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By: **Senator Harris**

Introduced and read first time: February 6, 2004

Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Board of Professional Counselors and Therapists - Specialized Testing**

3 FOR the purpose of altering the membership of the State Board of Professional  
4 Counselors and Therapists; requiring that a certain member of the Board be  
5 licensed by the Board under a certain title; requiring the Board to consider a  
6 certain determination relating to the qualifications of licensees; authorizing the  
7 Board to consider the completion of certain course work in making a certain  
8 determination relating to the qualifications of licensees; requiring certain  
9 individuals to meet certain requirements to qualify to administer and interpret  
10 certain instruments; requiring certain individuals to meet certain continuing  
11 education requirements as a condition of license renewal; requiring the Board to  
12 designate certain individuals who meet certain requirements with certain titles;  
13 requiring certain individuals to be licensed by the Board to administer and  
14 interpret certain instruments before using certain titles and making certain  
15 representations; requiring the Board to submit a certain report to the Governor  
16 and the General Assembly on or before a certain date; defining certain terms;  
17 and generally relating to the State Board of Professional Counselors and  
18 Therapists and the administration and interpretation of instruments which  
19 require specialized psychological training.

20 BY repealing and reenacting, without amendments,  
21 Article - Health Occupations  
22 Section 17-101(a)  
23 Annotated Code of Maryland  
24 (2000 Replacement Volume and 2003 Supplement)

25 BY repealing and reenacting, with amendments,  
26 Article - Health Occupations  
27 Section 17-101(c), 17-202(a), and 17-3A-11(c) and (d)  
28 Annotated Code of Maryland  
29 (2000 Replacement Volume and 2003 Supplement)

30 BY adding to  
31 Article - Health Occupations

1 Section 17-3A-11(c) and 17-3A-07.1  
2 Annotated Code of Maryland  
3 (2000 Replacement Volume and 2003 Supplement)

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

6 **Article - Health Occupations**

7 17-101.

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

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

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

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

16 (2) "Appraisal" does not include instruments which require specialized  
17 psychological training for administration and interpretation unless the licensed or  
18 certified professional counselor has completed EDUCATION AND training [deemed by  
19 the Board of Examiners of Psychologists and the State Board of Professional  
20 Counselors and Therapists to be] equivalent to that of a licensed psychologist who is  
21 qualified to administer the same types of instruments SUBJECT TO THE LIMITATIONS  
22 SPECIFIED UNDER § 17-3A-07.1 OF THIS TITLE.

23 17-202.

24 (a) (1) The Board consists of nine members appointed by the Governor with  
25 the advice of the Secretary.

26 (2) Of the nine Board members:

27 (i) [Five] FOUR shall be licensed as professional counselors under  
28 Subtitle 3A of this title, including:

29 1. One who is primarily engaged in professional counselor  
30 education;

31 2. One who is employed in the private sector;

32 3. One who is employed in the public sector; and

33 4. [Two] ONE professional [counselors] COUNSELOR at  
34 large;

1 (ii) One shall be a licensed clinical marriage and family therapist;

2 (iii) One shall be a certified professional counselor-alcohol and drug  
3 or licensed clinical alcohol and drug counselor; [and]

4 (IV) ONE SHALL BE AN INDIVIDUAL LICENSED BY THE BOARD AS A:

5 1. CLINICAL ALCOHOL AND DRUG COUNSELOR - TESTING;

6 2. CLINICAL MARRIAGE AND FAMILY THERAPIST - TESTING;

7 OR

8 3. CLINICAL PROFESSIONAL COUNSELOR - TESTING; AND

9 [(iv)] (V) Two shall be consumer members.

10 (3) The composition of the Board as to the race and sex of its members  
11 shall reflect the composition of the population of the State.

12 (4) The Governor shall appoint the professional counselors from a list  
13 submitted to the Governor by the Secretary. Any association representing professional  
14 counselors may submit recommendations for Board members to the Secretary.

15 17-3A-07.1.

16 (A) IN THIS SECTION, "DOCTORAL DEGREE" MEANS:

17 (1) A DEGREE IN PSYCHOLOGY RECEIVED FROM A PROGRAM THAT, AT  
18 THE TIME THE DEGREE IS AWARDED, IS:

19 (I) ACCREDITED BY THE AMERICAN PSYCHOLOGICAL  
20 ASSOCIATION; OR

21 (II) LISTED IN THE DESIGNATED DOCTORAL PROGRAMS IN  
22 PSYCHOLOGY PUBLISHED BY THE ASSOCIATION OF STATE AND PROVINCIAL  
23 PSYCHOLOGY BOARDS AND THE COUNCIL FOR THE NATIONAL REGISTER OF HEALTH  
24 SERVICES PROVIDERS IN PSYCHOLOGY; OR

25 (2) A DOCTORAL DEGREE IN A FIELD OTHER THAN PSYCHOLOGY THAT  
26 MEETS THE EDUCATIONAL AND TRAINING CRITERIA EQUIVALENT TO THAT OF A  
27 DOCTORAL DEGREE IN PSYCHOLOGY AS ESTABLISHED IN 1977 BY THE COUNCIL FOR  
28 THE NATIONAL REGISTER OF HEALTH SERVICES PROVIDERS IN PSYCHOLOGY.

29 (B) (1) THE BOARD SHALL CONSIDER A DETERMINATION BY THE COUNCIL  
30 FOR THE NATIONAL REGISTER OF HEALTH SERVICES PROVIDERS IN PSYCHOLOGY  
31 UNDER PARAGRAPH (A)(2) OF THIS SECTION AS PRIMA FACIE EVIDENCE THAT A  
32 DEGREE MEETS THE DESIGNATION CRITERIA AS IMPLEMENTED SINCE 1980.

33 (2) IN DETERMINING WHETHER A DOCTORAL DEGREE IN A FIELD  
34 OTHER THAN PSYCHOLOGY MEETS THE REQUIREMENTS OF PARAGRAPH (A)(2) OF  
35 THIS SECTION, THE BOARD MAY CONSIDER A LICENSEE'S SUCCESSFUL COMPLETION

1 OF NOT MORE THAN 9 SEMESTER HOURS OF POSTDOCTORAL COURSE WORK IN  
2 PSYCHOLOGY.

3 (C) TO QUALIFY TO ADMINISTER AND INTERPRET INSTRUMENTS WHICH  
4 REQUIRE SPECIALIZED PSYCHOLOGICAL TRAINING, A LICENSEE SHALL:

5 (1) HAVE SUCCESSFULLY COMPLETED A DOCTORAL DEGREE;

6 (2) PASS AN EXAMINATION GIVEN BY THE BOARD THAT DEMONSTRATES  
7 THE LICENSEE'S PROFICIENCY IN THE ADMINISTRATION AND INTERPRETATION OF  
8 INSTRUMENTS WHICH REQUIRE SPECIALIZED PSYCHOLOGICAL TRAINING;

9 (3) HAVE A MINIMUM OF 2 YEARS OF EXPERIENCE UNDER THE  
10 SUPERVISION OF AN INDIVIDUAL LICENSED TO ADMINISTER AND INTERPRET  
11 INSTRUMENTS WHICH REQUIRE SPECIALIZED PSYCHOLOGICAL TRAINING, 1 YEAR OF  
12 WHICH MUST BE COMPLETED AFTER THE DOCTORAL DEGREE IS AWARDED; AND

13 (4) ON RENEWAL OF THE INDIVIDUAL'S LICENSE, COMPLY WITH ALL  
14 CONTINUING EDUCATION REQUIREMENTS RELATING TO THE ADMINISTRATION AND  
15 INTERPRETATION OF INSTRUMENTS WHICH REQUIRE SPECIALIZED PSYCHOLOGICAL  
16 TRAINING AS DETERMINED BY THE BOARD IN REGULATION.

17 (D) THE BOARD SHALL REQUIRE THAT A MEMBER OF THE BOARD OR A  
18 CONSULTANT TO THE BOARD THAT DETERMINES WHETHER A DOCTORAL DEGREE  
19 MEETS THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION SHALL HAVE  
20 COMPLETED THE EDUCATION AND TRAINING REQUIRED TO BE LICENSED UNDER  
21 THIS SECTION.

22 (E) THE BOARD SHALL DESIGNATE AN INDIVIDUAL WHO MEETS THE  
23 REQUIREMENTS OF THIS SECTION AS A:

24 (1) CLINICAL ALCOHOL AND DRUG COUNSELOR - TESTING;

25 (2) CLINICAL MARRIAGE AND FAMILY THERAPIST - TESTING; OR

26 (3) CLINICAL PROFESSIONAL COUNSELOR - TESTING.

27 17-3A-11.

28 (C) UNLESS AN INDIVIDUAL IS LICENSED TO ADMINISTER AND INTERPRET  
29 INSTRUMENTS WHICH REQUIRE SPECIALIZED PSYCHOLOGICAL EDUCATION AND  
30 TRAINING UNDER § 17-3A-07.1 OF THIS SUBTITLE, AN INDIVIDUAL MAY NOT:

31 (1) REPRESENT TO THE PUBLIC BY TITLE, BY DESCRIPTION OF  
32 SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE INDIVIDUAL IS  
33 LICENSED BY THE BOARD TO ADMINISTER AND INTERPRET INSTRUMENTS WHICH  
34 REQUIRE SPECIALIZED PSYCHOLOGICAL EDUCATION AND TRAINING IN THE STATE;

35 (2) USE ANY TITLE, ABBREVIATION, SIGN, CARD, OR OTHER  
36 REPRESENTATION THAT THE INDIVIDUAL IS A LICENSED CLINICAL ALCOHOL AND

1 DRUG COUNSELOR - TESTING, LICENSED CLINICAL MARRIAGE AND FAMILY  
2 THERAPIST - TESTING, OR LICENSED CLINICAL PROFESSIONAL COUNSELOR -  
3 TESTING; OR

4 (3) USE THE TITLE "L.C.A.D.C.-T.", "L.C.M.F.T.-T.", OR "L.C.P.C.-T." OR THE  
5 WORDS "LICENSED CLINICAL ALCOHOL AND DRUG COUNSELOR - TESTING",  
6 "LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST - TESTING", OR "LICENSED  
7 CLINICAL PROFESSIONAL COUNSELOR - TESTING" WITH THE INTENT TO REPRESENT  
8 THAT THE INDIVIDUAL IS QUALIFIED TO ADMINISTER AND INTERPRET  
9 INSTRUMENTS WHICH REQUIRE SPECIALIZED PSYCHOLOGICAL EDUCATION AND  
10 TRAINING.

11 [(c)] (D) (1) Any individual who violates any provision of this section is  
12 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500 or  
13 imprisonment not exceeding 6 months or both.

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

15 [(d)] (E) This subtitle may not be construed to limit the scope of practice of  
16 any individual who is duly licensed under this article.

17 SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of  
18 Professional Counselors and Therapists shall report to the Governor and, in  
19 accordance with § 2-1246 of the State Government Article, the General Assembly on  
20 or before October 1, 2008 on the implementation of this Act and any recommendations  
21 for legislative or regulatory action.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2004.