

(PRE-FILED)

By: **Senators Teitelbaum, Hooper, Kelley, DeGrange, Miller, Colburn, Ruben, Stone, and Giannetti**

Requested: August 17, 2004

Introduced and read first time: January 12, 2005

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations - Practicing Without License - Penalties**

3 FOR the purpose of making it a felony to practice certain health occupations without
4 a license; altering certain penalties for certain violations of laws regulating
5 certain health occupations; and generally relating to the practice of certain
6 health occupations without a license.

7 BY repealing and reenacting, with amendments,
8 Article - Health Occupations
9 Section 1A-403, 2-408, 3-506, 3-5A-11, 4-606, 5-403, 7-508, 8-6B-27, 8-710,
10 9-407, 10-407, 11-505, 12-707, 13-407, 14-5A-23, 14-5B-19, 14-606,
11 15-403, 16-505, 17-3A-02.1, 17-3A-11, 18-404, and 19-407
12 Annotated Code of Maryland
13 (2000 Replacement Volume and 2004 Supplement)

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

16 **Article - Health Occupations**

17 1A-403.

18 (A) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A person
19 who violates any provision of this subtitle is guilty of a misdemeanor and on
20 conviction is subject to a fine not exceeding \$5,000 or imprisonment not exceeding 3
21 years or both.

22 (B) A PERSON WHO VIOLATES § 1A-401 OF THIS SUBTITLE IS GUILTY OF A
23 FELONY AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$10,000 OR
24 IMPRISONMENT NOT EXCEEDING 6 YEARS OR BOTH.

1 2-408.

2 (A) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A person
3 who violates any provision of this title is guilty of a misdemeanor and on conviction is
4 subject to a fine not exceeding \$500 or imprisonment not exceeding 90 days or both.

5 (B) A PERSON WHO VIOLATES § 2-401 OF THIS SUBTITLE IS GUILTY OF A
6 FELONY AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR
7 IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

8 3-506.

9 (a) A person who [practices or attempts to practice chiropractic without a
10 license in violation of § 3-501 of this subtitle or] represents to the public in violation
11 of § 3-502 of this subtitle that the person is authorized to practice chiropractic is
12 guilty of a misdemeanor and on conviction is subject to:

13 (1) For a first offense, a fine not exceeding \$2,000 or imprisonment not
14 exceeding 6 months; or

15 (2) For a subsequent offense, a fine not exceeding \$6,000 or
16 imprisonment not exceeding 1 year.

17 (B) A PERSON WHO PRACTICES OR ATTEMPTS TO PRACTICE CHIROPRACTIC
18 WITHOUT A LICENSE IN VIOLATION OF § 3-501 OF THIS SUBTITLE IS GUILTY OF A
19 FELONY AND ON CONVICTION IS SUBJECT TO:

20 (1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$4,000 OR
21 IMPRISONMENT NOT EXCEEDING 1 YEAR; OR

22 (2) FOR A SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$12,000 OR
23 IMPRISONMENT NOT EXCEEDING 2 YEARS.

24 [(b)] (C) A person who is convicted under the provisions of this section shall
25 reimburse the Board for the direct costs of the Board, including court reporting
26 services and expert witness fees, incurred as a result of a prosecution under this
27 section.

28 3-5A-11.

29 (a) Except as otherwise provided in this subtitle, an individual may not
30 practice, attempt to practice, or offer to practice massage therapy, massage,
31 myotherapy, or any synonym or derivation of these terms in this State unless certified
32 by the Board.

33 (b) An individual who is not certified as a certified massage therapist or
34 registered as a massage practitioner under this subtitle may not advertise or claim by
35 title, abbreviation, sign, card, or any other representation that the individual
36 practices massage, massage therapy, myotherapy, or any synonym or derivation of
37 these terms.

1 (c) An individual who is a registered massage practitioner under this subtitle
2 or a business entity that employs registered massage practitioners under this subtitle
3 may not advertise to the public that the individual or business entity provides
4 health-related therapeutic massage services.

5 (d) (1) In Charles County and Washington County, an individual may not
6 perform a massage or offer to perform a massage on another person for compensation
7 unless the individual who performs the massage or offers to perform a massage is a
8 certified massage therapist or registered massage practitioner.

9 (2) A law enforcement officer in Charles County or Washington County
10 may demand proof of certification or registration.

11 (e) [Any] EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, ANY
12 individual who violates a provision of this section is guilty of a misdemeanor and on
13 conviction shall be subject to a fine not exceeding \$5,000 or imprisonment for not
14 more than 1 year, or both.

15 (F) ANY INDIVIDUAL WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS
16 GUILTY OF A FELONY AND ON CONVICTION SHALL BE SUBJECT TO A FINE NOT
17 EXCEEDING \$10,000 OR IMPRISONMENT FOR NOT MORE THAN 2 YEARS, OR BOTH.

18 4-606.

19 (a) A person who [practices or attempts to practice dentistry without a license
20 in violation of § 4-601(a) of this subtitle or] represents to the public in violation of §
21 4-602 of this subtitle that the person is authorized to practice dentistry is guilty of a
22 misdemeanor and on conviction is subject to:

23 (1) For a first offense, a fine not exceeding \$2,000 or imprisonment in jail
24 not exceeding 6 months; or

25 (2) For a subsequent offense, a fine not exceeding \$6,000 or
26 imprisonment in the State penitentiary not exceeding 1 year.

27 (B) A PERSON WHO PRACTICES OR ATTEMPTS TO PRACTICE DENTISTRY
28 WITHOUT A LICENSE IN VIOLATION OF § 4-601(A) OF THIS SUBTITLE IS GUILTY OF A
29 FELONY AND ON CONVICTION IS SUBJECT TO:

30 (1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$4,000 OR
31 IMPRISONMENT IN JAIL NOT EXCEEDING 1 YEAR; OR

32 (2) FOR A SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$12,000 OR
33 IMPRISONMENT IN THE STATE PENITENTIARY NOT EXCEEDING 1 YEAR.

34 [(b)] (C) A person who [practices or attempts to practice dental hygiene
35 without a license in violation of § 4-601(a) of this subtitle,] aids or abets
36 unauthorized practice of dental hygiene in violation of § 4-601(b) of this subtitle[,] or
37 represents to the public in violation of § 4-602 of this subtitle that the person is

1 authorized to practice dental hygiene is guilty of a misdemeanor and on conviction is
2 subject to a fine not exceeding \$1,000.

3 (D) A PERSON WHO PRACTICES OR ATTEMPTS TO PRACTICE DENTAL HYGIENE
4 WITHOUT A LICENSE IN VIOLATION OF § 4-601(A) OF THIS SUBTITLE IS GUILTY OF A
5 FELONY AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$2,000.

6 [(c)] (E) A person who violates any provision of Subtitle 4 of this title, which
7 relates to dental laboratory work, or who advertises a dental appliance in violation of
8 § 4-503(c) of this title is guilty of a misdemeanor and on conviction is subject to a fine
9 not exceeding \$2,000 or imprisonment in jail not exceeding 6 months.

10 5-403.

11 (A) A person who violates [§ 5-401 or] § 5-402 of this subtitle is guilty of a
12 misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or
13 imprisonment not exceeding 1 year or both.

14 (B) A PERSON WHO VIOLATES § 5-401 OF THIS SUBTITLE IS GUILTY OF A
15 FELONY AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$2,000 OR
16 IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.

17 7-508.

18 (A) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A person
19 who violates any provision of this title is guilty of a misdemeanor and on conviction is
20 subject to a fine not exceeding \$500 or imprisonment not exceeding 1 year or both.

21 (B) A PERSON WHO VIOLATES § 7-501 OF THIS SUBTITLE IS GUILTY OF A
22 FELONY AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR
23 IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.

24 8-6B-27.

25 (A) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A person
26 who violates any provision of this subtitle is guilty of a misdemeanor and on
27 conviction is subject to a fine not exceeding \$5,000 or imprisonment not exceeding 1
28 year or both.

29 (B) A PERSON WHO VIOLATES § 8-6B-07 OF THIS SUBTITLE IS GUILTY OF A
30 FELONY AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$10,000 OR
31 IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.

32 8-710.

33 (a) Except for a violation of § 8-701 OR § 8-707 of this subtitle, a person who
34 violates any provision of this subtitle is guilty of a misdemeanor and on conviction is
35 subject to a fine not exceeding \$5,000 or imprisonment not exceeding 1 year or both.

1 (B) A PERSON WHO VIOLATES § 8-701 OF THIS SUBTITLE IS GUILTY OF A
2 FELONY AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$10,000 OR
3 IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.

4 [(b)] (C) A person who violates any provision of § 8-707 of this subtitle is
5 guilty of a misdemeanor and on conviction is subject:

6 (1) For a first offense, to a fine not exceeding \$100; and

7 (2) For any subsequent violation of the same provision, to a fine not
8 exceeding \$500 or imprisonment not exceeding 6 months or both.

9 [(c)] (D) (1) Subject to the appropriate hearing and appeals provisions, the
10 appropriate health occupations board, on the affirmative vote of the majority of its
11 members, may reprimand a licensee or certificate holder, place a licensee or
12 certificate holder on probation, or suspend or revoke a license or certificate of a
13 person who violates any provision of § 8-701 of this subtitle.

14 (2) A person who is licensed, certified, or otherwise authorized to provide
15 health care services under this article is not subject to the penalty provided in
16 subsections [(a) and (b)] (A), (B), AND (C) of this section for a violation of § 8-701(c)
17 and (d) of this subtitle.

18 9-407.

19 (A) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A person
20 who violates any provision of this title is guilty of a misdemeanor and on conviction is
21 subject to:

22 (1) A fine not exceeding \$1,000 for a first offense; and

23 (2) A fine not exceeding \$5,000 or imprisonment not exceeding 6 months
24 or both for any subsequent violation of the same provision.

25 (B) A PERSON WHO VIOLATES § 9-401 OF THIS SUBTITLE IS GUILTY OF A
26 FELONY AND ON CONVICTION IS SUBJECT TO:

27 (1) A FINE NOT EXCEEDING \$2,000 FOR A FIRST OFFENSE; AND

28 (2) A FINE NOT EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING
29 1 YEAR OR BOTH FOR ANY SUBSEQUENT VIOLATION OF THE SAME PROVISION.

30 10-407.

31 (A) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A person
32 who violates any provision of this subtitle is guilty of a misdemeanor and on
33 conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1
34 year or both.

1 (B) A PERSON WHO VIOLATES § 10-401 OF THIS SUBTITLE IS GUILTY OF A
2 FELONY AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$2,000 OR
3 IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.

4 11-505.

5 (A) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A person
6 who violates any provision of this title is guilty of a misdemeanor and on conviction is
7 subject to a fine not exceeding \$500 or imprisonment not exceeding 6 months or both.

8 (B) A PERSON WHO VIOLATES § 11-501 OF THIS SUBTITLE IS GUILTY OF A
9 FELONY AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR
10 IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

11 12-707.

12 (a) A person who violates any provision of the following subtitles or sections of
13 this title is guilty of a misdemeanor and on conviction is subject to a fine not
14 exceeding \$1,000:

- 15 (1) § 12-311 ("Display of licenses");
- 16 (2) Subtitle 4 ("Pharmacy permits");
- 17 (3) § 12-502(b) ("Pharmaceutical information");
- 18 (4) § 12-505 ("Labeling requirements for prescription medicines"); and
- 19 (5) § 12-604 ("General power to inspect drugs, devices, and other
20 products").

21 (b) A person who violates any provision of the following sections of this title is
22 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or
23 imprisonment not exceeding 1 year or both:

- 24 (1) § 12-602 ("Distribution permits");
- 25 (2) [§ 12-701 ("Practicing pharmacy without license");
- 26 (3)] § 12-702 ("License obtained by false representation");
- 27 [(4)] (3) § 12-703 ("Operating a pharmacy without permit"); and
- 28 [(5)] (4) § 12-704 ("Misrepresentations").

29 (C) A PERSON WHO VIOLATES § 12-701 ("PRACTICING PHARMACY WITHOUT
30 LICENSE") OF THIS SUBTITLE IS GUILTY OF A FELONY AND ON CONVICTION IS
31 SUBJECT TO A FINE NOT EXCEEDING \$2,000 OR IMPRISONMENT NOT EXCEEDING 2
32 YEARS OR BOTH.

1 [(c)] (D) Each day that a violation of any section of Subtitle 4 of this title
2 continues constitutes a separate offense.

3 [(d)] (E) Within 10 days after a court renders the conviction, the court shall
4 report to the Board each conviction of a pharmacist for:

5 (1) Any crime regarding the pharmacy or drug laws that involves
6 professional misconduct; or

7 (2) Any crime that involves the State law regarding controlled dangerous
8 substances or the federal narcotic laws.

9 [(e)] (F) (1) Any person who violates § 12-701 ("Practicing pharmacy
10 without a license") or § 12-703 ("Operating a pharmacy without a permit") of this
11 subtitle is subject to a civil fine of not more than \$50,000 to be assessed by the Board.

12 (2) The Board shall pay any penalty collected under this subsection into
13 the State Board of Pharmacy Fund.

14 13-407.

15 (a) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A person
16 who violates any provision of this title is guilty of a misdemeanor and on conviction is
17 subject to a fine not exceeding \$5,000 or imprisonment not exceeding 3 years or both.

18 (B) A PERSON WHO VIOLATES § 13-401 OF THIS SUBTITLE IS GUILTY OF A
19 FELONY AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$10,000 OR
20 IMPRISONMENT NOT EXCEEDING 6 YEARS OR BOTH.

21 [(b)] (C) (1) [Any] IN ADDITION TO THE PENALTIES UNDER SUBSECTION
22 (B) OF THIS SECTION, A person who violates § 13-401 of this subtitle is subject to a
23 civil fine of not more than \$50,000 to be assessed by the Board.

24 (2) The Board shall pay any penalty collected under this subsection into
25 the State Board of Physical Therapy Examiners Fund.

26 14-5A-23.

27 (a) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A person
28 who violates any provision of this subtitle is guilty of a misdemeanor and on
29 conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1
30 year or both.

31 (b) Any person who violates § 14-5A-21 of this subtitle is:

32 (1) GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A FINE
33 NOT EXCEEDING \$2,000 OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH; AND

34 (2) [subject] SUBJECT to a civil fine of not more than \$5,000 to be levied
35 by the Board.

1 (c) The Board shall pay any penalty collected under this section into the
2 Board of Physicians Fund.

3 14-5B-19.

4 (a) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A person
5 who violates any provision of this subtitle is guilty of a misdemeanor and on
6 conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1
7 year or both.

8 (B) A PERSON WHO VIOLATES § 14-5B-17 OF THIS SUBTITLE IS GUILTY OF A
9 FELONY AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$2,000 OR
10 IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.

11 [(b)] (C) Any person who violates this subtitle is subject to a civil fine of not
12 more than \$5,000 to be levied by the Board.

13 [(c)] (D) The Board shall pay any penalty collected under this section into the
14 Board of Physicians Fund.

15 14-606.

16 (a) [(1)] [A] EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (D) OF THIS
17 SECTION, A person who violates any provision of this subtitle is guilty of a
18 misdemeanor and on conviction is subject to a fine not exceeding \$5,000 or
19 imprisonment not exceeding 5 years or both.

20 [(2)] (B) A person who violates any provision of § 14-503 of this title is
21 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500.

22 [(3)] (C) Any person who is required to give notice under § 14-505
23 ("Reporting burn treatment") of this title, and who fails to give the required notice, is
24 liable for a civil penalty of not more than \$100.

25 [(4)] (D) Any person who violates § 14-601 of this subtitle is:

26 (1) GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A FINE
27 NOT EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 10 YEARS OR BOTH;
28 AND

29 (2) [subject] SUBJECT to a civil fine of not more than \$50,000 to be
30 levied by the Board.

31 [(b)] (E) The Board shall pay any penalty collected under this section into the
32 Board of Physicians Fund.

33 15-403.

34 (a) A person who violates [§ 15-401 or] § 15-402 of this subtitle:

1 (1) Is guilty of a misdemeanor and on conviction is subject to a fine not
2 exceeding \$5,000 or imprisonment not exceeding 5 years or both; and

3 (2) Shall lose certification as a physician assistant under this title.

4 (B) A PERSON WHO VIOLATES § 15-401 OF THIS SUBTITLE:

5 (1) IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A FINE
6 NOT EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 10 YEARS OR BOTH;
7 AND

8 (2) SHALL LOSE CERTIFICATION AS A PHYSICIAN ASSISTANT UNDER
9 THIS TITLE.

10 [(b)] (C) (1) In addition to the penalties under [subsection (a)] SUBSECTION
11 (B) of this section, a person who violates § 15-401 of this subtitle may be subject to a
12 civil penalty assessed by the Board in an amount not exceeding \$5,000.

13 (2) The Board shall pay any civil penalty collected under this subsection
14 into the Board of Physicians Fund.

15 16-505.

16 (a) [Any] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ANY
17 person who practices, attempts to practice, or offers to practice podiatry in this State
18 without complying with the provisions of this title is guilty of a misdemeanor and on
19 conviction is subject to a fine not exceeding \$5,000 or imprisonment not exceeding 90
20 days.

21 (b) Any person who violates § 16-501 of this subtitle is:

22 (1) GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A FINE
23 NOT EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR; AND

24 (2) [subject] SUBJECT to a civil fine of not more than \$50,000 to be
25 levied by the Board.

26 17-3A-02.1.

27 (a) The Board may adopt regulations to allow an individual to practice under
28 supervision as a licensed graduate alcohol and drug counselor, a licensed graduate
29 professional counselor, or a licensed graduate marriage and family therapist.

30 (b) To qualify to practice as a licensed graduate alcohol and drug counselor, a
31 licensed graduate professional counselor, or a licensed graduate marriage and family
32 therapist, an individual shall be:

33 (1) Of good moral character; and

34 (2) At least 18 years old.

1 (c) An individual may practice graduate alcohol and drug counseling under
2 supervision for a limited period of time if the individual has:

3 (1) A master's or doctoral degree in a health and human services
4 counseling field that meets the educational requirements of § 17-3A-02 of this
5 subtitle; and

6 (2) Passed the National Alcohol and Drug Counselor Examination
7 approved by the Board.

8 (d) An individual may practice graduate marriage and family therapy under
9 supervision for a limited period of time if the individual has:

10 (1) A master's or doctoral degree in a marriage and family field that
11 meets the educational requirements of § 17-3A-02 of this subtitle; and

12 (2) Passed the National Marriage and Family Therapy Examination
13 approved by the Board.

14 (e) An individual may practice graduate professional counseling under
15 supervision for a limited period of time if the individual has:

16 (1) A master's or doctoral degree in a professional counseling field that
17 meets the educational requirements of § 17-3A-02 of this subtitle; and

18 (2) Passed the National Professional Counselor Examination approved
19 by the Board.

20 (f) (1) An individual may not practice without approval by the Board.

21 (2) An individual shall be approved by the Board to practice as a licensed
22 graduate alcohol and drug counselor, a licensed graduate professional counselor, or a
23 licensed graduate marriage and family therapist before the individual may:

24 (i) Use the title "licensed graduate alcohol and drug counselor",
25 "licensed graduate professional counselor", or "licensed graduate marriage and family
26 therapist";

27 (ii) Use the initials "L.G.A.D.C.", "L.G.P.C.", or "L.G.M.F.T." after
28 the name of the individual;

29 (iii) Represent to the public that the individual is approved by the
30 Board to practice alcohol and drug counseling, professional counseling, or marriage
31 and family therapy; or

32 (iv) Use any title, abbreviation, sign, card, or other representation
33 that the individual is a licensed graduate alcohol and drug counselor, a licensed
34 graduate professional counselor, or a licensed graduate marriage and family
35 therapist.

1 (g) Any individual who violates [subsection (f)] SUBSECTION (F)(2) of this
2 section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding
3 \$500 or imprisonment not exceeding 6 months or both.

4 (H) ANY INDIVIDUAL WHO VIOLATES SUBSECTION (F)(1) OF THIS SECTION IS
5 GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING
6 \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

7 17-3A-11.

8 (a) (1) Except as otherwise provided in paragraph (2) of this subsection, an
9 individual may not practice, attempt to practice, or offer to practice clinical alcohol
10 and drug counseling, clinical marriage and family therapy, or clinical professional
11 counseling in the State unless licensed by the Board.

12 (2) Subject to the rules and regulations of the Board, paragraph (1) of
13 this subsection does not apply to:

14 (i) A student working under the supervision of a licensed mental
15 health care provider while pursuing a supervised course of study in counseling that
16 the Board approves as qualifying training and experience under this title;

17 (ii) An individual with a graduate degree in counseling or a related
18 field who is working under the supervision of a mental health care provider duly
19 licensed under this article for the purpose of qualifying for a license under this title;
20 or

21 (iii) An individual who, in accordance with § 17-301(d) of this title,
22 is working as a trainee under the supervision of a licensed clinical alcohol and drug
23 counselor or another health care provider certified or licensed under this article and
24 approved by the Board while fulfilling the experiential or course of study
25 requirements under § 17-302.3, § 17-302.4, § 17-302.5, or § 17-3A-02 of this title.

26 (b) Unless an individual is licensed to practice clinical alcohol and drug
27 counseling, clinical marriage and family therapy, or clinical professional counseling,
28 an individual may not:

29 (1) Represent to the public by title, by description of services, methods,
30 or procedures, or otherwise, that the individual is licensed by the Board to provide
31 clinical alcohol and drug counseling services, clinical marriage and family therapy
32 services, or clinical professional counseling services in the State;

33 (2) Use any title, abbreviation, sign, card, or other representation that
34 the individual is a licensed clinical alcohol and drug counselor, licensed clinical
35 marriage and family therapist, or licensed clinical professional counselor; or

36 (3) Use the title "L.C.A.D.C.", "L.C.M.F.T.", or "L.C.P.C." or the words
37 "licensed clinical alcohol and drug counselor", "licensed clinical marriage and family
38 therapist", or "licensed clinical professional counselor" with the intent to represent

1 that the individual practices clinical alcohol and drug counseling, clinical marriage
2 and family therapy, or clinical professional counseling.

3 (c) (1) [Any] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION,
4 AN individual who violates any provision of this section is guilty of a misdemeanor
5 and on conviction is subject to a fine not exceeding \$500 or imprisonment not
6 exceeding 6 months or both.

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

8 (D) AN INDIVIDUAL WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS
9 GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING
10 \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

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

13 18-404.

14 (A) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A person
15 who violates any provision of this subtitle is guilty of a misdemeanor and on
16 conviction is subject to a fine not exceeding \$500 or imprisonment in jail not
17 exceeding 6 months or both.

18 (B) A PERSON WHO VIOLATES § 18-401 OF THIS SUBTITLE IS GUILTY OF A
19 FELONY AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR
20 IMPRISONMENT IN JAIL NOT EXCEEDING 1 YEAR OR BOTH.

21 19-407.

22 (A) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A person
23 who violates any provision of this subtitle is guilty of a misdemeanor and on
24 conviction is subject to a fine not exceeding \$500 or imprisonment not exceeding 90
25 days.

26 (B) A PERSON WHO VIOLATES § 19-401 OF THIS SUBTITLE IS GUILTY OF A
27 FELONY AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR
28 IMPRISONMENT NOT EXCEEDING 1 YEAR.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2005.