

HOUSE BILL 459

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By: **Chair, Health and Government Operations Committee**

Introduced and read first time: January 30, 2008

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Professional Counselors and Therapists – Sunset Extension**
3 **and Revisions**

4 FOR the purpose of continuing the State Board of Professional Counselors and
5 Therapists in accordance with the provisions of the Maryland Program
6 Evaluation Act (Sunset Law) by extending to a certain date the termination
7 provisions relating to the statutory and regulatory authority of the Board;
8 requiring that an evaluation of the Board and the statutes and regulations that
9 relate to the Board be performed on or before a certain date; increasing the
10 number of members on the State Board of Professional Counselors and
11 Therapists; requiring a certain number of members to be professional
12 counselors, marriage and family therapists, and alcohol and drug counselors;
13 repealing a requirement that certain licensed professional counselor board
14 members be employed in certain areas; repealing the position of drug and
15 alcohol counselor advisor to the Board; requiring a marriage and family
16 therapist or an alcohol and drug counselor board member to vote before certain
17 action is taken against certain professional counselors; prohibiting certain
18 individuals from practicing clinical alcohol and drug counseling, marriage and
19 family therapy, or professional counseling unless they are licensed by the
20 Board; providing for certain exemptions from licensing requirements;
21 establishing certain qualifications for the licensure of clinical alcohol and drug
22 counselors, clinical marriage and family therapists, and clinical professional
23 counselors; establishing certain requirements for applications for licensure,
24 certification, and examination of applicants; authorizing the Board to waive
25 certain requirements for licensure or certification under certain circumstances;
26 establishing procedures for the issuance of licenses and certificates; requiring
27 licenses and certificates to include certain information; authorizing the Board to
28 replace certain licenses or certificates under certain circumstances; providing
29 for the scope of certain licenses and certificates; providing for the terms and
30 renewal of certain licenses and certificates; requiring the Board to place certain
31 licensees or certificate holders on inactive status under certain circumstances;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 prohibiting the Board from placing certain certificates on inactive status;
2 authorizing the Board to reinstate certain licenses or certain certificates under
3 certain circumstances; prohibiting the reinstatement of certain certificates;
4 authorizing the Board to adopt certain regulations to allow certain individuals
5 to practice under supervision as licensed graduate alcohol and drug counselors,
6 marriage and family therapists, and professional counselors; establishing
7 qualifications for licensed graduate alcohol and drug counselors, marriage and
8 family therapists, and professional counselors; prohibiting the practice of
9 licensed graduate professional counseling unless approved by the Board;
10 requiring certain licensees and certificate holders to display a certain license or
11 certificate in a certain manner; requiring certain licensees or certificate holders
12 to furnish a certain professional disclosure statement that includes certain
13 information; prohibiting the surrender of a certain license under certain
14 circumstances and providing for a certain exception; authorizing the Board to
15 deny, probate, reprimand, suspend, or revoke the license, certificate, or
16 application of certain licensees, certificate holders, or applicants if an individual
17 violates certain disciplinary grounds; establishing certain civil penalties under
18 certain circumstances; requiring the Board to adopt certain regulations
19 concerning the imposition of certain penalties; requiring the Board to pay
20 certain money collected into the General Fund of the State; establishing certain
21 hearing and appeal procedures; authorizing the Board to enjoin certain actions;
22 authorizing the Board to reinstate a certain license or certificate, reduce a
23 certain suspension or probation, or withdraw a reprimand under certain
24 circumstances; establishing a counselor and therapist rehabilitation committee;
25 establishing the purpose, function, and duties of the counselor and therapist
26 rehabilitation committee; providing that certain committee records are not
27 discoverable in certain proceedings; establishing civil immunity for members of
28 the committee for actions taken within the scope of the committee's jurisdiction;
29 requiring certain individuals to be certified before practicing alcohol and drug
30 counseling, marriage and family therapy, and professional counseling, using
31 certain titles, or representing certain certification; establishing qualifications
32 for certification as a certified professional counselor–alcohol and drug, certified
33 associate counselor–alcohol and drug, and certified supervised
34 counselor–alcohol and drug; authorizing certain individuals to practice clinical
35 alcohol and drug counseling, clinical marriage and family therapy, or clinical
36 professional counseling without a license or to practice alcohol and drug
37 counseling, marriage and family therapy, or professional counseling without a
38 certificate for a certain amount of time under certain circumstances as a
39 trainee; prohibiting certain unlicensed individuals from making certain
40 representations to the public and using certain titles or words with the intent to
41 represent that the individual practices clinical counseling or therapy or licensed
42 graduate counseling or therapy; prohibiting certain uncertified individuals from
43 making certain representations to the public and using certain titles or words
44 with the intent to represent that the individual practices certain counseling or
45 therapy; establishing certain penalties; establishing a certain short title;
46 requiring the Board to waive certain requirements for certification as alcohol
47 and drug counselors for certain individuals who have certain qualifications;
48 requiring certain individuals applying for certification as alcohol and drug

1 counselors under a certain waiver to apply for certification by a certain date;
2 providing for the termination of the term of a member of the Board; providing
3 for the appointment of certain members of the Board to serve certain terms
4 until certain successors are appointed; providing that the term of a certain
5 Board advisor terminate on a certain date; requiring the Board to submit a
6 certain interim report including certain information to certain committees of the
7 General Assembly on or before a certain date; defining certain terms; making
8 certain technical changes; providing for the termination of certain provisions of
9 this Act; and generally relating to the State Board of Professional Counselors
10 and Therapists and the licensing and certification of counselors and therapists.

11 BY repealing

12 Article – Health Occupations

13 Section 17–301 through 17–317 and the subtitle “Subtitle 3. Certification”;
14 17–3A–01 through 17–3A–13 and the subtitle “Subtitle 3A. Licensing”;
15 17–401 and 17–402 and the subtitle “Subtitle 4. Prohibited Acts;
16 Penalties”; and 17–501 and 17–502 and the subtitle “Subtitle 5. Short
17 Title; Termination of Title”

18 Annotated Code of Maryland

19 (2005 Replacement Volume and 2007 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article – Health Occupations

22 Section 17–101, 17–102, 17–202, and 17–205

23 Annotated Code of Maryland

24 (2005 Replacement Volume and 2007 Supplement)

25 BY repealing and reenacting, without amendments,

26 Article – Health Occupations

27 Section 17–103, 17–201, 17–203, 17–204, and 17–206

28 Annotated Code of Maryland

29 (2005 Replacement Volume and 2007 Supplement)

30 BY repealing

31 Article – Health Occupations

32 Section 17–104

33 Annotated Code of Maryland

34 (2005 Replacement Volume and 2007 Supplement)

35 BY adding to

36 Article – Health Occupations

37 Section 17–301 through 17–309 to be under the new subtitle “Subtitle 3.
38 Licensing”; 17–401 through 17–405.1 and 17–406 to be under the new
39 subtitle “Subtitle 4. Certification”; 17–501 through 17–515 to be under
40 the new subtitle “Subtitle 5. General Provisions; Disciplinary Actions”;
41 17–601 through 17–604 to be under the new subtitle “Subtitle 6.
42 Prohibited Acts; Penalties”; and 17–701 and 17–702 to be under the new
43 subtitle “Subtitle 7. Short Title; Termination of Title”

1 Annotated Code of Maryland
2 (2005 Replacement Volume and 2007 Supplement)

3 BY repealing and reenacting, without amendments,
4 Article – State Government
5 Section 8–403(a)
6 Annotated Code of Maryland
7 (2004 Replacement Volume and 2007 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article – State Government
10 Section 8–403(b)(16)
11 Annotated Code of Maryland
12 (2004 Replacement Volume and 2007 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That Section(s) 17–301 through 17–317 and the subtitle “Subtitle 3.
15 Certification”; 17–3A–01 through 17–3A–13 and the subtitle “Subtitle 3A. Licensing”;
16 17–401 and 17–402 and the subtitle “Subtitle 4. Prohibited Acts; Penalties”; and
17 17–501 and 17–502 and the subtitle “Subtitle 5. Short Title; Termination of Title” of
18 Article – Health Occupations of the Annotated Code of Maryland be repealed.

19 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
20 read as follows:

21 **Article – Health Occupations**

22 17–101.

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

24 (b) “Alcohol and drug counseling” means assisting an individual, family, or
25 group through the client–counselor relationship:

26 (1) To develop understanding of intrapersonal and interpersonal
27 substance abuse problems;

28 (2) To define goals relating to substance abuse;

29 (3) To make decisions relating to substance abuse;

30 (4) To plan a course of action reflecting the needs, interests, and
31 abilities of the individual, family, or group relating to substance abuse; and

32 (5) To use informational and community substance abuse resources
33 relating to personal, social, emotional, educational, and vocational development and
34 adjustment.

1 (c) (1) “Appraisal” means:

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

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

8 (2) “Appraisal” does not include instruments which require specialized
9 psychological training for administration and interpretation unless the licensed or
10 certified professional counselor has completed training deemed by the Board of
11 Examiners of Psychologists and the State Board of Professional Counselors and
12 Therapists to be equivalent to that of a licensed psychologist who is qualified to
13 administer the same types of instruments.

14 (d) “Board” means the State Board of Professional Counselors and
15 Therapists.

16 (e) “Certificate” means a certificate issued by the Board to practice
17 professional counseling.

18 (f) “Certified professional counselor” means a professional counselor who is
19 certified by the Board.

20 (g) “Certified professional counselor–marriage and family therapist” means
21 an individual who is certified by the Board to practice marriage and family therapy in
22 the State.

23 (h) (1) “Certified supervised counselor–alcohol and drug” means an
24 individual who is certified by the Board to practice alcohol and drug counseling in the
25 State pursuant to the limitations in [§ 17–302.4] § **17–404** of this title.

26 (2) “Certified associate counselor–alcohol and drug” means an
27 individual who is certified by the Board to practice alcohol and drug counseling in the
28 State pursuant to the limitations in [§ 17–302.5] § **17–403** of this title.

29 (3) “Certified professional counselor–alcohol and drug” means an
30 individual who is certified by the Board to practice alcohol and drug counseling in the
31 State.

32 (i) “Counseling” means assisting an individual, family, or group through the
33 client–counselor relationship:

34 (1) To develop understanding of intrapersonal and interpersonal
35 problems;

1 (2) To define goals;

2 (3) To make decisions;

3 (4) To plan a course of action reflecting the needs, interests, and
4 abilities of the individual, family, or group; and

5 (5) To use informational and community resources, as these
6 procedures are related to personal, social, emotional, educational, and vocational
7 development and adjustment.

8 (j) "Fund" means the State Board of Professional Counselors and Therapists
9 Fund.

10 (K) **"LICENSE" MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE,**
11 **ONE OF SIX TYPES OF LICENSES ISSUED BY THE BOARD AUTHORIZING AN**
12 **INDIVIDUAL TO PRACTICE:**

13 (1) **CLINICAL ALCOHOL AND DRUG COUNSELING;**

14 (2) **CLINICAL MARRIAGE AND FAMILY THERAPY;**

15 (3) **CLINICAL PROFESSIONAL COUNSELING;**

16 (4) **GRADUATE ALCOHOL AND DRUG COUNSELING;**

17 (5) **GRADUATE MARRIAGE AND FAMILY THERAPY; OR**

18 (6) **GRADUATE PROFESSIONAL COUNSELING.**

19 (L) **"LICENSED GRADUATE ALCOHOL AND DRUG COUNSELOR" MEANS**
20 **AN INDIVIDUAL APPROVED BY THE BOARD TO PRACTICE GRADUATE ALCOHOL**
21 **AND DRUG COUNSELING.**

22 (M) **"LICENSED GRADUATE MARRIAGE AND FAMILY THERAPIST" MEANS**
23 **AN INDIVIDUAL APPROVED BY THE BOARD TO PRACTICE GRADUATE MARRIAGE**
24 **AND FAMILY THERAPY.**

25 (N) **"LICENSED GRADUATE PROFESSIONAL COUNSELOR" MEANS AN**
26 **INDIVIDUAL APPROVED BY THE BOARD TO PRACTICE GRADUATE**
27 **PROFESSIONAL COUNSELING.**

28 [(k)] (O) "Marriage and family therapy" means applying marriage and
29 family systems theory, principles, methods, therapeutic techniques, and research in:

1 (1) Resolving emotional conflict and modifying perception and
2 behavior in the context of marriage and family life; and

3 (2) The identification and assessment of client needs and the
4 implementation of therapeutic intervention.

5 [(1)] (P) “Practice alcohol and drug counseling” means to engage
6 professionally and for compensation in alcohol and drug counseling activities while
7 representing oneself to be a certified professional counselor–alcohol and drug, a
8 certified supervised counselor–alcohol and drug, or a certified associate
9 counselor–alcohol and drug.

10 (Q) **“PRACTICE CLINICAL ALCOHOL AND DRUG COUNSELING” MEANS TO**
11 **ENGAGE PROFESSIONALLY AND FOR COMPENSATION IN ALCOHOL AND DRUG**
12 **COUNSELING AND APPRAISAL ACTIVITIES BY PROVIDING SERVICES INVOLVING**
13 **THE APPLICATION OF COUNSELING PRINCIPLES AND METHODS IN THE**
14 **DIAGNOSIS, PREVENTION, TREATMENT, AND AMELIORATION OF**
15 **PSYCHOLOGICAL PROBLEMS AND EMOTIONAL OR MENTAL CONDITIONS OF**
16 **INDIVIDUALS OR GROUPS.**

17 (R) **“PRACTICE CLINICAL MARRIAGE AND FAMILY THERAPY” MEANS TO**
18 **ENGAGE PROFESSIONALLY AND FOR COMPENSATION IN MARRIAGE AND FAMILY**
19 **THERAPY AND APPRAISAL ACTIVITIES BY PROVIDING SERVICES INVOLVING THE**
20 **APPLICATION OF THERAPY PRINCIPLES AND METHODS IN THE DIAGNOSIS,**
21 **PREVENTION, TREATMENT, AND AMELIORATION OF PSYCHOLOGICAL PROBLEMS**
22 **AND EMOTIONAL OR MENTAL CONDITIONS OF INDIVIDUALS OR GROUPS.**

23 (S) **“PRACTICE CLINICAL PROFESSIONAL COUNSELING” MEANS TO**
24 **ENGAGE PROFESSIONALLY AND FOR COMPENSATION IN COUNSELING AND**
25 **APPRAISAL ACTIVITIES BY PROVIDING SERVICES INVOLVING THE APPLICATION**
26 **OF COUNSELING PRINCIPLES AND METHODS IN THE DIAGNOSIS, PREVENTION,**
27 **TREATMENT, AND AMELIORATION OF PSYCHOLOGICAL PROBLEMS AND**
28 **EMOTIONAL OR MENTAL CONDITIONS OF INDIVIDUALS OR GROUPS.**

29 (T) **“PRACTICE GRADUATE ALCOHOL AND DRUG COUNSELING” MEANS**
30 **TO PRACTICE CLINICAL ALCOHOL AND DRUG COUNSELING:**

31 (1) **UNDER THE SUPERVISION OF A LICENSED CLINICAL ALCOHOL**
32 **AND DRUG COUNSELOR OR ANOTHER HEALTH CARE PROVIDER LICENSED**
33 **UNDER THIS ARTICLE, AS APPROVED BY THE BOARD; AND**

34 (2) **WHILE FULFILLING THE REQUIREMENTS FOR SUPERVISED**
35 **EXPERIENCE UNDER § 17–302 OF THIS SUBTITLE.**

1 **(U) “PRACTICE GRADUATE MARRIAGE AND FAMILY THERAPY” MEANS**
2 **TO PRACTICE CLINICAL MARRIAGE AND FAMILY THERAPY:**

3 **(1) UNDER THE SUPERVISION OF A LICENSED CLINICAL**
4 **MARRIAGE AND FAMILY THERAPIST OR ANOTHER HEALTH CARE PROVIDER**
5 **LICENSED UNDER THIS ARTICLE, AS APPROVED BY THE BOARD; AND**

6 **(2) WHILE FULFILLING THE REQUIREMENTS FOR SUPERVISED**
7 **EXPERIENCE UNDER § 17-303 OF THIS SUBTITLE.**

8 **(V) “PRACTICE GRADUATE PROFESSIONAL COUNSELING” MEANS TO**
9 **PRACTICE CLINICAL PROFESSIONAL COUNSELING:**

10 **(1) UNDER THE SUPERVISION OF A LICENSED CLINICAL**
11 **PROFESSIONAL COUNSELOR OR ANOTHER HEALTH CARE PROVIDER LICENSED**
12 **UNDER THIS ARTICLE, AS APPROVED BY THE BOARD; AND**

13 **(2) WHILE FULFILLING THE REQUIREMENTS FOR SUPERVISED**
14 **EXPERIENCE UNDER § 17-304 OF THIS SUBTITLE.**

15 [(m)] **(W) “Practice marriage and family therapy” means to engage**
16 **professionally and for compensation in marriage and family therapy activities while**
17 **representing oneself to be a certified professional counselor–marriage and family**
18 **therapist.**

19 [(n)] **(X) “Practice professional counseling” means to engage professionally**
20 **and for compensation in counseling and appraisal activities while representing oneself**
21 **to be a CERTIFIED professional counselor.**

22 17-102.

23 (a) The General Assembly finds that the profession of counseling **AND**
24 **THERAPY** profoundly affects the lives and health of the people of this State.

25 (b) The purpose of this title is to protect the public by:

26 (1) Setting qualifications, education, training, and experience
27 standards for [professional] counselors **AND THERAPISTS**; and

28 (2) Promoting high professional standards for the practice of
29 counseling **AND THERAPY**.

30 17-103.

1 This title does not limit the right of an individual to practice a health occupation
2 that the individual is authorized to practice under this article.

3 [17-104.

4 (a) A certificate to practice professional counseling authorizes the certificate
5 holder to practice professional counseling while the certificate is effective.

6 (b) A certificate to practice marriage and family therapy authorizes the
7 certificate holder to practice marriage and family therapy while the certificate is
8 effective.]

9 17-201.

10 There is a State Board of Professional Counselors and Therapists.

11 17-202.

12 (a) (1) The Board consists of [nine] **11** members appointed by the
13 Governor with the advice of the Secretary.

14 (2) Of the [nine] **11** Board members:

15 (i) [Five] **FOUR** shall be licensed as **CLINICAL** professional
16 counselors under [Subtitle 3A] **SUBTITLE 3** of this title[, including:

17 1. One who is primarily engaged in professional
18 counselor education;

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

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

21 4. Two professional counselors at large];

22 (ii) [One] **TWO** shall be [a] licensed **AS** clinical marriage and
23 family [therapist] **THERAPISTS**;

24 (iii) [One] **THREE** shall be [a] certified **AS** professional
25 [counselor-alcohol] **COUNSELORS-ALCOHOL** and drug or licensed **AS** clinical alcohol
26 and drug [counselor] **COUNSELORS**; and

27 (iv) Two shall be consumer members.

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

1 (4) The Governor shall appoint the [professional] counselors **AND**
2 **THERAPISTS** from a list submitted to the Governor by the Secretary. Any association
3 representing professional counselors, **MARRIAGE AND FAMILY THERAPISTS, OR**
4 **ALCOHOL AND DRUG COUNSELORS** may submit recommendations for Board
5 members to the Secretary.

6 (b) The consumer members of the Board:

7 (1) Shall be members of the general public;

8 (2) May not be or ever have been [a] certified or licensed
9 [professional] **AS A** counselor **OR THERAPIST** or in training to become [a] certified or
10 licensed [professional] **AS A** counselor **OR THERAPIST**;

11 (3) May not have a household member who is [a] certified or licensed
12 [professional] **AS A** counselor **OR THERAPIST** or in training to become [a] certified or
13 licensed [professional] **AS A** counselor **OR THERAPIST**;

14 (4) May not participate or ever have participated in a commercial or
15 professional field related to professional counseling, **MARRIAGE AND FAMILY**
16 **THERAPY, OR ALCOHOL AND DRUG COUNSELING**;

17 (5) May not have a household member who participates in a
18 commercial or professional field related to professional counseling, **MARRIAGE AND**
19 **FAMILY THERAPY, OR ALCOHOL AND DRUG COUNSELING**;

20 (6) May not have had within 2 years before appointment a substantial
21 financial interest in a person regulated by the Board; and

22 (7) While members of the Board, may not have a substantial financial
23 interest in a person regulated by the Board.

24 (c) The licensed clinical marriage and family therapy [member] **MEMBERS**
25 of the Board shall:

26 (1) [Have] **HOLD** a master's or doctoral degree in a marriage and
27 family therapy field; and

28 (2) Meet the educational and supervised experience requirements of [§
29 17-302] **§ 17-303** of this title.

30 (d) The certified professional [counselor-alcohol] **COUNSELORS-ALCOHOL**
31 and drug or licensed clinical alcohol and drug counselor [member] **MEMBERS** of the
32 Board shall:

1 (1) [Have] **HOLD** a master's or doctoral degree in a health and human
2 services counseling field; and

3 (2) Meet the educational and supervised experience requirements of [§
4 17-302.3] § **17-302**, § **17-402**, OR § **17-403** of this title.

5 (e) [A certified associate counselor–alcohol and drug or a certified supervised
6 counselor–alcohol and drug shall be appointed by the Governor to serve as an advisor
7 to the Board.

8 (f) Before taking office, each appointee to the Board shall take the oath
9 required by Article I, § 9 of the State Constitution.

10 [(g)] **(F)** (1) The term of a member is 4 years.

11 (2) The terms of the members of the Board are staggered as required
12 by the terms of the members of the Board serving on July 1, 1988.

13 (3) At the end of a term, a member continues to serve until a successor
14 is appointed and qualifies.

15 (4) A member may not serve more than 2 consecutive full terms.

16 (5) To the extent practicable, the Governor shall fill any vacancy on
17 the Board within 60 days of the date of the vacancy.

18 [(h)] **(G)** (1) The Governor may remove a member for incompetency,
19 misconduct, or neglect of duty.

20 (2) Upon the recommendation of the Secretary, the Governor may
21 remove a member whom the Secretary finds to have been absent from 2 successive
22 Board meetings without adequate reason.

23 17-203.

24 (a) From among its members, the Board annually shall elect:

25 (1) A chairperson;

26 (2) A vice chairperson; and

27 (3) A secretary.

28 (b) The Board shall determine:

29 (1) The manner of election of officers;

1 (2) The term of office of each officer; and

2 (3) The duties of each officer.

3 17–204.

4 (a) A majority of the full authorized membership of the Board is a quorum.

5 (b) The Board shall meet at least once a year, at the times and places that it
6 determines.

7 (c) Each member of the Board is entitled to reimbursement for expenses at a
8 rate determined by the Board.

9 (d) The Board may employ a staff in accordance with the budget of the
10 Board.

11 17–205.

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

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

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

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

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

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

23 (5) Adopt an official seal; and

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

26 (c) (1) The Board may take action against a [certified professional
27 counselor–marriage and family therapist or a licensed clinical] marriage and family
28 therapist only if:

29 (i) Before taking action against the [certified professional
30 counselor–marriage and family therapist or the licensed clinical] marriage and family

1 therapist, the Board discusses the proposed action with [the] A Board member who is
2 a licensed clinical marriage and family therapist; and

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

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

8 (i) Before taking action against the alcohol and drug counselor,
9 the Board discusses the proposed action with [the] A Board member who is a certified
10 professional counselor—alcohol and drug or licensed clinical alcohol and drug
11 counselor; and

12 (ii) [The] A Board member who is a certified professional
13 counselor—alcohol and drug or licensed clinical alcohol and drug counselor votes, either
14 in the affirmative or in the negative, on the proposed action.

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

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

23 (5) The Board shall initiate disciplinary action against any licensed
24 [professional] counselor **OR THERAPIST** who also registers as a psychology associate
25 and violates any portion of this statute.

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

29 17–206.

30 (a) There is a State Board of Professional Counselors and Therapists Fund.

31 (b) (1) The Board may set reasonable fees for the issuance and renewal of
32 licenses or certificates and its other services.

33 (2) The fees charged shall be set to produce funds so as to approximate
34 the cost of maintaining the Board.

1 (3) Funds to cover the expenses of the Board members shall be
2 generated by fees set under this section.

3 (c) (1) The Board shall pay all fees collected under this title to the
4 Comptroller of the State.

5 (2) The Comptroller shall distribute the fees to the Fund.

6 (d) (1) The Fund shall be used to cover the actual documented direct and
7 indirect costs of fulfilling the statutory and regulatory duties of the Board as provided
8 by the provisions of this article.

9 (2) The Fund is a continuing, nonlapsing fund, not subject to § 7-302
10 of the State Finance and Procurement Article.

11 (3) Any unspent portions of the Fund may not be transferred or revert
12 to the General Fund of the State, but shall remain in the Fund to be used for the
13 purposes specified in this article.

14 (4) No other State money may be used to support the Fund.

15 (e) (1) A designee of the Board shall administer the Fund.

16 (2) Moneys in the Fund may be expended only for any lawful purpose
17 authorized under the provisions of this article.

18 (f) The Legislative Auditor shall audit the accounts and transactions of the
19 Fund as provided in § 2-1220 of the State Government Article.

20 **SUBTITLE 3. LICENSING.**

21 **17-301.**

22 (A) **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OF THIS**
23 **SECTION, AN INDIVIDUAL MAY NOT PRACTICE, ATTEMPT TO PRACTICE, OR**
24 **OFFER TO PRACTICE CLINICAL ALCOHOL AND DRUG COUNSELING, CLINICAL**
25 **MARRIAGE AND FAMILY THERAPY, OR CLINICAL PROFESSIONAL COUNSELING IN**
26 **THE STATE UNLESS LICENSED BY THE BOARD.**

27 (B) **SUBJECT TO THE REGULATIONS OF THE BOARD, SUBSECTION (A)**
28 **OF THIS SECTION DOES NOT APPLY TO:**

29 (1) **A STUDENT WORKING UNDER THE SUPERVISION OF A**
30 **LICENSED MENTAL HEALTH CARE PROVIDER WHILE PURSUING A SUPERVISED**
31 **COURSE OF STUDY IN COUNSELING THAT THE BOARD APPROVES AS**
32 **QUALIFYING TRAINING AND EXPERIENCE UNDER THIS TITLE; OR**

1 **(2) AN INDIVIDUAL WHO, IN ACCORDANCE WITH § 17-406 OF THIS**
2 **TITLE, IS WORKING AS A TRAINEE UNDER THE SUPERVISION OF A LICENSED**
3 **CLINICAL ALCOHOL AND DRUG COUNSELOR OR ANOTHER HEALTH CARE**
4 **PROVIDER LICENSED OR CERTIFIED UNDER THIS ARTICLE AND APPROVED BY**
5 **THE BOARD WHILE FULFILLING THE EXPERIENTIAL OR COURSE OF STUDY**
6 **REQUIREMENTS UNDER § 17-302 OF THIS SUBTITLE OR § 17-402, § 17-403, OR §**
7 **17-404 OF THIS TITLE.**

8 **(C) THIS SUBTITLE MAY NOT BE CONSTRUED TO LIMIT THE SCOPE OF**
9 **PRACTICE OF ANY INDIVIDUAL WHO IS DULY LICENSED UNDER THIS ARTICLE.**

10 **17-302.**

11 **(A) TO QUALIFY FOR A LICENSE TO PRACTICE CLINICAL ALCOHOL AND**
12 **DRUG COUNSELING, AN APPLICANT SHALL BE AN INDIVIDUAL WHO MEETS THE**
13 **REQUIREMENTS OF THIS SECTION.**

14 **(B) THE APPLICANT SHALL BE OF GOOD MORAL CHARACTER.**

15 **(C) THE APPLICANT SHALL BE AT LEAST 18 YEARS OLD.**

16 **(D) (1) EXCEPT AS PROVIDED IN § 17-305 OF THIS SUBTITLE, THE**
17 **APPLICANT SHALL:**

18 **(I) HOLD A MASTER'S OR DOCTORAL DEGREE IN A HEALTH**
19 **AND HUMAN SERVICES COUNSELING FIELD FROM AN ACCREDITED**
20 **EDUCATIONAL INSTITUTION THAT IS APPROVED BY THE BOARD; OR**

21 **(II) HAVE COMPLETED A PROGRAM OF STUDIES JUDGED BY**
22 **THE BOARD TO BE SUBSTANTIALLY EQUIVALENT IN SUBJECT MATTER AND**
23 **EXTENT OF TRAINING AS REQUIRED UNDER THIS SECTION.**

24 **(2) (I) IN THE CASE OF AN APPLICANT HOLDING A DOCTORAL**
25 **DEGREE, THE APPLICANT SHALL HAVE COMPLETED A MINIMUM OF 90**
26 **GRADUATE CREDIT HOURS APPROVED BY THE BOARD.**

27 **(II) IN THE CASE OF AN APPLICANT HOLDING ONLY A**
28 **MASTER'S DEGREE, THE APPLICANT SHALL HAVE COMPLETED A MINIMUM OF 60**
29 **GRADUATE CREDIT HOURS APPROVED BY THE BOARD.**

30 **(3) THE APPLICANT SHALL HAVE COMPLETED A MINIMUM OF 26**
31 **CREDIT HOURS IN ALCOHOL AND DRUG COUNSELOR TRAINING, INCLUDING:**

- 1 (I) **MEDICAL ASPECTS OF CHEMICAL DEPENDENCY;**
- 2 (II) **GROUP COUNSELING;**
- 3 (III) **INDIVIDUAL COUNSELING;**
- 4 (IV) **FAMILY COUNSELING;**
- 5 (V) **ASSESSMENT AND TREATMENT PLANNING;**
- 6 (VI) **ETHICS FOR ALCOHOL AND DRUG COUNSELORS;**
- 7 (VII) **HUMAN DEVELOPMENT;**
- 8 (VIII) **ABNORMAL PSYCHOLOGY; AND**
- 9 (IX) **COURSES PERTAINING TO COUNSELOR CORE**
10 **FUNCTIONS OF SCREENING, INTAKE, ORIENTATION, CASE MANAGEMENT, CRISIS**
11 **INTERVENTION, EDUCATION AND PREVENTION, REFERRAL, CONSULTATION,**
12 **REPORTS AND RECORD KEEPING, AND SPECIAL ALCOHOL AND DRUG**
13 **DEPENDENCY TOPICS.**

14 (E) **THE APPLICANT SHALL HAVE COMPLETED NOT LESS THAN 3 YEARS**
15 **WITH A MINIMUM OF 2,000 HOURS OF SUPERVISED EXPERIENCE IN ALCOHOL**
16 **AND DRUG COUNSELING APPROVED BY THE BOARD, 2 YEARS OF WHICH SHALL**
17 **HAVE BEEN COMPLETED AFTER THE AWARD OF THE MASTER’S OR DOCTORAL**
18 **DEGREE OR ITS SUBSTANTIAL EQUIVALENT.**

19 (F) **THE APPLICANT SHALL PROVIDE DOCUMENTATION TO THE BOARD**
20 **EVIDENCING THE COMPLETION OF 60 HOURS OF GRADUATE COURSE WORK,**
21 **COMPLETED AT AN ACCREDITED COLLEGE OR UNIVERSITY APPROVED BY THE**
22 **BOARD THAT INCLUDED TRAINING IN:**

- 23 (1) **PERSONALITY DEVELOPMENT;**
- 24 (2) **DIAGNOSIS AND TREATMENT OF MENTAL AND EMOTIONAL**
25 **DISORDERS;**
- 26 (3) **PSYCHOPATHOLOGY; AND**
- 27 (4) **PSYCHOTHERAPY IN ALCOHOL AND DRUG DISORDERS.**

1 (G) THE APPLICANT SHALL PROVIDE DOCUMENTATION EVIDENCING
2 THE COMPLETION OF 2 YEARS OF POSTGRADUATE SUPERVISED CLINICAL
3 EXPERIENCE AS REQUIRED BY THE BOARD.

4 (H) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, THE APPLICANT
5 SHALL PASS AN EXAMINATION APPROVED BY THE BOARD.

6 **17-303.**

7 (A) TO QUALIFY FOR A LICENSE TO PRACTICE CLINICAL MARRIAGE AND
8 FAMILY THERAPY, AN APPLICANT SHALL BE AN INDIVIDUAL WHO MEETS THE
9 REQUIREMENTS OF THIS SECTION.

10 (B) THE APPLICANT SHALL BE OF GOOD MORAL CHARACTER.

11 (C) THE APPLICANT SHALL BE AT LEAST 18 YEARS OLD.

12 (D) (1) EXCEPT AS PROVIDED IN § 17-306 OF THIS SUBTITLE, THE
13 APPLICANT SHALL HOLD A MASTER'S OR DOCTORAL DEGREE IN A MARRIAGE
14 AND FAMILY FIELD OR HAVE COMPLETED A PROGRAM OF STUDIES JUDGED BY
15 THE BOARD TO BE SUBSTANTIALLY EQUIVALENT IN SUBJECT MATTER AND
16 EXTENT OF TRAINING AS REQUIRED UNDER THIS SECTION.

17 (2) IN THE CASE OF AN APPLICANT HOLDING A DOCTORAL
18 DEGREE, THE APPLICANT SHALL HAVE COMPLETED A MINIMUM OF 90
19 GRADUATE CREDIT HOURS IN TRAINING IN MARRIAGE AND FAMILY THERAPY
20 APPROVED BY THE BOARD THAT INCLUDES INSTRUCTION IN THE FOLLOWING
21 SPECIALIZED AREAS:

22 (I) ANALYSIS OF FAMILY SYSTEMS;

23 (II) FAMILY THERAPY, THEORY, AND TECHNIQUES;

24 (III) COUPLES THERAPY, THEORY, AND TECHNIQUES;

25 (IV) GENDER AND ETHNICITY IN MARRIAGE AND FAMILY
26 THERAPY; AND

27 (V) SEXUAL ISSUES IN MARRIAGE AND FAMILY THERAPY.

28 (3) IN THE CASE OF AN APPLICANT HOLDING ONLY A MASTER'S
29 DEGREE, THE APPLICANT SHALL HAVE COMPLETED A MINIMUM OF 60
30 GRADUATE CREDIT HOURS IN TRAINING IN MARRIAGE AND FAMILY THERAPY

1 APPROVED BY THE BOARD THAT INCLUDES INSTRUCTION IN THE SPECIALIZED
2 AREAS SET FORTH IN PARAGRAPH (2) OF THIS SUBSECTION.

3 (E) THE APPLICANT SHALL HAVE COMPLETED NOT LESS THAN 2 YEARS
4 WITH A MINIMUM OF 2,000 HOURS OF SUPERVISED EXPERIENCE IN MARRIAGE
5 AND FAMILY THERAPY APPROVED BY THE BOARD, 2 YEARS OF WHICH SHALL
6 HAVE BEEN COMPLETED AFTER THE AWARD OF THE MASTER'S OR DOCTORAL
7 DEGREE OR ITS SUBSTANTIAL EQUIVALENT.

8 (F) THE APPLICANT SHALL PROVIDE DOCUMENTATION TO THE BOARD
9 EVIDENCING THE COMPLETION OF 60 HOURS OF GRADUATE COURSE WORK
10 COMPLETED AT AN ACCREDITED COLLEGE OR UNIVERSITY APPROVED BY THE
11 BOARD, THAT INCLUDED TRAINING IN:

12 (1) PERSONALITY DEVELOPMENT;

13 (2) DIAGNOSIS AND TREATMENT OF MENTAL AND EMOTIONAL
14 DISORDERS;

15 (3) PSYCHOPATHOLOGY;

16 (4) FAMILY THERAPY; AND

17 (5) PSYCHOTHERAPY.

18 (G) THE APPLICANT SHALL PROVIDE DOCUMENTATION EVIDENCING
19 THE COMPLETION OF 2 YEARS OF POSTGRADUATE SUPERVISED CLINICAL
20 EXPERIENCE AS REQUIRED BY THE BOARD.

21 (H) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, THE APPLICANT
22 SHALL PASS AN EXAMINATION APPROVED BY THE BOARD.

23 **17-304.**

24 (A) EXCEPT AS PROVIDED IN § 17-307 OF THIS SUBTITLE, TO QUALIFY
25 FOR A LICENSE TO PRACTICE CLINICAL PROFESSIONAL COUNSELING, AN
26 APPLICANT SHALL BE AN INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS
27 SECTION.

28 (B) THE APPLICANT SHALL BE OF GOOD MORAL CHARACTER.

29 (C) THE APPLICANT SHALL BE AT LEAST 18 YEARS OLD.

1 **(D) (1) THE APPLICANT SHALL HOLD A MASTER’S OR DOCTORAL**
2 **DEGREE IN A PROFESSIONAL COUNSELING FIELD FROM AN ACCREDITED**
3 **EDUCATIONAL INSTITUTION THAT IS APPROVED BY THE BOARD.**

4 **(2) IN THE CASE OF AN APPLICANT HOLDING A DOCTORAL**
5 **DEGREE, THE APPLICANT SHALL HAVE COMPLETED:**

6 **(I) A MINIMUM OF 90 GRADUATE CREDIT HOURS IN**
7 **COUNSELOR TRAINING APPROVED BY THE BOARD, INCLUDING INSTRUCTION IN:**

- 8 **1. COUNSELING THEORY AND ETHICS;**
- 9 **2. COUNSELING TECHNIQUES;**
- 10 **3. HUMAN GROWTH AND DEVELOPMENT AND**
11 **MALADAPTIVE BEHAVIORS;**
- 12 **4. GROUP DYNAMICS, PROCESSING, AND**
13 **COUNSELING;**
- 14 **5. SOCIAL AND CULTURAL FOUNDATIONS;**
- 15 **6. LIFESTYLE AND CAREER DEVELOPMENT;**
- 16 **7. APPRAISAL OF INDIVIDUALS;**
- 17 **8. RESEARCH AND EVALUATION;**
- 18 **9. PARTICIPATION IN A SUPERVISED PRACTICUM IN**
19 **PROFESSIONAL COUNSELING;**
- 20 **10. MARRIAGE AND FAMILY THERAPY; AND**
- 21 **11. ALCOHOL AND DRUG COUNSELING; AND**

22 **(II) NOT LESS THAN 2 YEARS OF SUPERVISED EXPERIENCE**
23 **IN COUNSELING APPROVED BY THE BOARD, 1 YEAR OF WHICH SHALL HAVE**
24 **BEEN COMPLETED AFTER THE AWARD OF THE DOCTORAL DEGREE.**

25 **(3) IN THE CASE OF AN APPLICANT HOLDING ONLY A MASTER’S**
26 **DEGREE, THE APPLICANT SHALL HAVE COMPLETED:**

1 (I) **A MINIMUM OF 60 GRADUATE CREDIT HOURS IN**
2 **COUNSELOR TRAINING IN THE AREAS SET FORTH IN PARAGRAPH (2) OF THIS**
3 **SUBSECTION; AND**

4 (II) **NOT LESS THAN 3 YEARS, WITH A MINIMUM OF 3,000**
5 **HOURS, OF SUPERVISED EXPERIENCE IN COUNSELING APPROVED BY THE**
6 **BOARD, 2 YEARS OF WHICH SHALL HAVE BEEN COMPLETED AFTER THE AWARD**
7 **OF THE MASTER'S DEGREE.**

8 (E) **THE APPLICANT SHALL PROVIDE DOCUMENTATION TO THE BOARD**
9 **EVIDENCING THE COMPLETION OF 60 HOURS OF GRADUATE COURSE WORK IN**
10 **THE APPLICANT'S RESPECTIVE AREA OF PRACTICE FROM AN ACCREDITED**
11 **COLLEGE OR UNIVERSITY PROGRAM APPROVED BY THE BOARD, INCLUDING**
12 **TRAINING IN:**

13 (1) **PERSONALITY DEVELOPMENT;**

14 (2) **DIAGNOSIS AND TREATMENT OF MENTAL AND EMOTIONAL**
15 **DISORDERS;**

16 (3) **PSYCHOPATHOLOGY; AND**

17 (4) **PSYCHOTHERAPY.**

18 (F) **THE APPLICANT SHALL PROVIDE DOCUMENTATION EVIDENCING**
19 **THE COMPLETION OF 2 YEARS OF POSTGRADUATE SUPERVISED EXPERIENCE AS**
20 **REQUIRED BY THE BOARD.**

21 (G) **EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, THE APPLICANT**
22 **SHALL PASS AN EXAMINATION APPROVED BY THE BOARD.**

23 **17-305.**

24 (A) **THE BOARD SHALL WAIVE THE REQUIREMENTS FOR LICENSURE**
25 **FOR AN APPLICANT TO PRACTICE CLINICAL ALCOHOL AND DRUG COUNSELING**
26 **IF THE APPLICANT:**

27 (1) **IS LICENSED OR CERTIFIED AS A CLINICAL ALCOHOL AND**
28 **DRUG COUNSELOR IN ANOTHER STATE, TERRITORY, OR JURISDICTION THAT**
29 **HAS REQUIREMENTS THAT ARE EQUIVALENT TO OR EXCEED THE**
30 **REQUIREMENTS OF § 17-302 OF THIS SUBTITLE;**

31 (2) **SUBMITS AN APPLICATION TO THE BOARD ON A FORM THAT**
32 **THE BOARD REQUIRES; AND**

1 (3) **PAYS TO THE BOARD AN APPLICATION FEE SET BY THE**
2 **BOARD.**

3 (b) **THE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THIS**
4 **SECTION.**

5 **17-306.**

6 (a) **THE BOARD SHALL WAIVE THE REQUIREMENTS FOR LICENSURE**
7 **FOR AN APPLICANT TO PRACTICE CLINICAL MARRIAGE AND FAMILY THERAPY IF**
8 **THE APPLICANT:**

9 (1) **IS LICENSED OR CERTIFIED AS A CLINICAL MARRIAGE AND**
10 **FAMILY THERAPIST IN ANOTHER STATE, TERRITORY, OR JURISDICTION THAT**
11 **HAS REQUIREMENTS THAT ARE EQUIVALENT TO OR EXCEED THE**
12 **REQUIREMENTS OF § 17-303 OF THIS SUBTITLE;**

13 (2) **SUBMITS AN APPLICATION ON THE FORM THAT THE BOARD**
14 **REQUIRES; AND**

15 (3) **PAYS TO THE BOARD THE APPLICATION FEE SET BY THE**
16 **BOARD.**

17 (b) **THE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THIS**
18 **SECTION.**

19 **17-307.**

20 (a) **THE BOARD SHALL WAIVE THE REQUIREMENTS FOR LICENSURE**
21 **FOR AN APPLICANT TO PRACTICE CLINICAL PROFESSIONAL COUNSELING IF THE**
22 **APPLICANT:**

23 (1) **IS LICENSED OR CERTIFIED AS A CLINICAL PROFESSIONAL**
24 **COUNSELOR IN ANOTHER STATE, TERRITORY, OR JURISDICTION THAT HAS**
25 **REQUIREMENTS THAT ARE EQUIVALENT TO OR EXCEED THE REQUIREMENTS OF**
26 **§ 17-304 OF THIS SUBTITLE;**

27 (2) **SUBMITS AN APPLICATION TO THE BOARD ON A FORM THAT**
28 **THE BOARD REQUIRES; AND**

29 (3) **PAYS TO THE BOARD AN APPLICATION FEE SET BY THE**
30 **BOARD.**

1 **(B) THE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THIS**
2 **SECTION.**

3 **17-308.**

4 **(A) A LICENSE AUTHORIZES THE LICENSEE TO PRACTICE CLINICAL**
5 **ALCOHOL AND DRUG COUNSELING, CLINICAL MARRIAGE AND FAMILY THERAPY,**
6 **OR CLINICAL PROFESSIONAL COUNSELING WHILE THE LICENSE IS EFFECTIVE.**

7 **(B) AN INDIVIDUAL LICENSED UNDER THIS SUBTITLE MAY PROVIDE**
8 **SERVICES INVOLVING THE APPLICATION OF COUNSELING PRINCIPLES AND**
9 **METHODS IN THE DIAGNOSIS, PREVENTION, TREATMENT, AND AMELIORATION**
10 **OF PSYCHOLOGICAL PROBLEMS, EMOTIONAL CONDITIONS, OR MENTAL**
11 **CONDITIONS OF INDIVIDUALS OR GROUPS.**

12 **17-309.**

13 **(A) THE BOARD MAY ADOPT REGULATIONS TO ALLOW AN INDIVIDUAL**
14 **TO PRACTICE UNDER SUPERVISION AS A LICENSED GRADUATE ALCOHOL AND**
15 **DRUG COUNSELOR, A LICENSED GRADUATE MARRIAGE AND FAMILY THERAPIST,**
16 **OR A LICENSED GRADUATE PROFESSIONAL COUNSELOR.**

17 **(B) TO QUALIFY TO PRACTICE AS A LICENSED GRADUATE ALCOHOL AND**
18 **DRUG COUNSELOR, A LICENSED GRADUATE MARRIAGE AND FAMILY THERAPIST,**
19 **OR A LICENSED GRADUATE PROFESSIONAL COUNSELOR, AN INDIVIDUAL SHALL**
20 **BE:**

21 **(1) OF GOOD MORAL CHARACTER; AND**

22 **(2) AT LEAST 18 YEARS OLD.**

23 **(C) AN INDIVIDUAL MAY PRACTICE GRADUATE ALCOHOL AND DRUG**
24 **COUNSELING UNDER SUPERVISION FOR A LIMITED PERIOD OF TIME IF THE**
25 **INDIVIDUAL HAS:**

26 **(1) A MASTER'S OR DOCTORAL DEGREE IN A HEALTH AND HUMAN**
27 **SERVICES COUNSELING FIELD THAT MEETS THE EDUCATIONAL REQUIREMENTS**
28 **OF § 17-302 OF THIS SUBTITLE; AND**

29 **(2) PASSED THE NATIONAL ALCOHOL AND DRUG COUNSELOR**
30 **EXAMINATION APPROVED BY THE BOARD.**

1 (D) AN INDIVIDUAL MAY PRACTICE GRADUATE MARRIAGE AND FAMILY
2 THERAPY UNDER SUPERVISION FOR A LIMITED PERIOD OF TIME IF THE
3 INDIVIDUAL HAS:

4 (1) A MASTER'S OR DOCTORAL DEGREE IN A MARRIAGE AND
5 FAMILY FIELD THAT MEETS THE EDUCATIONAL REQUIREMENTS OF § 17-303 OF
6 THIS SUBTITLE; AND

7 (2) PASSED THE NATIONAL MARRIAGE AND FAMILY THERAPY
8 EXAMINATION APPROVED BY THE BOARD.

9 (E) AN INDIVIDUAL MAY PRACTICE GRADUATE PROFESSIONAL
10 COUNSELING UNDER SUPERVISION FOR A LIMITED PERIOD OF TIME IF THE
11 INDIVIDUAL HAS:

12 (1) A MASTER'S OR DOCTORAL DEGREE IN A PROFESSIONAL
13 COUNSELING FIELD THAT MEETS THE EDUCATIONAL REQUIREMENTS OF
14 § 17-304 OF THIS SUBTITLE; AND

15 (2) PASSED THE NATIONAL PROFESSIONAL COUNSELOR
16 EXAMINATION APPROVED BY THE BOARD.

17 (F) AN INDIVIDUAL MAY NOT PRACTICE WITHOUT APPROVAL BY THE
18 BOARD.

19 SUBTITLE 4. CERTIFICATION.

20 17-401.

21 (A) (1) THIS SUBSECTION ONLY APPLIES TO INDIVIDUALS CERTIFIED
22 BY THE BOARD AS A CERTIFIED PROFESSIONAL COUNSELOR OR CERTIFIED
23 PROFESSIONAL COUNSELOR-MARRIAGE AND FAMILY THERAPIST ON OR
24 BEFORE SEPTEMBER 30, 2008.

25 (2) (I) AN INDIVIDUAL SHALL BE CERTIFIED AS A
26 PROFESSIONAL COUNSELOR BY THE BOARD BEFORE THE INDIVIDUAL MAY:

27 1. USE THE TITLE "CERTIFIED PROFESSIONAL
28 COUNSELOR";

29 2. USE THE INITIALS "C.P.C." AFTER THE NAME OF
30 THE INDIVIDUAL; OR

1 **3. REPRESENT TO THE PUBLIC THAT THE**
2 **INDIVIDUAL IS CERTIFIED AS A PROFESSIONAL COUNSELOR.**

3 **(II) A CERTIFICATE TO PRACTICE PROFESSIONAL**
4 **COUNSELING ISSUED BY THE BOARD AUTHORIZES THE CERTIFICATE HOLDER**
5 **TO PRACTICE PROFESSIONAL COUNSELING WHILE THE CERTIFICATE IS**
6 **EFFECTIVE.**

7 **(3) (I) AN INDIVIDUAL SHALL BE CERTIFIED AS A**
8 **PROFESSIONAL COUNSELOR–MARRIAGE AND FAMILY THERAPIST BY THE**
9 **BOARD BEFORE THE INDIVIDUAL MAY:**

10 **1. USE THE TITLE “CERTIFIED PROFESSIONAL**
11 **COUNSELOR–MARRIAGE AND FAMILY THERAPIST”;**

12 **2. USE THE INITIALS “C.P.C.–M.F.T.” AFTER THE**
13 **NAME OF THE INDIVIDUAL; OR**

14 **3. REPRESENT TO THE PUBLIC THAT THE**
15 **INDIVIDUAL IS CERTIFIED AS A CERTIFIED PROFESSIONAL**
16 **COUNSELOR–MARRIAGE AND FAMILY THERAPIST.**

17 **(II) A CERTIFICATE TO PRACTICE MARRIAGE AND FAMILY**
18 **THERAPY ISSUED BY THE BOARD AUTHORIZES THE CERTIFICATE HOLDER TO**
19 **PRACTICE MARRIAGE AND FAMILY THERAPY WHILE THE CERTIFICATE IS**
20 **EFFECTIVE.**

21 **(B) (1) AN INDIVIDUAL SHALL BE CERTIFIED AS A CERTIFIED**
22 **PROFESSIONAL COUNSELOR–ALCOHOL AND DRUG BY THE BOARD BEFORE THE**
23 **INDIVIDUAL MAY:**

24 **(I) USE THE TITLE “CERTIFIED PROFESSIONAL**
25 **COUNSELOR–ALCOHOL AND DRUG”;**

26 **(II) USE THE INITIALS “C.P.C.–A.D.” AFTER THE NAME OF**
27 **THE INDIVIDUAL; OR**

28 **(III) REPRESENT TO THE PUBLIC THAT THE INDIVIDUAL IS**
29 **CERTIFIED AS A CERTIFIED PROFESSIONAL COUNSELOR–ALCOHOL AND DRUG.**

30 **(2) AN INDIVIDUAL SHALL BE CERTIFIED AS A CERTIFIED**
31 **ASSOCIATE COUNSELOR–ALCOHOL AND DRUG BY THE BOARD BEFORE THE**
32 **INDIVIDUAL MAY:**

1 (I) USE THE TITLE "CERTIFIED ASSOCIATE
2 COUNSELOR-ALCOHOL AND DRUG";

3 (II) USE THE INITIALS "C.A.C.-A.D." AFTER THE NAME OF
4 THE INDIVIDUAL; OR

5 (III) REPRESENT TO THE PUBLIC THAT THE INDIVIDUAL IS
6 CERTIFIED AS A CERTIFIED ASSOCIATE COUNSELOR-ALCOHOL AND DRUG.

7 (3) AN INDIVIDUAL SHALL BE CERTIFIED AS A CERTIFIED
8 SUPERVISED COUNSELOR-ALCOHOL AND DRUG BY THE BOARD BEFORE THE
9 INDIVIDUAL MAY:

10 (I) USE THE TITLE "CERTIFIED SUPERVISED
11 COUNSELOR-ALCOHOL AND DRUG";

12 (II) USE THE INITIALS "C.S.C.-A.D." AFTER THE NAME OF
13 THE INDIVIDUAL; OR

14 (III) REPRESENT TO THE PUBLIC THAT THE INDIVIDUAL IS
15 CERTIFIED AS A CERTIFIED SUPERVISED COUNSELOR-ALCOHOL AND DRUG.

16 (4) A CERTIFICATE TO PRACTICE ALCOHOL AND DRUG
17 COUNSELING ISSUED BY THE BOARD AUTHORIZES THE CERTIFICATE HOLDER
18 TO PRACTICE ALCOHOL AND DRUG COUNSELING WHILE THE CERTIFICATE IS
19 EFFECTIVE.

20 **17-402.**

21 (A) EXCEPT AS PROVIDED IN § 17-405 OF THIS SUBTITLE, TO QUALIFY
22 AS A CERTIFIED PROFESSIONAL COUNSELOR-ALCOHOL AND DRUG, AN
23 APPLICANT SHALL MEET THE REQUIREMENTS OF THIS SECTION.

24 (B) THE APPLICANT SHALL BE OF GOOD MORAL CHARACTER.

25 (C) THE APPLICANT SHALL BE AT LEAST 18 YEARS OLD.

26 (D) (1) THE APPLICANT SHALL HOLD A MASTER'S OR DOCTORAL
27 DEGREE IN A HEALTH AND HUMAN SERVICES COUNSELING FIELD FROM AN
28 ACCREDITED EDUCATIONAL INSTITUTION THAT IS APPROVED BY THE BOARD
29 OR HAVE COMPLETED A PROGRAM OF STUDIES JUDGED BY THE BOARD TO BE
30 SUBSTANTIALLY EQUIVALENT IN SUBJECT MATTER AND EXTENT OF TRAINING
31 AS REQUIRED UNDER THIS SECTION.

1 **(2) IN THE CASE OF AN APPLICANT HOLDING A DOCTORAL**
2 **DEGREE, THE APPLICANT SHALL HAVE COMPLETED A MINIMUM OF 90**
3 **GRADUATE CREDIT HOURS IN COUNSELOR TRAINING APPROVED BY THE**
4 **BOARD, INCLUDING INSTRUCTION IN THE FOLLOWING AREAS:**

5 **(I) COUNSELING THEORY AND ETHICS;**

6 **(II) COUNSELING TECHNIQUES;**

7 **(III) HUMAN GROWTH AND DEVELOPMENT AND**
8 **MALADAPTIVE BEHAVIORS;**

9 **(IV) GROUP DYNAMICS, PROCESSING, AND COUNSELING;**

10 **(V) SOCIAL AND CULTURAL FOUNDATIONS;**

11 **(VI) LIFESTYLE AND CAREER DEVELOPMENT;**

12 **(VII) APPRAISAL OF INDIVIDUALS;**

13 **(VIII) RESEARCH AND EVALUATION;**

14 **(IX) PARTICIPATION IN A SUPERVISED PRACTICUM IN**
15 **PROFESSIONAL COUNSELING;**

16 **(X) MARRIAGE AND FAMILY THERAPY; AND**

17 **(XI) ALCOHOL AND DRUG COUNSELING.**

18 **(3) IN THE CASE OF AN APPLICANT HOLDING ONLY A MASTER'S**
19 **DEGREE, THE APPLICANT SHALL HAVE COMPLETED A MINIMUM OF 60**
20 **GRADUATE CREDIT HOURS IN COUNSELOR TRAINING APPROVED BY THE BOARD**
21 **INCLUDING INSTRUCTION IN THE AREAS SET FORTH IN PARAGRAPH (2) OF THIS**
22 **SUBSECTION.**

23 **(4) THE APPLICANT SHALL HAVE COMPLETED A MINIMUM OF 26**
24 **CREDIT HOURS IN ALCOHOL AND DRUG COUNSELOR TRAINING, INCLUDING**
25 **INSTRUCTION IN:**

26 **(I) MEDICAL ASPECTS OF CHEMICAL DEPENDENCY;**

27 **(II) GROUP COUNSELING;**

28 **(III) INDIVIDUAL COUNSELING;**

- 1 (IV) FAMILY COUNSELING;
- 2 (V) ASSESSMENT AND TREATMENT PLANNING;
- 3 (VI) ETHICS FOR ALCOHOL AND DRUG COUNSELORS;
- 4 (VII) HUMAN DEVELOPMENT;
- 5 (VIII) ABNORMAL PSYCHOLOGY; AND
- 6 (IX) COURSES PERTAINING TO COUNSELOR CORE
- 7 FUNCTIONS OF SCREENING, INTAKE, ORIENTATION, CASE MANAGEMENT, CRISIS
- 8 INTERVENTION, EDUCATION AND PREVENTION, REFERRAL, CONSULTATION,
- 9 REPORTS AND RECORD KEEPING, AND SPECIAL ALCOHOL AND DRUG
- 10 DEPENDENCY TOPICS.

11 (E) THE APPLICANT SHALL HAVE COMPLETED NOT LESS THAN 3 YEARS

12 WITH A MINIMUM OF 2,000 HOURS OF SUPERVISED EXPERIENCE IN ALCOHOL

13 AND DRUG COUNSELING APPROVED BY THE BOARD, 2 YEARS OF WHICH SHALL

14 HAVE BEEN COMPLETED AFTER THE AWARD OF THE MASTER'S OR DOCTORAL

15 DEGREE OR ITS SUBSTANTIAL EQUIVALENT.

16 (F) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, THE APPLICANT

17 SHALL PASS AN EXAMINATION APPROVED BY THE BOARD UNDER THIS TITLE.

18 **17-403.**

19 (A) EXCEPT AS PROVIDED IN § 17-405 OF THIS SUBTITLE, TO QUALIFY

20 AS A CERTIFIED ASSOCIATE COUNSELOR-ALCOHOL AND DRUG, AN APPLICANT

21 SHALL:

22 (1) HOLD A BACHELOR'S DEGREE FROM AN ACCREDITED

23 EDUCATIONAL INSTITUTION APPROVED BY THE BOARD IN A HEALTH AND

24 HUMAN SERVICES COUNSELING FIELD OR HAVE COMPLETED A PROGRAM OF

25 STUDIES JUDGED BY THE BOARD TO BE SUBSTANTIALLY EQUIVALENT IN

26 SUBJECT MATTER AND EXTENT OF TRAINING TO SUCH A PROGRAM OF STUDIES;

27 (2) HAVE COMPLETED NOT LESS THAN 3 YEARS, WITH A MINIMUM

28 OF 2,000 HOURS OF SUPERVISED EXPERIENCE IN ALCOHOL AND DRUG

29 COUNSELING APPROVED BY THE BOARD, 2 YEARS OF WHICH SHALL HAVE BEEN

30 COMPLETED AFTER THE AWARD OF THE BACHELOR'S DEGREE;

1 **(3) HAVE A MINIMUM OF 20 CREDIT HOURS IN ALCOHOL AND**
2 **DRUG COUNSELOR TRAINING, INCLUDING INSTRUCTION IN:**

3 **(I) MEDICAL ASPECTS OF CHEMICAL DEPENDENCY;**

4 **(II) GROUP COUNSELING;**

5 **(III) INDIVIDUAL COUNSELING;**

6 **(IV) FAMILY COUNSELING;**

7 **(V) ASSESSMENT AND TREATMENT PLANNING;**

8 **(VI) ETHICS FOR ALCOHOL AND DRUG COUNSELORS;**

9 **(VII) HUMAN DEVELOPMENT;**

10 **(VIII) ABNORMAL PSYCHOLOGY; AND**

11 **(IX) COURSES PERTAINING TO COUNSELOR CORE**
12 **FUNCTIONS OF SCREENING, INTAKE, ORIENTATION, CASE MANAGEMENT, CRISIS**
13 **INTERVENTION, EDUCATION AND PREVENTION, REFERRAL, CONSULTATION,**
14 **REPORTS AND RECORD KEEPING, AND SPECIAL ALCOHOL AND DRUG**
15 **DEPENDENCY TOPICS; AND**

16 **(4) (I) PRACTICE ALCOHOL AND DRUG COUNSELING UNDER**
17 **THE SUPERVISION OF A CERTIFIED PROFESSIONAL COUNSELOR–ALCOHOL AND**
18 **DRUG OR ANOTHER HEALTH CARE PROVIDER APPROVED BY THE BOARD; OR**

19 **(II) PROVIDE ALCOHOL AND DRUG COUNSELING AS AN**
20 **EMPLOYEE OF AN AGENCY OR FACILITY THAT IS ACCREDITED BY THE JOINT**
21 **COMMISSION ON THE ACCREDITATION OF HEALTH CARE ORGANIZATIONS OR**
22 **THAT IS CERTIFIED UNDER TITLE 8, SUBTITLE 4 OF THE HEALTH – GENERAL**
23 **ARTICLE.**

24 **(B) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, THE APPLICANT**
25 **SHALL PASS AN EXAMINATION APPROVED BY THE BOARD UNDER THIS TITLE.**

26 **17–404.**

27 **(A) TO QUALIFY AS A CERTIFIED SUPERVISED COUNSELOR–ALCOHOL**
28 **AND DRUG, AN APPLICANT SHALL:**

1 (1) **HOLD AN ASSOCIATE’S DEGREE IN A HEALTH AND HUMAN**
2 **SERVICES COUNSELING FIELD OR HAVE COMPLETED A PROGRAM OF STUDIES**
3 **JUDGED BY THE BOARD TO BE SUBSTANTIALLY EQUIVALENT IN SUBJECT**
4 **MATTER TO SUCH A PROGRAM OF STUDIES;**

5 (2) **HAVE COMPLETED NOT LESS THAN 2 YEARS, WITH A MINIMUM**
6 **OF 2,000 HOURS OF SUPERVISED EXPERIENCE IN ALCOHOL AND DRUG**
7 **COUNSELING APPROVED BY THE BOARD, 1 YEAR OF WHICH SHALL HAVE BEEN**
8 **COMPLETED AFTER THE AWARD OF THE ASSOCIATE’S DEGREE;**

9 (3) **HAVE A MINIMUM OF 15 CREDIT HOURS IN ALCOHOL AND**
10 **DRUG COUNSELOR TRAINING, INCLUDING INSTRUCTION IN:**

11 (I) **MEDICAL ASPECTS OF CHEMICAL DEPENDENCY;**

12 (II) **GROUP COUNSELING;**

13 (III) **INDIVIDUAL COUNSELING;**

14 (IV) **FAMILY COUNSELING;**

15 (V) **ASSESSMENT AND TREATMENT PLANNING;**

16 (VI) **ETHICS FOR ALCOHOL AND DRUG COUNSELORS;**

17 (VII) **HUMAN DEVELOPMENT;**

18 (VIII) **ABNORMAL PSYCHOLOGY; AND**

19 (IX) **COURSES PERTAINING TO COUNSELOR CORE**
20 **FUNCTIONS OF SCREENING, INTAKE, ORIENTATION, CASE MANAGEMENT, CRISIS**
21 **INTERVENTION, EDUCATION AND PREVENTION, REFERRAL, CONSULTATION,**
22 **REPORTS AND RECORD KEEPING, AND SPECIAL ALCOHOL AND DRUG**
23 **DEPENDENCY TOPICS; AND**

24 (4) **PRACTICE ALCOHOL AND DRUG COUNSELING UNDER THE**
25 **SUPERVISION OF A CERTIFIED PROFESSIONAL COUNSELOR–ALCOHOL AND**
26 **DRUG OR ANOTHER HEALTH CARE PROVIDER APPROVED BY THE BOARD AND**
27 **PROVIDE ALCOHOL AND DRUG COUNSELING AS AN EMPLOYEE OF AN AGENCY OR**
28 **FACILITY THAT IS ACCREDITED BY THE JOINT COMMISSION ON THE**
29 **ACCREDITATION OF HEALTH CARE ORGANIZATIONS OR THAT IS CERTIFIED**
30 **UNDER TITLE 8, SUBTITLE 4 OF THE HEALTH – GENERAL ARTICLE.**

1 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, THE APPLICANT
2 SHALL PASS AN EXAMINATION APPROVED BY THE BOARD UNDER THIS TITLE.

3 17-405.

4 (A) THE BOARD SHALL WAIVE THE REQUIREMENTS FOR
5 CERTIFICATION FOR AN APPLICANT TO PRACTICE ALCOHOL AND DRUG
6 COUNSELING IF THE APPLICANT MEETS THE REQUIREMENTS OF THIS SECTION.

7 (B) IF THE APPLICANT IS LICENSED OR CERTIFIED TO PRACTICE AS A
8 PROFESSIONAL COUNSELOR-ALCOHOL AND DRUG, THE BOARD SHALL GRANT A
9 WAIVER UNDER THIS SECTION ONLY IF THE APPLICANT:

10 (1) IS LICENSED OR CERTIFIED IN ANOTHER STATE, TERRITORY,
11 OR JURISDICTION THAT HAS REQUIREMENTS THAT ARE EQUIVALENT TO OR
12 EXCEED THE REQUIREMENTS OF § 17-402 OF THIS SUBTITLE;

13 (2) SUBMITS AN APPLICATION TO THE BOARD ON A FORM THAT
14 THE BOARD REQUIRES; AND

15 (3) PAYS TO THE BOARD AN APPLICATION FEE SET BY THE
16 BOARD.

17 (C) IF THE APPLICANT IS LICENSED OR CERTIFIED TO PRACTICE AS AN
18 ASSOCIATE COUNSELOR-ALCOHOL AND DRUG, THE BOARD SHALL GRANT A
19 WAIVER UNDER THIS SECTION ONLY IF THE APPLICANT:

20 (1) IS LICENSED OR CERTIFIED IN ANOTHER STATE, TERRITORY,
21 OR JURISDICTION THAT HAS REQUIREMENTS THAT ARE EQUIVALENT TO OR
22 EXCEED THE REQUIREMENTS OF § 17-403 OF THIS SUBTITLE;

23 (2) SUBMITS AN APPLICATION TO THE BOARD ON A FORM THAT
24 THE BOARD REQUIRES; AND

25 (3) PAYS TO THE BOARD AN APPLICATION FEE SET BY THE
26 BOARD.

27 (D) IF THE APPLICANT IS LICENSED OR CERTIFIED TO PRACTICE AS A
28 SUPERVISED COUNSELOR-ALCOHOL AND DRUG, THE BOARD SHALL GRANT A
29 WAIVER UNDER THIS SECTION ONLY IF THE APPLICANT:

30 (1) IS LICENSED OR CERTIFIED IN ANOTHER STATE, TERRITORY,
31 OR JURISDICTION THAT HAS REQUIREMENTS THAT ARE EQUIVALENT TO OR
32 EXCEED THE REQUIREMENTS OF § 17-404 OF THIS SUBTITLE;

1 (2) **SUBMITS AN APPLICATION TO THE BOARD ON A FORM THAT**
2 **THE BOARD REQUIRES; AND**

3 (3) **PAYS TO THE BOARD AN APPLICATION FEE SET BY THE**
4 **BOARD.**

5 (E) **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
6 **SECTION.**

7 **17-406.**

8 (A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
9 **MEANINGS INDICATED.**

10 (2) **“APPROVED ALCOHOL AND DRUG SUPERVISOR” MEANS:**

11 (I) **A CERTIFIED PROFESSIONAL COUNSELOR-ALCOHOL**
12 **AND DRUG;**

13 (II) **A LICENSED CLINICAL ALCOHOL AND DRUG**
14 **COUNSELOR; OR**

15 (III) **A HEALTH CARE PROVIDER LICENSED OR CERTIFIED**
16 **UNDER THIS ARTICLE WITH DOCUMENTED EXPERTISE IN ALCOHOL AND DRUG**
17 **COUNSELING, AS APPROVED BY THE BOARD.**

18 (3) **“UNDER THE SUPERVISION OF AN APPROVED ALCOHOL AND**
19 **DRUG SUPERVISOR” MEANS ENGAGING IN AN ONGOING PROCESS THAT**
20 **INCLUDES DIRECT, ON-SITE, FACE-TO-FACE, INDIVIDUAL OR GROUP MEETINGS**
21 **WITH AN APPROVED ALCOHOL AND DRUG SUPERVISOR FOCUSED ON QUALITY**
22 **OF DELIVERY OF ALCOHOL AND DRUG COUNSELING SERVICES AND**
23 **IMPROVEMENT OF COUNSELING SKILLS FOR A MINIMUM OF 1 DOCUMENTED**
24 **HOUR FOR EACH 40-HOUR WORKWEEK BUT NOT LESS THAN 2 DOCUMENTED**
25 **HOURS PER MONTH FOR LESS THAN A 40-HOUR WORKWEEK.**

26 (B) (1) **AN INDIVIDUAL MAY PRACTICE CLINICAL ALCOHOL AND**
27 **DRUG COUNSELING WITHOUT A LICENSE FOR A LIMITED PERIOD OF TIME, AS**
28 **DETERMINED BY THE BOARD, IF THE INDIVIDUAL IS WORKING AS A TRAINEE**
29 **UNDER THE SUPERVISION OF AN APPROVED ALCOHOL AND DRUG SUPERVISOR**
30 **WHILE FULFILLING THE EXPERIENTIAL OR COURSE OF STUDY REQUIREMENTS**
31 **UNDER § 17-302 OF THIS TITLE OR § 17-402, § 17-403, OR § 17-404 OF THIS**
32 **SUBTITLE.**

1 (2) AN INDIVIDUAL MAY PRACTICE ALCOHOL AND DRUG
2 COUNSELING WITHOUT CERTIFICATION FOR A LIMITED PERIOD OF TIME, AS
3 DETERMINED BY THE BOARD, IF THE INDIVIDUAL IS WORKING AS A TRAINEE
4 UNDER THE SUPERVISION OF AN APPROVED ALCOHOL AND DRUG SUPERVISOR
5 WHILE FULFILLING THE EXPERIENTIAL OR COURSE OF STUDY REQUIREMENTS
6 UNDER § 17-302 OF THIS TITLE OR § 17-402, § 17-403, OR § 17-404 OF THIS
7 SUBTITLE.

8 **SUBTITLE 5. GENERAL PROVISIONS; DISCIPLINARY ACTIONS.**

9 **17-501.**

10 **TO APPLY FOR A LICENSE OR CERTIFICATE, AN APPLICANT SHALL:**

11 (1) SUBMIT AN APPLICATION ON THE FORM THAT THE BOARD
12 REQUIRES; AND

13 (2) PAY TO THE BOARD THE APPLICATION FEE SET BY THE
14 BOARD.

15 **17-502.**

16 (A) AN APPLICANT WHO OTHERWISE QUALIFIES FOR A LICENSE OR
17 CERTIFICATE IS ENTITLED TO BE EXAMINED AS PROVIDED IN THIS SECTION.

18 (B) THE BOARD SHALL GIVE EXAMINATIONS TO APPLICANTS AT LEAST
19 TWICE A YEAR, AT THE TIMES AND PLACES THAT THE BOARD DETERMINES.

20 (C) THE BOARD SHALL NOTIFY EACH QUALIFIED APPLICANT OF THE
21 TIME AND PLACE OF EXAMINATION.

22 (D) (1) THE BOARD MAY NOT LIMIT THE NUMBER OF TIMES AN
23 APPLICANT MAY TAKE AN EXAMINATION REQUIRED UNDER THIS TITLE.

24 (2) THE APPLICANT SHALL PAY TO THE BOARD A
25 REEXAMINATION FEE SET BY THE BOARD FOR EACH REEXAMINATION.

26 (E) THE EXAMINATION SHALL INCLUDE A PORTION THAT TESTS AN
27 APPLICANT'S KNOWLEDGE OF THE MARYLAND PROFESSIONAL COUNSELORS
28 AND THERAPISTS ACT.

29 **17-503.**

1 **(A) THE BOARD SHALL ISSUE A LICENSE OR CERTIFICATE TO ANY**
2 **APPLICANT WHO MEETS THE REQUIREMENTS OF THIS TITLE.**

3 **(B) THE BOARD SHALL INCLUDE ON EACH LICENSE AND CERTIFICATE**
4 **THAT THE BOARD ISSUES:**

5 **(1) THE KIND OF LICENSE OR CERTIFICATE;**

6 **(2) THE FULL NAME OF THE LICENSEE OR CERTIFICATE HOLDER;**

7 **(3) A SERIAL NUMBER;**

8 **(4) THE SIGNATURES OF THE CHAIRMAN AND THE SECRETARY OF**
9 **THE BOARD; AND**

10 **(5) THE SEAL OF THE BOARD.**

11 **(C) THE BOARD MAY ISSUE A LICENSE OR CERTIFICATE TO REPLACE A**
12 **LOST, DESTROYED, OR MUTILATED LICENSE OR CERTIFICATE IF THE LICENSEE**
13 **OR CERTIFICATE HOLDER PAYS THE REPLACEMENT FEE SET BY THE BOARD.**

14 **17-504.**

15 **(A) (1) A LICENSE OR CERTIFICATE EXPIRES ON THE DATE SET BY**
16 **THE BOARD, UNLESS THE LICENSE OR CERTIFICATE IS RENEWED FOR AN**
17 **ADDITIONAL TERM AS PROVIDED IN THIS SECTION.**

18 **(2) A LICENSE OR CERTIFICATE MAY NOT BE RENEWED FOR A**
19 **TERM LONGER THAN 2 YEARS.**

20 **(B) AT LEAST 1 MONTH BEFORE THE LICENSE OR CERTIFICATE**
21 **EXPIRES, THE BOARD SHALL SEND TO THE LICENSEE OR CERTIFICATE HOLDER,**
22 **BY FIRST-CLASS MAIL TO THE LAST KNOWN ADDRESS OF THE LICENSEE OR**
23 **CERTIFICATE HOLDER, A RENEWAL NOTICE THAT STATES:**

24 **(1) THE DATE ON WHICH THE CURRENT LICENSE OR**
25 **CERTIFICATE EXPIRES;**

26 **(2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE**
27 **RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED**
28 **BEFORE THE LICENSE OR CERTIFICATE EXPIRES; AND**

29 **(3) THE AMOUNT OF THE RENEWAL FEE.**

1 (C) EACH LICENSEE OR CERTIFICATE HOLDER SHALL NOTIFY THE
2 BOARD OF ANY CHANGE IN THE ADDRESS OF THE LICENSEE OR CERTIFICATE
3 HOLDER.

4 (D) BEFORE THE LICENSE OR CERTIFICATE EXPIRES, THE LICENSEE OR
5 CERTIFICATE HOLDER PERIODICALLY MAY RENEW IT FOR AN ADDITIONAL
6 2-YEAR TERM, IF THE LICENSEE OR CERTIFICATE HOLDER:

7 (1) OTHERWISE IS ENTITLED TO BE LICENSED OR CERTIFIED;

8 (2) PAYS TO THE BOARD THE RENEWAL FEE SET BY THE BOARD;

9 (3) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE
10 FORM THAT THE BOARD REQUIRES; AND

11 (4) SUBMITS SATISFACTORY EVIDENCE OF COMPLIANCE WITH
12 ANY CONTINUING EDUCATION REQUIREMENTS AS REQUIRED BY THE BOARD
13 FOR LICENSE OR CERTIFICATE RENEWAL.

14 (E) THE BOARD MAY NOT AUTHORIZE HOME STUDY TOWARDS THE
15 COMPLETION OF THE CONTINUING EDUCATION REQUIREMENTS.

16 (F) (1) THE BOARD SHALL RENEW THE LICENSE OR CERTIFICATE OF
17 AND ISSUE A RENEWAL LICENSE OR CERTIFICATE TO EACH LICENSEE OR
18 CERTIFICATE HOLDER WHO MEETS THE REQUIREMENTS OF THIS SECTION.

19 (2) THE BOARD SHALL INCLUDE THE TERM OF THE RENEWAL ON
20 EACH RENEWAL LICENSE OR CERTIFICATE THAT THE BOARD ISSUES.

21 **17-505.**

22 (A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS
23 SUBSECTION, THE BOARD SHALL PLACE A LICENSEE OR CERTIFICATE HOLDER
24 ON INACTIVE STATUS, IF THE LICENSEE OR CERTIFICATE HOLDER:

25 (I) SUBMITS TO THE BOARD AN APPLICATION FOR
26 INACTIVE STATUS ON THE FORM REQUIRED BY THE BOARD; AND

27 (II) PAYS THE INACTIVE STATUS FEE SET BY THE BOARD.

28 (2) THE BOARD SHALL ISSUE A LICENSE OR CERTIFICATE TO AN
29 INDIVIDUAL WHO IS ON INACTIVE STATUS IF THE INDIVIDUAL COMPLIES WITH
30 THE RENEWAL REQUIREMENTS THAT ARE IN EFFECT WHEN THE INDIVIDUAL
31 REQUESTS THE RENEWAL OF THE LICENSE OR CERTIFICATE.

1 **(3) THE BOARD MAY NOT PLACE A CERTIFIED PROFESSIONAL**
2 **COUNSELOR–MARRIAGE AND FAMILY THERAPIST OR A CERTIFIED**
3 **PROFESSIONAL COUNSELOR ON INACTIVE STATUS.**

4 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
5 **SUBSECTION, THE BOARD, IN ACCORDANCE WITH ITS REGULATIONS, MAY**
6 **REINSTATE THE LICENSE OF A LICENSEE OR THE CERTIFICATE OF A**
7 **CERTIFICATE HOLDER WHO HAS FAILED TO RENEW THE LICENSE OR**
8 **CERTIFICATE FOR ANY REASON.**

9 **(2) THE BOARD MAY NOT REINSTATE THE CERTIFICATE OF A**
10 **CERTIFIED PROFESSIONAL COUNSELOR–MARRIAGE AND FAMILY THERAPIST OR**
11 **CERTIFIED PROFESSIONAL COUNSELOR WHO HAS FAILED TO RENEW THE**
12 **CERTIFICATE FOR ANY REASON.**

13 **17–506.**

14 **EACH LICENSEE OR CERTIFICATE HOLDER SHALL DISPLAY THE LICENSE**
15 **OR CERTIFICATE CONSPICUOUSLY IN THE LICENSEE’S OR CERTIFICATE**
16 **HOLDER’S OFFICE OR PLACE OF EMPLOYMENT.**

17 **17–507.**

18 **(A) ANY INDIVIDUAL WHO IS LICENSED UNDER SUBTITLE 3 OF THIS**
19 **TITLE OR CERTIFIED UNDER SUBTITLE 4 OF THIS TITLE MAY NOT CHARGE A**
20 **CLIENT OR RECEIVE REMUNERATION FOR COUNSELING OR THERAPY SERVICES**
21 **UNLESS:**

22 **(1) BEFORE THE PERFORMANCE OF THOSE SERVICES, THE**
23 **CLIENT IS FURNISHED A COPY OF A PROFESSIONAL DISCLOSURE STATEMENT;**
24 **OR**

25 **(2) (I) THIS PROFESSIONAL DISCLOSURE STATEMENT IS**
26 **DISPLAYED IN A CONSPICUOUS LOCATION AT THE PLACE WHERE THE SERVICES**
27 **ARE PERFORMED; AND**

28 **(II) A COPY OF THE STATEMENT IS PROVIDED TO THE**
29 **CLIENT ON REQUEST.**

30 **(B) THE PROFESSIONAL DISCLOSURE STATEMENT SHALL CONTAIN:**

1 (1) THE NAME, TITLE, BUSINESS ADDRESS, AND BUSINESS
2 TELEPHONE NUMBER OF THE LICENSEE OR CERTIFICATE HOLDER PERFORMING
3 THE SERVICES;

4 (2) THE FORMAL PROFESSIONAL EDUCATION OF THE LICENSEE
5 OR CERTIFICATE HOLDER, INCLUDING THE INSTITUTIONS ATTENDED AND THE
6 DEGREES RECEIVED FROM THEM;

7 (3) THE AREAS OF SPECIALIZATION OF THE LICENSEE OR
8 CERTIFICATE HOLDER AND THE SERVICES PROVIDED;

9 (4) IN THE CASE OF AN INDIVIDUAL LICENSED UNDER SUBTITLE
10 3 OF THIS TITLE OR CERTIFIED UNDER SUBTITLE 4 OF THIS TITLE WHO IS
11 ENGAGED IN A PRIVATE INDIVIDUAL PRACTICE, PARTNERSHIP, OR GROUP
12 PRACTICE, THE INDIVIDUAL'S FEE SCHEDULE LISTED BY TYPE OF SERVICE OR
13 HOURLY RATE;

14 (5) AT THE BOTTOM OF THE FIRST PAGE OF THE DISCLOSURE
15 STATEMENT, THE WORDS, "THIS INFORMATION IS REQUIRED BY THE BOARD OF
16 PROFESSIONAL COUNSELORS AND THERAPISTS, WHICH REGULATES ALL
17 LICENSED AND CERTIFIED COUNSELORS AND THERAPISTS."; AND

18 (6) IMMEDIATELY BENEATH THE STATEMENT REQUIRED BY ITEM
19 (5) OF THIS SUBSECTION, THE NAME, ADDRESS, AND TELEPHONE NUMBER OF
20 THE BOARD.

21 **17-508.**

22 (A) IN THIS SECTION, "REGULATED COUNSELOR OR THERAPIST"
23 MEANS:

24 (1) A LICENSED CLINICAL ALCOHOL AND DRUG COUNSELOR;

25 (2) A LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST;

26 (3) A LICENSED CLINICAL PROFESSIONAL COUNSELOR;

27 (4) A LICENSED GRADUATE ALCOHOL AND DRUG COUNSELOR;

28 (5) A LICENSED GRADUATE MARRIAGE AND FAMILY THERAPIST;

29 (6) A LICENSED GRADUATE PROFESSIONAL COUNSELOR;

1 (7) A CERTIFIED PROFESSIONAL COUNSELOR-ALCOHOL AND
2 DRUG COUNSELOR;

3 (8) A CERTIFIED ASSOCIATE COUNSELOR-ALCOHOL AND DRUG
4 COUNSELOR;

5 (9) A CERTIFIED SUPERVISED COUNSELOR-ALCOHOL AND DRUG
6 COUNSELOR;

7 (10) A CERTIFIED PROFESSIONAL COUNSELOR-MARRIAGE AND
8 FAMILY THERAPIST; AND

9 (11) A CERTIFIED PROFESSIONAL COUNSELOR.

10 (B) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A
11 LICENSE OR CERTIFICATE, WHILE THE LICENSEE OR CERTIFICATE HOLDER IS
12 UNDER INVESTIGATION OR WHILE CHARGES ARE PENDING AGAINST THE
13 LICENSEE OR CERTIFICATE HOLDER, A REGULATED COUNSELOR OR THERAPIST
14 MAY NOT:

15 (1) SURRENDER THE LICENSE OR CERTIFICATE;

16 (2) ALLOW THE LICENSE OR CERTIFICATE TO LAPSE BY
17 OPERATION OF LAW.

18 (C) THE BOARD MAY SET CONDITIONS ON ITS AGREEMENT WITH THE
19 REGULATED COUNSELOR OR THERAPIST UNDER INVESTIGATION OR AGAINST
20 WHOM CHARGES ARE PENDING TO ACCEPT SURRENDER OF THE LICENSE OR
21 CERTIFICATE.

22 **17-509.**

23 SUBJECT TO THE HEARING PROVISIONS OF § 17-511 OF THIS SUBTITLE,
24 THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS THEN
25 SERVING, MAY DENY A LICENSE OR CERTIFICATE TO ANY APPLICANT, PLACE
26 ANY LICENSEE OR CERTIFICATE HOLDER ON PROBATION, REPRIMAND ANY
27 LICENSEE OR CERTIFICATE HOLDER, OR SUSPEND OR REVOKE A LICENSE OF
28 ANY LICENSEE OR A CERTIFICATE OF ANY CERTIFICATE HOLDER IF THE
29 APPLICANT, LICENSEE, OR CERTIFICATE HOLDER:

30 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
31 OBTAIN A LICENSE OR CERTIFICATE FOR THE APPLICANT, LICENSEE, OR
32 CERTIFICATE HOLDER OR FOR ANOTHER;

- 1 **(2) HABITUALLY IS INTOXICATED;**
- 2 **(3) PROVIDES PROFESSIONAL SERVICES:**
- 3 **(I) WHILE UNDER THE INFLUENCE OF ALCOHOL; OR**
- 4 **(II) WHILE USING ANY NARCOTIC OR CONTROLLED**
5 **DANGEROUS SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW**
6 **ARTICLE, OR OTHER DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR**
7 **WITHOUT VALID MEDICAL INDICATION;**
- 8 **(4) AIDS OR ABETS AN UNAUTHORIZED INDIVIDUAL IN**
9 **PRACTICING CLINICAL OR NONCLINICAL COUNSELING OR THERAPY OR**
10 **REPRESENTING TO BE AN ALCOHOL AND DRUG COUNSELOR, MARRIAGE AND**
11 **FAMILY THERAPIST, OR PROFESSIONAL COUNSELOR;**
- 12 **(5) PROMOTES THE SALE OF DRUGS, DEVICES, APPLIANCES, OR**
13 **GOODS TO A PATIENT SO AS TO EXPLOIT THE PATIENT FOR FINANCIAL GAIN;**
- 14 **(6) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN**
15 **THE PRACTICE OF COUNSELING OR THERAPY;**
- 16 **(7) MAKES A WILLFUL MISREPRESENTATION WHILE COUNSELING**
17 **OR PROVIDING THERAPY;**
- 18 **(8) VIOLATES THE CODE OF ETHICS ADOPTED BY THE BOARD;**
- 19 **(9) KNOWINGLY VIOLATES ANY PROVISION OF THIS TITLE;**
- 20 **(10) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE**
21 **TO A FELONY OR A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT**
22 **ANY APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR**
23 **PLEA SET ASIDE;**
- 24 **(11) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY**
25 **INCOMPETENT;**
- 26 **(12) SUBMITS A FALSE STATEMENT TO COLLECT A FEE;**
- 27 **(13) VIOLATES ANY RULE OR REGULATION ADOPTED BY THE**
28 **BOARD;**
- 29 **(14) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY**
30 **AUTHORITY OF ANY OTHER STATE OR COUNTRY OR CONVICTED OR DISCIPLINED**

1 BY A COURT OF ANY STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS
2 FOR DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES;

3 (15) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES
4 AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL
5 SERVICES FOR WHICH THE LICENSEE IS LICENSED AND QUALIFIED OR THE
6 CERTIFICATE HOLDER IS CERTIFIED AND QUALIFIED TO RENDER BECAUSE THE
7 INDIVIDUAL IS HIV POSITIVE;

8 (16) COMMITS AN ACT OF IMMORAL OR UNPROFESSIONAL
9 CONDUCT IN THE PRACTICE OF CLINICAL OR NONCLINICAL COUNSELING OR
10 THERAPY;

11 (17) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN
12 VIOLATION OF § 5-704 OF THE FAMILY LAW ARTICLE; OR

13 (18) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION
14 CONDUCTED BY THE BOARD.

15 **17-510.**

16 (A) IF AFTER A HEARING UNDER § 17-511 OF THIS SUBTITLE THE
17 BOARD FINDS THAT THERE ARE GROUNDS UNDER § 17-509 OF THIS SUBTITLE
18 TO PLACE ANY LICENSEE OR CERTIFICATE HOLDER ON PROBATION, REPRIMAND
19 ANY LICENSEE OR CERTIFICATE HOLDER, OR SUSPEND OR REVOKE A LICENSE
20 OR CERTIFICATE, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING \$5,000:

21 (1) INSTEAD OF PLACING THE LICENSEE OR CERTIFICATE
22 HOLDER ON PROBATION, REPRIMANDING THE LICENSEE OR CERTIFICATE
23 HOLDER, OR SUSPENDING OR REVOKING THE LICENSE OR CERTIFICATE; OR

24 (2) IN ADDITION TO PLACING THE LICENSEE OR CERTIFICATE
25 HOLDER ON PROBATION, REPRIMANDING THE LICENSEE OR CERTIFICATE
26 HOLDER, OR SUSPENDING OR REVOKING THE LICENSE OR CERTIFICATE.

27 (B) THE BOARD SHALL ADOPT REGULATIONS TO SET STANDARDS FOR
28 THE IMPOSITION OF PENALTIES UNDER THIS SECTION.

29 (C) THE BOARD SHALL PAY ANY MONEY COLLECTED UNDER THIS
30 SECTION INTO THE GENERAL FUND OF THE STATE.

31 **17-511.**

1 (A) **EXCEPT AS OTHERWISE PROVIDED IN TITLE 10, SUBTITLE 2 OF THE**
2 **STATE GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY ACTION UNDER**
3 **§ 17-509 OF THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM**
4 **THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE**
5 **BOARD.**

6 (B) **THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN**
7 **ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT**
8 **ARTICLE.**

9 (C) **THE HEARING NOTICE TO BE GIVEN TO THE INDIVIDUAL SHALL BE**
10 **SERVED PERSONALLY OR BY REGISTERED MAIL TO THE LAST KNOWN ADDRESS**
11 **OF THE INDIVIDUAL AT LEAST 30 DAYS BEFORE THE HEARING.**

12 (D) **THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY**
13 **COUNSEL.**

14 (E) **(1) OVER THE SIGNATURE OF AN OFFICER OR THE**
15 **ADMINISTRATOR OF THE BOARD, THE BOARD MAY ISSUE SUBPOENAS AND**
16 **ADMINISTER OATHS IN CONNECTION WITH ANY INVESTIGATION UNDER THIS**
17 **TITLE AND ANY HEARINGS OR PROCEEDINGS BEFORE IT.**

18 **(2) IF, WITHOUT LAWFUL EXCUSE, A PERSON DISOBEYS A**
19 **SUBPOENA FROM THE BOARD OR AN ORDER BY THE BOARD TO TAKE AN OATH**
20 **OR TO TESTIFY OR ANSWER A QUESTION, THEN, ON PETITION OF THE BOARD, A**
21 **COURT OF COMPETENT JURISDICTION MAY PUNISH THE PERSON AS FOR**
22 **CONTEMPT OF COURT.**

23 (F) **IF AFTER DUE NOTICE THE INDIVIDUAL AGAINST WHOM THE ACTION**
24 **IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD MAY HEAR AND**
25 **DETERMINE THE MATTER.**

26 **17-512.**

27 (A) **EXCEPT AS PROVIDED IN THIS SECTION FOR AN ACTION UNDER §**
28 **17-409 OF THIS TITLE, ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE**
29 **BOARD IN A CONTESTED CASE, AS DEFINED IN § 10-201 OF THE STATE**
30 **GOVERNMENT ARTICLE, MAY:**

31 **(1) APPEAL THAT DECISION TO THE BOARD OF REVIEW; AND**

32 **(2) THEN TAKE ANY FURTHER APPEAL ALLOWED BY TITLE 10,**
33 **SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.**

1 **(B) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD**
2 **UNDER § 17-509 OF THIS SUBTITLE:**

3 **(1) MAY NOT APPEAL TO THE BOARD OF REVIEW; BUT**

4 **(2) MAY TAKE A DIRECT JUDICIAL APPEAL AS PROVIDED IN**
5 **TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.**

6 **(C) AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING JUDICIAL**
7 **REVIEW.**

8 **(D) THE BOARD MAY APPEAL FROM ANY DECISION THAT REVERSES OR**
9 **MODIFIES ITS ORDER.**

10 **17-513.**

11 **(A) AN ACTION MAY BE MAINTAINED IN THE NAME OF THE STATE OR**
12 **THE BOARD TO ENJOIN:**

13 **(1) THE UNAUTHORIZED PRACTICE OF ALCOHOL AND DRUG**
14 **COUNSELING AND CLINICAL ALCOHOL AND DRUG COUNSELING, MARRIAGE AND**
15 **FAMILY THERAPY AND CLINICAL MARRIAGE AND FAMILY THERAPY, OR**
16 **PROFESSIONAL COUNSELING AND CLINICAL PROFESSIONAL COUNSELING; OR**

17 **(2) CONDUCT THAT IS A GROUND FOR DISCIPLINARY ACTION**
18 **UNDER § 17-509 OF THIS SUBTITLE.**

19 **(B) AN ACTION UNDER THIS SECTION MAY BE BROUGHT BY:**

20 **(1) THE BOARD, IN ITS OWN NAME;**

21 **(2) THE ATTORNEY GENERAL, IN THE NAME OF THE STATE; OR**

22 **(3) A STATE'S ATTORNEY, IN THE NAME OF THE STATE.**

23 **(C) AN ACTION UNDER THIS SECTION SHALL BE BROUGHT IN THE**
24 **COUNTY WHERE THE DEFENDANT:**

25 **(1) RESIDES; OR**

26 **(2) ENGAGES IN THE ACTS SOUGHT TO BE ENJOINED.**

1 **(D) PROOF OF ACTUAL DAMAGES OR THAT ANY PERSON WILL SUSTAIN**
2 **ANY DAMAGES IF AN INJUNCTION IS NOT GRANTED IS NOT REQUIRED FOR AN**
3 **ACTION UNDER THIS SECTION.**

4 **(E) AN ACTION UNDER THIS SECTION IS IN ADDITION TO AND NOT**
5 **INSTEAD OF CRIMINAL PROSECUTION FOR THE UNAUTHORIZED PRACTICE OF**
6 **ALCOHOL AND DRUG COUNSELING AND CLINICAL ALCOHOL AND DRUG**
7 **COUNSELING, MARRIAGE AND FAMILY THERAPY AND CLINICAL MARRIAGE AND**
8 **FAMILY THERAPY, OR PROFESSIONAL COUNSELING AND CLINICAL**
9 **PROFESSIONAL COUNSELING, UNDER § 17-301, § 17-601, § 17-602, OR § 17-603**
10 **OF THIS TITLE OR DISCIPLINARY ACTION UNDER § 17-509 OF THIS SUBTITLE.**

11 **17-514.**

12 **FOR REASONS THE BOARD CONSIDERS SUFFICIENT, AND ON THE**
13 **AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS THEN SERVING, THE**
14 **BOARD MAY:**

15 **(1) REINSTATE A LICENSE OR CERTIFICATE THAT HAS BEEN**
16 **REVOKED;**

17 **(2) REDUCE THE PERIOD OF A SUSPENSION OR PROBATION; OR**

18 **(3) WITHDRAW A REPRIMAND.**

19 **17-515.**

20 **(A) IN THIS SECTION, “COUNSELOR AND THERAPIST REHABILITATION**
21 **COMMITTEE” MEANS A COMMITTEE THAT:**

22 **(1) IS DESCRIBED IN SUBSECTION (B) OF THIS SECTION; AND**

23 **(2) PERFORMS ANY OF THE FUNCTIONS LISTED IN SUBSECTION**
24 **(D) OF THIS SECTION.**

25 **(B) FOR PURPOSES OF THIS SECTION, A COUNSELOR AND THERAPIST**
26 **REHABILITATION COMMITTEE IS A COMMITTEE OF THE BOARD OR A**
27 **COMMITTEE OF ANY ASSOCIATION OR ASSOCIATIONS REPRESENTING ALCOHOL**
28 **AND DRUG COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, OR**
29 **PROFESSIONAL COUNSELORS THAT:**

30 **(1) IS RECOGNIZED BY THE BOARD; AND**

1 (2) INCLUDES BUT IS NOT LIMITED TO ALCOHOL AND DRUG
2 COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND PROFESSIONAL
3 COUNSELORS.

4 (C) A REHABILITATION COMMITTEE OF THE BOARD OR RECOGNIZED BY
5 THE BOARD MAY FUNCTION:

6 (1) SOLELY FOR THE BOARD; OR

7 (2) JOINTLY WITH A REHABILITATION COMMITTEE
8 REPRESENTING ANOTHER BOARD OR BOARDS.

9 (D) FOR PURPOSES OF THIS SECTION, A COUNSELOR AND THERAPIST
10 REHABILITATION COMMITTEE EVALUATES AND PROVIDES ASSISTANCE TO ANY
11 ALCOHOL AND DRUG COUNSELOR, MARRIAGE AND FAMILY THERAPIST,
12 PROFESSIONAL COUNSELOR, AND ANY OTHER INDIVIDUAL REGULATED BY THE
13 BOARD, IN NEED OF TREATMENT AND REHABILITATION FOR ALCOHOLISM,
14 DRUG ABUSE, CHEMICAL DEPENDENCY, OR OTHER PHYSICAL, EMOTIONAL, OR
15 MENTAL CONDITION.

16 (E) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE
17 PROCEEDINGS, RECORDS, AND FILES OF THE COUNSELOR AND THERAPIST
18 REHABILITATION COMMITTEE ARE NOT DISCOVERABLE AND ARE NOT
19 ADMISSIBLE IN EVIDENCE IN ANY CIVIL ACTION ARISING OUT OF THE MATTERS
20 THAT ARE BEING OR HAVE BEEN REVIEWED AND EVALUATED BY THE
21 COUNSELOR AND THERAPIST REHABILITATION COMMITTEE.

22 (2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO
23 ANY RECORD OR DOCUMENT THAT IS CONSIDERED BY THE COUNSELOR AND
24 THERAPIST REHABILITATION COMMITTEE AND THAT OTHERWISE WOULD BE
25 SUBJECT TO DISCOVERY OR INTRODUCTION INTO EVIDENCE IN A CIVIL ACTION.

26 (3) FOR PURPOSES OF THIS SUBSECTION, CIVIL ACTION DOES
27 NOT INCLUDE A PROCEEDING BEFORE THE BOARD OR JUDICIAL REVIEW OF A
28 PROCEEDING BEFORE THE BOARD.

29 (F) A PERSON WHO ACTS IN GOOD FAITH AND WITHIN THE SCOPE OF
30 JURISDICTION OF A COUNSELOR AND THERAPIST REHABILITATION COMMITTEE
31 IS NOT CIVILLY LIABLE FOR ANY ACTION AS A MEMBER OF THE COUNSELOR AND
32 THERAPIST REHABILITATION COMMITTEE OR FOR GIVING INFORMATION TO,
33 PARTICIPATING IN, OR CONTRIBUTING TO THE FUNCTION OF THE COUNSELOR
34 AND THERAPIST REHABILITATION COMMITTEE.

1 **SUBTITLE 6. PROHIBITED ACTS; PENALTIES.**

2 **17-601.**

3 **UNLESS AN INDIVIDUAL IS LICENSED TO PRACTICE CLINICAL ALCOHOL**
4 **AND DRUG COUNSELING, CLINICAL MARRIAGE AND FAMILY THERAPY, OR**
5 **CLINICAL PROFESSIONAL COUNSELING, AN INDIVIDUAL MAY NOT:**

6 **(1) REPRESENT TO THE PUBLIC BY TITLE, BY DESCRIPTION OF**
7 **SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE INDIVIDUAL**
8 **IS LICENSED BY THE BOARD TO PROVIDE CLINICAL ALCOHOL AND DRUG**
9 **COUNSELING SERVICES, CLINICAL MARRIAGE AND FAMILY THERAPY SERVICES,**
10 **OR CLINICAL PROFESSIONAL COUNSELING SERVICES IN THE STATE;**

11 **(2) USE ANY TITLE, ABBREVIATION, SIGN, CARD, OR OTHER**
12 **REPRESENTATION THAT THE INDIVIDUAL IS A LICENSED CLINICAL ALCOHOL**
13 **AND DRUG COUNSELOR, LICENSED CLINICAL MARRIAGE AND FAMILY**
14 **THERAPIST, OR LICENSED CLINICAL PROFESSIONAL COUNSELOR; OR**

15 **(3) USE THE TITLE “L.C.A.D.C.”, “L.C.M.F.T.”, OR “L.C.P.C.”**
16 **OR THE WORDS “LICENSED CLINICAL ALCOHOL AND DRUG COUNSELOR”,**
17 **“LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST”, OR “LICENSED**
18 **CLINICAL PROFESSIONAL COUNSELOR” WITH THE INTENT TO REPRESENT THAT**
19 **THE INDIVIDUAL PRACTICES CLINICAL ALCOHOL AND DRUG COUNSELING,**
20 **CLINICAL MARRIAGE AND FAMILY THERAPY, OR CLINICAL PROFESSIONAL**
21 **COUNSELING.**

22 **17-602.**

23 **EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, UNLESS AN INDIVIDUAL**
24 **HAS BEEN APPROVED BY THE BOARD TO PRACTICE AS A LICENSED GRADUATE**
25 **ALCOHOL AND DRUG COUNSELOR, A LICENSED GRADUATE PROFESSIONAL**
26 **COUNSELOR, OR A LICENSED GRADUATE MARRIAGE AND FAMILY THERAPIST**
27 **THE INDIVIDUAL MAY NOT:**

28 **(1) USE THE TITLE “LICENSED GRADUATE ALCOHOL AND DRUG**
29 **COUNSELOR”, “LICENSED GRADUATE PROFESSIONAL COUNSELOR”, OR**
30 **“LICENSED GRADUATE MARRIAGE AND FAMILY THERAPIST”;**

31 **(2) USE THE INITIALS “L.G.A.D.C.”, “L.G.P.C.”, OR**
32 **“L.G.M.F.T.” AFTER THE NAME OF THE INDIVIDUAL;**

1 (3) REPRESENT TO THE PUBLIC THAT THE INDIVIDUAL IS
2 APPROVED BY THE BOARD TO PRACTICE ALCOHOL AND DRUG COUNSELING,
3 PROFESSIONAL COUNSELING, OR MARRIAGE AND FAMILY THERAPY; OR

4 (4) USE ANY TITLE, ABBREVIATION, SIGN, CARD, OR OTHER
5 REPRESENTATION THAT THE INDIVIDUAL IS A LICENSED GRADUATE ALCOHOL
6 AND DRUG COUNSELOR, A LICENSED GRADUATE PROFESSIONAL COUNSELOR,
7 OR A LICENSED GRADUATE MARRIAGE AND FAMILY THERAPIST.

8 **17-603.**

9 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, UNLESS AN INDIVIDUAL
10 IS CERTIFIED TO PRACTICE ALCOHOL AND DRUG COUNSELING, MARRIAGE AND
11 FAMILY THERAPY, OR PROFESSIONAL COUNSELING, THE INDIVIDUAL MAY NOT:

12 (1) REPRESENT TO THE PUBLIC BY TITLE, BY DESCRIPTION OF
13 SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE INDIVIDUAL
14 IS CERTIFIED BY THE BOARD TO PROVIDE COUNSELING OR THERAPY SERVICES
15 IN THIS STATE;

16 (2) USE ANY TITLE, ABBREVIATION, SIGN, CARD, OR OTHER
17 REPRESENTATION THAT THE INDIVIDUAL IS A CERTIFIED PROFESSIONAL
18 COUNSELOR, CERTIFIED PROFESSIONAL COUNSELOR-MARRIAGE AND FAMILY
19 THERAPIST, CERTIFIED PROFESSIONAL COUNSELOR-ALCOHOL AND DRUG,
20 CERTIFIED ASSOCIATE COUNSELOR-ALCOHOL AND DRUG, OR CERTIFIED
21 SUPERVISED COUNSELOR-ALCOHOL AND DRUG; OR

22 (3) USE THE TITLE "C.P.C.", "C.P.C.-M.F.T.", "C.P.C.-A.D.",
23 "C.A.C.-A.D.", OR "C.S.C.-A.D.", THE WORDS "CERTIFIED PROFESSIONAL
24 COUNSELOR" OR "CERTIFIED PROFESSIONAL COUNSELOR-MARRIAGE AND
25 FAMILY THERAPIST", OR THE WORDS "CERTIFIED COUNSELOR" OR "CERTIFIED
26 MARRIAGE AND FAMILY THERAPIST" WITH THE INTENT TO REPRESENT THAT
27 THE INDIVIDUAL PRACTICES PROFESSIONAL COUNSELING OR MARRIAGE AND
28 FAMILY THERAPY, OR THE WORDS "CERTIFIED PROFESSIONAL
29 COUNSELOR-ALCOHOL AND DRUG", "CERTIFIED ASSOCIATE
30 COUNSELOR-ALCOHOL AND DRUG", "CERTIFIED SUPERVISED
31 COUNSELOR-ALCOHOL AND DRUG" WITH THE INTENT TO REPRESENT THAT THE
32 INDIVIDUAL PRACTICES ALCOHOL AND DRUG COUNSELING.

33 **17-604.**

34 (A) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE OR
35 § 17-301 OF THIS TITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS

1 SUBJECT TO A FINE NOT EXCEEDING \$2,000 OR IMPRISONMENT NOT
2 EXCEEDING 1 YEAR OR BOTH.

3 (B) EACH VIOLATION OF THIS SUBTITLE IS A SEPARATE OFFENSE.

4 SUBTITLE 7. SHORT TITLE; TERMINATION OF TITLE.

5 17-701.

6 THIS TITLE MAY BE CITED AS THE "MARYLAND PROFESSIONAL
7 COUNSELORS AND THERAPISTS ACT".

8 17-702.

9 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF
10 THE MARYLAND PROGRAM EVALUATION ACT, THIS TITLE AND ALL RULES OR
11 REGULATIONS ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO
12 EFFECT AFTER JULY 1, 2019.

13 Article - State Government

14 8-403.

15 (a) On or before December 15 of the 2nd year before the evaluation date of a
16 governmental activity or unit, the Legislative Policy Committee, based on a
17 preliminary evaluation, may waive as unnecessary the evaluation required under this
18 section.

19 (b) Except as otherwise provided in subsection (a) of this section, on or before
20 the evaluation date for the following governmental activities or units, an evaluation
21 shall be made of the following governmental activities or units and the statutes and
22 regulations that relate to the governmental activities or units:

23 (16) Counselors and Therapists, State Board of Professional (§ 17-201
24 of the Health Occupations Article: [July 1, 2008] **JULY 1, 2018**);

25 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
26 read as follows:

27 Article - Health Occupations

28 17-405.1.

29 (A) (1) THE BOARD SHALL WAIVE THE REQUIREMENTS FOR
30 CERTIFICATION AS A CERTIFIED PROFESSIONAL COUNSELOR-ALCOHOL AND
31 DRUG UNDER § 17-402 OF THIS SUBTITLE FOR ANY INDIVIDUAL WHO:

1 (I) HAD FILED A LETTER OF INTENT WITH THE BOARD BY
2 **OCTOBER 1, 2001;**

3 (II) FILES AN APPLICATION FOR CERTIFICATION AS A
4 **CERTIFIED PROFESSIONAL COUNSELOR-ALCOHOL AND DRUG ON OR BEFORE**
5 **MAY 1, 2009;**

6 (III) HOLDS A MASTER'S OR DOCTORAL DEGREE IN A
7 **HEALTH AND HUMAN SERVICES COUNSELING FIELD OR HAS COMPLETED A**
8 **PROGRAM THAT THE BOARD DETERMINES TO BE SUBSTANTIALLY EQUIVALENT**
9 **IN SUBJECT MATTER AND EXTENT OF TRAINING AS A MASTER'S OR DOCTORAL**
10 **DEGREE IN A HEALTH AND HUMAN SERVICES COUNSELING FIELD;**

11 (IV) AS OF JULY 1, 2001, WAS CERTIFIED AS A CERTIFIED
12 **CHEMICAL DEPENDENCY COUNSELOR, ITS EQUIVALENT, OR HIGHER BY THE**
13 **MARYLAND ADDICTION COUNSELOR CERTIFICATION BOARD, ANOTHER STATE,**
14 **THE CERTIFICATION COMMISSION OF THE NATIONAL ASSOCIATION OF**
15 **ALCOHOLISM AND DRUG ABUSE COUNSELORS, OR THE INTERNATIONAL**
16 **CERTIFICATION RECIPROCITY CONSORTIUM, OR WAS EMPLOYED IN THE**
17 **CAPACITY OF A PROGRAM SPECIALIST I, II, III, OR ITS EQUIVALENT, OR**
18 **HIGHER, IN AN AGENCY OR FACILITY ACCREDITED BY THE JOINT COMMISSION**
19 **ON THE ACCREDITATION OF HEALTH CARE ORGANIZATIONS OR CERTIFIED**
20 **UNDER TITLE 8, SUBTITLE 4 OF THE HEALTH - GENERAL ARTICLE;**

21 (V) HAS COMPLETED NOT LESS THAN 3 YEARS WITH A
22 **MINIMUM OF 3,000 HOURS OF SUPERVISED EXPERIENCE IN ALCOHOL AND DRUG**
23 **ABUSE COUNSELING APPROVED BY THE BOARD, 2 YEARS OF WHICH SHALL**
24 **HAVE BEEN COMPLETED AFTER THE AWARD OF THE MASTER'S OR DOCTORAL**
25 **DEGREE; AND**

26 (VI) HAD, BY OCTOBER 1, 2001, SUCCESSFULLY PASSED AN
27 **EXAMINATION APPROVED BY THE BOARD.**

28 (2) **THE BOARD SHALL WAIVE THE REQUIREMENTS FOR**
29 **CERTIFICATION AS A CERTIFIED ASSOCIATE COUNSELOR-ALCOHOL AND DRUG**
30 **FOR ANY INDIVIDUAL WHO:**

31 (I) HAD FILED A LETTER OF INTENT WITH THE BOARD BY
32 **OCTOBER 1, 2001;**

33 (II) FILES AN APPLICATION FOR CERTIFICATION AS A
34 **CERTIFIED ASSOCIATE COUNSELOR-ALCOHOL AND DRUG ON OR BEFORE MAY 1,**
35 **2009;**

1 **(III) HOLDS A BACHELOR’S DEGREE IN A HEALTH AND**
2 **HUMAN SERVICES COUNSELING FIELD OR HAS COMPLETED A PROGRAM THAT**
3 **THE BOARD DETERMINES TO BE SUBSTANTIALLY EQUIVALENT IN SUBJECT**
4 **MATTER AND EXTENT OF TRAINING TO A BACHELOR’S DEGREE IN A HEALTH AND**
5 **HUMAN SERVICES COUNSELING FIELD;**

6 **(IV) AS OF JULY 1, 2001, WAS CERTIFIED AS A CERTIFIED**
7 **CHEMICAL DEPENDENCY COUNSELOR, ITS EQUIVALENT, OR HIGHER, BY THE**
8 **MARYLAND ADDICTION COUNSELOR CERTIFICATION BOARD, ANOTHER STATE,**
9 **THE CERTIFICATION COMMISSION OF THE NATIONAL ASSOCIATION OF**
10 **ALCOHOLISM AND DRUG ABUSE COUNSELORS, OR THE INTERNATIONAL**
11 **CERTIFICATION RECIPROCITY CONSORTIUM, OR WAS EMPLOYED IN THE**
12 **CAPACITY OF A PROGRAM SPECIALIST I, II, III, OR ITS EQUIVALENT, OR**
13 **HIGHER, IN AN AGENCY OR FACILITY ACCREDITED BY THE JOINT COMMISSION**
14 **ON THE ACCREDITATION OF HEALTH CARE ORGANIZATIONS OR CERTIFIED**
15 **UNDER TITLE 8, SUBTITLE 4 OF THE HEALTH – GENERAL ARTICLE; AND**

16 **(V) HAS COMPLETED NOT LESS THAN 3 YEARS WITH A**
17 **MINIMUM OF 3,000 HOURS OF SUPERVISED EXPERIENCE IN ALCOHOL AND DRUG**
18 **ABUSE COUNSELING APPROVED BY THE BOARD, 2 YEARS OF WHICH SHALL**
19 **HAVE BEEN COMPLETED AFTER THE AWARD OF THE BACHELOR’S DEGREE OR A**
20 **PROGRAM THAT THE BOARD DETERMINES TO BE SUBSTANTIALLY EQUIVALENT**
21 **IN SUBJECT MATTER AND EXTENT OF TRAINING.**

22 **(3) THE BOARD SHALL WAIVE THE REQUIREMENTS FOR**
23 **CERTIFICATION AS A CERTIFIED SUPERVISED COUNSELOR–ALCOHOL AND DRUG**
24 **FOR ANY INDIVIDUAL WHO:**

25 **(I) HAD FILED A LETTER OF INTENT WITH THE BOARD BY**
26 **OCTOBER 1, 2001;**

27 **(II) FILES AN APPLICATION FOR CERTIFICATION AS A**
28 **CERTIFIED SUPERVISED COUNSELOR–ALCOHOL AND DRUG ON OR BEFORE MAY**
29 **1, 2009;**

30 **(III) HOLDS AN ASSOCIATE’S DEGREE IN HEALTH AND**
31 **HUMAN SERVICES COUNSELING OR HAS COMPLETED A PROGRAM THAT THE**
32 **BOARD DETERMINES TO BE SUBSTANTIALLY EQUIVALENT IN SUBJECT MATTER**
33 **AND EXTENT OF TRAINING TO AN ASSOCIATE’S DEGREE IN HEALTH AND HUMAN**
34 **SERVICES COUNSELING; OR**

35 **(IV) AS OF JULY 1, 2001, WAS CERTIFIED AS A CERTIFIED**
36 **ALCOHOLISM COUNSELOR, CERTIFIED DRUG COUNSELOR, OR HIGHER, BY THE**

1 **MARYLAND ADDICTION COUNSELOR CERTIFICATION BOARD, ANOTHER STATE,**
2 **THE CERTIFICATION COMMISSION OF THE NATIONAL ASSOCIATION OF**
3 **ALCOHOLISM AND DRUG ABUSE COUNSELORS, OR THE INTERNATIONAL**
4 **CERTIFICATION RECIPROCIITY CONSORTIUM, OR WAS EMPLOYED IN THE**
5 **CAPACITY OF AN ADDICTION COUNSELOR II OR III, OR ITS EQUIVALENT, OR**
6 **HIGHER, IN AN AGENCY OR FACILITY ACCREDITED BY THE JOINT COMMISSION**
7 **ON THE ACCREDITATION OF HEALTH CARE ORGANIZATIONS OR CERTIFIED**
8 **UNDER TITLE 8, SUBTITLE 4 OF THE HEALTH – GENERAL ARTICLE.**

9 SECTION 4. AND BE IT FURTHER ENACTED, That:

10 (a) The term of the professional counselor member of the Board of
11 Professional Counselors and Therapists whose term is scheduled to expire on June 30,
12 2009, shall terminate at the end of June 30, 2009, at which time no successors shall be
13 appointed.

14 (b) The Governor shall appoint two alcohol and drug counselor members and
15 one marriage and family therapist member in accordance with § 17–202 of the Health
16 Occupations Article, as enacted by Section 5 of this Act. These members shall serve a
17 term of 4 years which shall begin on July 1, 2009, and the members shall serve until a
18 successor is appointed and qualifies.

19 (c) Notwithstanding the provisions of § 17–202 of the Health Occupations
20 Article, as enacted by Section 2 of this Act, the term of the certified associate
21 counselor–alcohol and drug or certified supervised counselor–alcohol and drug advisor
22 to the Board appointed by the Governor on or before October 1, 2008, shall terminate
23 at the end of June 30, 2009.

24 SECTION 5. AND BE IT FURTHER ENACTED, That:

25 (a) On or before October 1, 2010, the State Board of Professional Counselors
26 and Therapists shall submit, in accordance with § 2–1246 of the State Government
27 Article, to the Senate Education, Health, and Environmental Affairs Committee and
28 the House Health and Government Operations Committee an interim report on
29 Board’s actions concerning the recommendations contained in the sunset review report
30 of the State Board of Professional Counselors and Therapists published by the
31 Department of Legislative Services in October 2007.

32 (b) The interim report shall include an explanation of:

33 (1) the results of the Board’s review of the certification structure for
34 alcohol and drug counselors to determine whether the current three–tiered structure
35 is of continued benefit to the profession and the public, including any proposed
36 alternatives to the current structure;

1 (2) the results of the Board's evaluation of the current revenue
2 structure to determine levels necessary to reach a reasonable fund balance by the end
3 of fiscal year 2011; and

4 (3) the implementation of any other recommendations contained in the
5 report referenced in subsection (a) of this section.

6 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2008. Section 3 of this Act shall remain effective for a period of 1 year and,
8 at the end of September 30, 2009, with no further action required by the General
9 Assembly, Section 3 of this Act shall be abrogated and of no further force and effect.