

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

Senate Bill 696 (Senator Harris)
Education, Health, and Environmental Affairs

Board of Professional Counselors and Therapists - Specialized Testing

This bill establishes requirements for individuals to administer and interpret instruments requiring specialized psychological training under the Board of Professional Counselors and Therapists. The board must report to the Governor and the General Assembly by October 1, 2008 on the bill's implementation and any recommendations for legislative or regulatory action.

Fiscal Summary

State Effect: No effect in FY 2005 as the board begins establishing the bill's requirements, such as creating the examination. Potential minimal increase in special fund revenues and expenditures in future years depending on the number of individuals who would qualify for an enhanced clinical testing license. The number of individuals this may apply to cannot be determined at this time but is expected to be minimal.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The board must designate an individual who meets the bill's requirements as a clinical alcohol and drug counselor – testing, clinical marriage and family therapist – testing, or clinical professional counselor – testing.

To qualify for a license designation to administer and interpret instruments that require specialized psychological training a licensee must:

- have successfully completed a doctoral degree;
- pass a board examination demonstrating the licensee's proficiency administering and interpreting instruments which require specialized psychological training;
- have at least two years of experience under the supervision of a person licensed to administer and interpret such instruments, one year of which must be completed after the doctoral degree is awarded; and
- upon licensure renewal, comply with board-established continuing education requirements relating to administering and interpreting such instruments.

The bill sets education and training requirements necessary for a person holding a doctoral degree in psychology to be licensed to administer and interpret instruments requiring specialized psychological training. A board member or board consultant who determines whether a doctoral degree in psychology meets the bill's requirements must have himself or herself completed the same education and training requirements.

A doctoral degree is defined as a degree in psychology received from a program that, at the time the degree is awarded, is either accredited by the American Psychological Association or listed in the designated doctoral programs in psychology published by the Association of State and Provincial Psychology Boards and the Council for the National Register of Health Services Providers in Psychology.

Or, the doctoral degree may be in a field other than psychology that meets the educational and training criteria equivalent to a doctoral degree in psychology as established in 1977 by the Council for the National Register of Health Services Providers in Psychology. In determining whether a doctoral degree in another field meets these requirements, the board may consider a licensee's successful completion of up to nine semester hours of postdoctoral course work in psychology.

The board must consider a determination by the Council for the National Register of Health Services Providers in Psychology as *prima facie* evidence that a degree meets the designation criteria as implemented since 1980.

Prohibitions

Unless a person is licensed under this bill, he or she may not represent that he or she is licensed to administer or interpret instruments that require specialized psychological training through use of a title, description of sciences, specific words, or abbreviations.

Board Membership

The bill also changes the board's membership. While there still would be a total of nine members, four, instead of five, would have to be licensed as professional counselors. Of those, one, instead of two, would have to be a professional counselor at large. The bill adds a requirement that one member must be licensed under the new testing provisions.

Additionally, the bill changes the definition of appraisal to exclude specialized psychological instruments unless the individual has completed education and training requirements set under this bill.

Current Law:

Practicing without a License

A person may not practice, attempt to practice, or offer to practice clinical alcohol and drug counseling, clinical marriage and family therapy, or clinical professional counseling in Maryland unless licensed by the board. This does not apply to a student working under the supervision of a licensed mental health care provider while pursuing a course of study in counseling that the board approves as qualifying training and experience. It also does not apply to an individual with a graduate degree in counseling or a related field working under the supervision of a licensed mental health care provider for qualifying for a license.

Unless licensed to practice clinical alcohol and drug counseling, clinical marriage and family therapy, or clinical professional counseling a person may not represent himself or herself as being licensed.

Any individual who practices without a license is guilty of a misdemeanor and on conviction is subject to a maximum \$500 fine, six-months imprisonment, or both. Each violation is a separate offense.

Board Membership

Of the nine board members, four must be licensed as professional counselors including one who is primarily engaged in professional counselor education, one who is employed in the private sector, one who is employed in the public sector, and two professional counselors at large. One member must be a licensed clinical marriage and family therapist and one member must be a certified professional counselor-alcohol and drug or licensed clinical alcohol and drug counselor. Two members must be consumers. Board composition regarding race and sex must reflect the composition of the State's

population. The Governor must appoint the professional counselors from a list submitted by the Secretary of Health and Mental Hygiene.

Background: There are a total of 3,867 professional counselors regulated in Maryland, 263 of which hold doctoral degrees. The board advises that it would charge \$175 for a biennial clinical testing license in addition to the existing license fees of \$250 for an initial clinical license and \$200 for clinical license renewals.

State Fiscal Effect: No effect in fiscal 2005 as the board begins establishing the bill's requirements, such as creating the examination. Special fund revenues and expenditures could increase in future years depending on the number of individuals who would apply for the enhanced clinical testing license under the bill. The number of individuals who would do so cannot be reliably determined at this time but is expected to be minimal. The board advises that existing clinical licensees would not qualify for an enhanced clinical testing license under this bill. This bill could apply to psychology associates who seek licensure under the counseling board to administer and interpret such instruments, but only after they earn a doctoral degree and complete the other requirements.

Additional Comments: The bill does not address several areas that will affect its implementation.

First, the bill does not specify whether a person who qualifies to administer and interpret such instruments would receive an enhanced existing clinical license or would receive a separate clinical testing license in addition to or instead of the clinical license already held. The Department of Legislative Services assumes qualifying individuals would receive an enhanced license. The board assumes qualifying individuals would be required to hold two licenses.

Second, the bill does not make any provisions for upgrading the existing licensees who meet the qualifications for an enhanced license.

Third, the bill does not authorize a fee for issuing or renewing separate categories of clinical testing licenses. The board does have fee-setting authority related to existing categories of clinical licenses and, presumably could charge an additional fee related to enhancement of an existing license. However, the Department of Health and Mental Hygiene assumes an additional \$175 fee would be charged for persons meeting this qualification.

Fourth, the bill does not include a phase-in period for adjusting board membership to include a licensee who is qualified to administer and interpret instruments requiring specialized psychological training.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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