubbard, Rudolph, Oaks, Murray, Costa, Benson, Mandel, Goldwater, Nathan-Pulliam, Rosenberg, Pendergrass, Weldon, Bromwell, Haynes, Donoghue, and V. Turner**

Introduced and read first time: February 10, 2003
Assigned to: Rules and Executive Nominations
Re-referred to: Health and Government Operations, February 21, 2003

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 21, 2003

CHAPTER _____

1 AN ACT concerning

2 **Professional Clinical Counselors and Therapists - Specialized Test**
3 **Administration - 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, a
9 licensed professional counselor-marriage and family therapist, or a certain
10 individual licensed to practice alcohol and drug counseling and certain
11 continuing education credits; requiring the State Board of Examiners of
12 Psychologists and the State Board of Professional Counselors and Therapists to
13 meet with certain entities in order to propose certain regulations or legislation;
14 requiring the State Board of Examiners of Psychologists and the State Board of
15 Professional Counselors to submit a certain report to certain committees of the
16 General Assembly on or before a certain date; and generally relating to
17 permitting certain professional ~~clinical~~ counselors and therapists to administer
18 specialized tests if standards are met.

19 BY repealing and reenacting, without amendments,
20 Article - Health Occupations
21 Section 17-101(a)
22 Annotated Code of Maryland
23 (2000 Replacement Volume and 2002 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article - Health Occupations
3 Section 17-101(c) and 17-205
4 Annotated Code of Maryland
5 (2000 Replacement Volume and 2002 Supplement)

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

8 **Article - Health Occupations**

9 17-101.

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

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

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

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

18 (2) "Appraisal" does not include instruments which require specialized
19 psychological training for administration and interpretation, INCLUDING
20 STRAIGHTFORWARD PAPER AND PENCIL MEASURES USED TO ADMINISTER INTEREST
21 INVENTORIES, NONINDIVIDUALLY ADMINISTERED INTELLIGENCE TESTS, AND
22 PERSONALITY INVENTORIES, unless the licensed [or certified professional counselor
23 has completed training deemed by the Board of Examiners of Psychologists and the
24 State Board of Professional Counselors and Therapists to be equivalent to that of a
25 licensed psychologist who is qualified to administer the same types of instruments]
26 CLINICAL PROFESSIONAL COUNSELOR, LICENSED PROFESSIONAL
27 COUNSELOR-MARRIAGE AND FAMILY THERAPIST, OR AN INDIVIDUAL LICENSED BY
28 THE BOARD TO PRACTICE ALCOHOL AND DRUG COUNSELING IN THE STATE MEETS
29 THE COMPETENCY STANDARDS FOR THE ADMINISTRATION AND INTERPRETATION
30 OF SPECIALIZED PSYCHOLOGICAL TESTS AS ADOPTED BY THE BOARD.

31 17-205.

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

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

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

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

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

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

6 (5) Adopt an official seal; and

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

9 (c) (1) The Board may take action against a certified professional
10 counselor-marriage and family therapist or a licensed clinical marriage and family
11 therapist only if:

12 (i) Before taking action against the certified professional
13 counselor-marriage and family therapist or the licensed clinical marriage and family
14 therapist, the Board discusses the proposed action with the Board member who is a
15 licensed clinical marriage and family therapist; and

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

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

21 (i) Before taking action against the alcohol and drug counselor, the
22 Board discusses the proposed action with the Board member who is a certified
23 professional counselor-alcohol and drug or licensed clinical alcohol and drug
24 counselor; and

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

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

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

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

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

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

5 (1) ~~COMPETENCY STANDARDS FOR THE ADMINISTRATION AND~~
 6 ~~INTERPRETATION OF SPECIALIZED PSYCHOLOGICAL TESTS~~ INTERPRETATION AND
 7 ADMINISTRATION, USING STRAIGHTFORWARD PAPER AND PENCIL MEASURE, OF
 8 INTEREST INVENTORIES, NONINDIVIDUALLY ADMINISTERED INTELLIGENCE TESTS,
 9 AND PERSONALITY INVENTORIES BY A LICENSED CLINICAL PROFESSIONAL
 10 COUNSELOR, A LICENSED PROFESSIONAL COUNSELOR-MARRIAGE AND FAMILY
 11 THERAPIST, OR AN INDIVIDUAL LICENSED BY THE BOARD TO PRACTICE ALCOHOL
 12 AND DRUG COUNSELING IN THE STATE; AND

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

15 SECTION 2. AND BE IT FURTHER ENACTED, That:

16 (a) The State Board of Examiners of Psychologists, the State Board of
 17 Professional Counselors and Therapists, the Maryland Psychological Association, and
 18 the Licensed Clinical Professional Counselors of Maryland, Inc. shall meet in order to
 19 develop and propose regulations or legislation with regard to the education and
 20 competency standards to be met by Licensed Clinical Professional Counselors,
 21 Licensed Professional Counselor-Marriage and Family Therapists, and individuals
 22 licensed to practice alcohol and drug counseling in the State, for the administration
 23 and interpretation of tests that require an advanced level of understanding of
 24 psychopathology, theories and methods of assessment and diagnosis, specific
 25 diagnostic groups assessed by specific instruments, research methods underlying the
 26 test development and use, statistics involved in test scoring and interpretation, and
 27 ethics related to the use of test information.

28 (b) The State Board of Examiners of Psychologists and the State Board of
 29 Professional Counselors and Therapists shall report to the Senate Education, Health,
 30 and Environmental Affairs Committee and the House Health and Government
 31 Operations Committee on or before December 1, 2003, in accordance with § 2-1246 of
 32 the State Government Article, on the status of the development of regulations or
 33 legislation under subsection (a) of this section.

34 SECTION 2-3. AND BE IT FURTHER ENACTED, That this Act shall take
 35 effect ~~October~~ June 1, 2003.

