

SENATE BILL 502

J2

(8lr0903)

ENROLLED BILL

*—Education, Health, and Environmental Affairs/Health and Government
Operations—*

Introduced by **Chair, Education, Health, and Environmental Affairs Committee**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



1 alcohol counselor advisor to the Board; requiring a marriage and family
2 therapist or an alcohol and drug counselor board member to vote before certain
3 action is taken against certain professional counselors; prohibiting certain
4 individuals from practicing clinical alcohol and drug counseling, marriage and
5 family therapy, or professional counseling unless they are licensed by the
6 Board; providing for certain exemptions from licensing requirements;
7 establishing certain qualifications for the licensure of clinical alcohol and drug
8 counselors, clinical marriage and family therapists, and clinical professional
9 counselors; establishing certain requirements for applications for licensure,
10 certification, and examination of applicants; authorizing the Board to waive
11 certain requirements for licensure or certification under certain circumstances;
12 establishing procedures for the issuance of licenses and certificates; requiring
13 licenses and certificates to include certain information; authorizing the Board to
14 replace certain licenses or certificates under certain circumstances; providing
15 for the scope of certain licenses and certificates; providing for the terms and
16 renewal of certain licenses and certificates; requiring the Board to place certain
17 licensees or certificate holders on inactive status under certain circumstances;
18 prohibiting the Board from placing certain certificates on inactive status;
19 authorizing the Board to reinstate certain licenses or certain certificates under
20 certain circumstances; prohibiting the reinstatement of certain certificates;
21 authorizing the Board to adopt certain regulations to allow certain individuals
22 to practice under supervision as licensed graduate alcohol and drug counselors,
23 marriage and family therapists, and professional counselors; establishing
24 qualifications for licensed graduate alcohol and drug counselors, marriage and
25 family therapists, and professional counselors; prohibiting the practice of
26 licensed graduate professional counseling unless approved by the Board;
27 requiring certain licensees and certificate holders to display a certain license or
28 certificate in a certain manner; requiring certain licensees or certificate holders
29 to furnish a certain professional disclosure statement that includes certain
30 information; prohibiting the surrender of a certain license under certain
31 circumstances and providing for a certain exception; authorizing the Board to
32 deny, probate, reprimand, suspend, or revoke the license, certificate, or
33 application of certain licensees, certificate holders, or applicants if an individual
34 violates certain disciplinary grounds; establishing certain civil penalties under
35 certain circumstances; requiring the Board to adopt certain regulations
36 concerning the imposition of certain penalties; requiring the Board to pay
37 certain money collected into the General Fund of the State; establishing certain
38 hearing and appeal procedures; authorizing the Board to enjoin certain actions;
39 authorizing the Board to reinstate a certain license or certificate, reduce a
40 certain suspension or probation, or withdraw a reprimand under certain
41 circumstances; establishing a counselor and therapist rehabilitation committee;
42 establishing the purpose, function, and duties of the counselor and therapist
43 rehabilitation committee; providing that certain committee records are not
44 discoverable in certain proceedings; establishing civil immunity for members of
45 the committee for actions taken within the scope of the committee's jurisdiction;
46 requiring certain individuals to be certified before practicing alcohol and drug
47 counseling, marriage and family therapy, and professional counseling, using

1 certain titles, or representing certain certification; establishing qualifications
 2 for certification as a certified professional counselor–alcohol and drug, certified
 3 associate counselor–alcohol and drug, and certified supervised
 4 counselor–alcohol and drug; authorizing certain individuals to practice clinical
 5 alcohol and drug counseling, clinical marriage and family therapy, or clinical
 6 professional counseling without a license or to practice alcohol and drug
 7 counseling, marriage and family therapy, or professional counseling without a
 8 certificate for a certain amount of time under certain circumstances as a
 9 trainee; prohibiting certain unlicensed individuals from making certain
 10 representations to the public and using certain titles or words with the intent to
 11 represent that the individual practices clinical counseling or therapy or licensed
 12 graduate counseling or therapy; prohibiting certain uncertified individuals from
 13 making certain representations to the public and using certain titles or words
 14 with the intent to represent that the individual practices certain counseling or
 15 therapy; establishing certain penalties; establishing a certain short title;
 16 requiring the Board to waive certain requirements for certification as alcohol
 17 and drug counselors for certain individuals who have certain qualifications;
 18 requiring certain individuals applying for certification as alcohol and drug
 19 counselors under a certain waiver to apply for certification by a certain date;
 20 ~~providing for the termination of the term of a member of the Board;~~ providing
 21 for the appointment of certain members of the Board to serve certain terms
 22 until certain successors are appointed; providing that the term of a certain
 23 Board advisor terminate on a certain date; requiring the Board to submit a
 24 certain interim report including certain information to certain committees of the
 25 General Assembly on or before a certain date; defining certain terms; making
 26 certain technical changes; providing for the termination of certain provisions of
 27 this Act; and generally relating to the State Board of Professional Counselors
 28 and Therapists and the licensing and certification of counselors and therapists.

29 BY repealing

30 Article – Health Occupations

31 Section 17–301 through 17–317 and the subtitle “Subtitle 3. Certification”;
 32 17–3A–01 through 17–3A–13 and the subtitle “Subtitle 3A. Licensing”;
 33 17–401 and 17–402 and the subtitle “Subtitle 4. Prohibited Acts;
 34 Penalties”; and 17–501 and 17–502 and the subtitle “Subtitle 5. Short
 35 Title; Termination of Title”

36 Annotated Code of Maryland

37 (2005 Replacement Volume and 2007 Supplement)

38 BY repealing and reenacting, with amendments,

39 Article – Health Occupations

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

41 Annotated Code of Maryland

42 (2005 Replacement Volume and 2007 Supplement)

43 BY repealing and reenacting, without amendments,

44 Article – Health Occupations

1 Section 17–103, 17–201, 17–203, 17–204, and 17–206
 2 Annotated Code of Maryland
 3 (2005 Replacement Volume and 2007 Supplement)

4 BY repealing
 5 Article – Health Occupations
 6 Section 17–104
 7 Annotated Code of Maryland
 8 (2005 Replacement Volume and 2007 Supplement)

9 BY adding to
 10 Article – Health Occupations
 11 Section 17–301 through 17–309 to be under the new subtitle “Subtitle 3.
 12 Licensing”; 17–401 through 17–405.1 and 17–406 to be under the new
 13 subtitle “Subtitle 4. Certification”; 17–501 through 17–515 to be under
 14 the new subtitle “Subtitle 5. General Provisions; Disciplinary Actions”;
 15 17–601 through 17–604 to be under the new subtitle “Subtitle 6.
 16 Prohibited Acts; Penalties”; and 17–701 and 17–702 to be under the new
 17 subtitle “Subtitle 7. Short Title; Termination of Title”
 18 Annotated Code of Maryland
 19 (2005 Replacement Volume and 2007 Supplement)

20 BY repealing and reenacting, without amendments,
 21 Article – State Government
 22 Section 8–403(a)
 23 Annotated Code of Maryland
 24 (2004 Replacement Volume and 2007 Supplement)

25 BY repealing and reenacting, with amendments,
 26 Article – State Government
 27 Section 8–403(b)(16)
 28 Annotated Code of Maryland
 29 (2004 Replacement Volume and 2007 Supplement)

30 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 31 MARYLAND, That Section(s) 17–301 through 17–317 and the subtitle “Subtitle 3.
 32 Certification”; 17–3A–01 through 17–3A–13 and the subtitle “Subtitle 3A. Licensing”;
 33 17–401 and 17–402 and the subtitle “Subtitle 4. Prohibited Acts; Penalties”; and
 34 17–501 and 17–502 and the subtitle “Subtitle 5. Short Title; Termination of Title” of
 35 Article – Health Occupations of the Annotated Code of Maryland be repealed.

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

38 **Article – Health Occupations**

39 17–101.

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

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

4 (1) To develop understanding of intrapersonal and interpersonal
5 substance abuse problems;

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

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

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

10 (5) To use informational and community substance abuse resources
11 relating to personal, social, emotional, educational, and vocational development and
12 adjustment.

13 (c) (1) “Appraisal” means:

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

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

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

26 (d) “Board” means the State Board of Professional Counselors and
27 Therapists.

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

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

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

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

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

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

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

15 (1) To develop understanding of intrapersonal and interpersonal
16 problems;

17 (2) To define goals;

18 (3) To make decisions;

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

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

24 (j) “Fund” means the State Board of Professional Counselors and Therapists
25 Fund.

26 (K) **“LICENSE” MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE,**
27 **ONE OF SIX TYPES OF LICENSES ISSUED BY THE BOARD AUTHORIZING AN**
28 **INDIVIDUAL TO PRACTICE:**

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

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

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

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

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

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

4 (L) **“LICENSED GRADUATE ALCOHOL AND DRUG COUNSELOR” MEANS**
5 **AN INDIVIDUAL APPROVED BY THE BOARD TO PRACTICE GRADUATE ALCOHOL**
6 **AND DRUG COUNSELING.**

7 (M) **“LICENSED GRADUATE MARRIAGE AND FAMILY THERAPIST” MEANS**
8 **AN INDIVIDUAL APPROVED BY THE BOARD TO PRACTICE GRADUATE MARRIAGE**
9 **AND FAMILY THERAPY.**

10 (N) **“LICENSED GRADUATE PROFESSIONAL COUNSELOR” MEANS AN**
11 **INDIVIDUAL APPROVED BY THE BOARD TO PRACTICE GRADUATE**
12 **PROFESSIONAL COUNSELING.**

13 [(k)] (O) **“Marriage and family therapy” means applying marriage and**
14 **family systems theory, principles, methods, therapeutic techniques, and research in:**

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

17 (2) The identification and assessment of client needs and the
18 implementation of therapeutic intervention.

19 [(l)] (P) **“Practice alcohol and drug counseling” means to engage**
20 **professionally and for compensation in alcohol and drug counseling activities while**
21 **representing oneself to be a certified professional counselor–alcohol and drug, a**
22 **certified supervised counselor–alcohol and drug, or a certified associate**
23 **counselor–alcohol and drug.**

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

31 (R) **“PRACTICE CLINICAL MARRIAGE AND FAMILY THERAPY” MEANS TO**
32 **ENGAGE PROFESSIONALLY AND FOR COMPENSATION IN MARRIAGE AND FAMILY**
33 **THERAPY AND APPRAISAL ACTIVITIES BY PROVIDING SERVICES INVOLVING THE**
34 **APPLICATION OF THERAPY PRINCIPLES AND METHODS IN THE DIAGNOSIS,**

1 PREVENTION, TREATMENT, AND AMELIORATION OF PSYCHOLOGICAL PROBLEMS
2 AND EMOTIONAL OR MENTAL CONDITIONS OF INDIVIDUALS OR GROUPS.

3 (S) "PRACTICE CLINICAL PROFESSIONAL COUNSELING" MEANS TO
4 ENGAGE PROFESSIONALLY AND FOR COMPENSATION IN COUNSELING AND
5 APPRAISAL ACTIVITIES BY PROVIDING SERVICES INVOLVING THE APPLICATION
6 OF COUNSELING PRINCIPLES AND METHODS IN THE DIAGNOSIS, PREVENTION,
7 TREATMENT, AND AMELIORATION OF PSYCHOLOGICAL PROBLEMS AND
8 EMOTIONAL OR MENTAL CONDITIONS OF INDIVIDUALS OR GROUPS.

9 (T) "PRACTICE GRADUATE ALCOHOL AND DRUG COUNSELING" MEANS
10 TO PRACTICE CLINICAL ALCOHOL AND DRUG COUNSELING:

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

14 (2) WHILE FULFILLING THE REQUIREMENTS FOR SUPERVISED
15 EXPERIENCE UNDER § 17-302 OF THIS SUBTITLE.

16 (U) "PRACTICE GRADUATE MARRIAGE AND FAMILY THERAPY" MEANS
17 TO PRACTICE CLINICAL MARRIAGE AND FAMILY THERAPY:

18 (1) UNDER THE SUPERVISION OF A LICENSED CLINICAL
19 MARRIAGE AND FAMILY THERAPIST OR ANOTHER HEALTH CARE PROVIDER
20 LICENSED UNDER THIS ARTICLE, AS APPROVED BY THE BOARD; AND

21 (2) WHILE FULFILLING THE REQUIREMENTS FOR SUPERVISED
22 EXPERIENCE UNDER § 17-303 OF THIS SUBTITLE.

23 (V) "PRACTICE GRADUATE PROFESSIONAL COUNSELING" MEANS TO
24 PRACTICE CLINICAL PROFESSIONAL COUNSELING:

25 (1) UNDER THE SUPERVISION OF A LICENSED CLINICAL
26 PROFESSIONAL COUNSELOR OR ANOTHER HEALTH CARE PROVIDER LICENSED
27 UNDER THIS ARTICLE, AS APPROVED BY THE BOARD; AND

28 (2) WHILE FULFILLING THE REQUIREMENTS FOR SUPERVISED
29 EXPERIENCE UNDER § 17-304 OF THIS SUBTITLE.

30 [(m)] (W) "Practice marriage and family therapy" means to engage
31 professionally and for compensation in marriage and family therapy activities while
32 representing oneself to be a certified professional counselor-marriage and family
33 therapist.

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

4 17–102.

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

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

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

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

12 17–103.

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

15 [17–104.

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

18 (b) A certificate to practice marriage and family therapy authorizes the
19 certificate holder to practice marriage and family therapy while the certificate is
20 effective.]

21 17–201.

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

23 17–202.

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

26 (2) Of the [nine] ~~11~~ **13** Board members:

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

- 1 1. One who is primarily engaged in professional
2 counselor education;
- 3 2. One who is employed in the private sector;
- 4 3. One who is employed in the public sector; and
- 5 4. Two professional counselors at large];

6 (ii) [One] ~~TWO~~ **THREE** shall be [a] licensed **AS** clinical
7 marriage and family [therapist] **THERAPISTS**;

8 (iii) [One] **THREE** shall be [a] ~~certified AS professional~~
9 ~~[counselor alcohol] COUNSELORS ALCOHOL and drug or~~ licensed **AS** clinical alcohol
10 and drug [counselor] **COUNSELORS**; and

11 (iv) Two shall be consumer members.

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

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

19 (b) The consumer members of the Board:

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

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

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

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

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

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

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

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

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

12 (2) Meet the educational and supervised experience requirements of [§
13 17-302] § **17-303** of this title.

14 (d) The ~~certified professional [counselor alcohol]~~ **COUNSELORS ALCOHOL**
15 ~~and drug or~~ licensed clinical alcohol and drug counselor [member] **MEMBERS** of the
16 Board shall:

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

19 (2) Meet the educational and supervised experience requirements of [§
20 17-302.3] § **17-302, § 17-402, OR § 17-403** of this title.

21 (e) [A certified associate counselor-alcohol and drug or a certified supervised
22 counselor-alcohol and drug shall be appointed by the Governor to serve as an advisor
23 to the Board.

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

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

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

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

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

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

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

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

8 17-203.

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

10 (1) A chairperson;

11 (2) A vice chairperson; and

12 (3) A secretary.

13 (b) The Board shall determine:

14 (1) The manner of election of officers;

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

16 (3) The duties of each officer.

17 17-204.

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

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

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

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

25 17-205.

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

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

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

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

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

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

9 (5) Adopt an official seal; and

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

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

15 (i) Before taking action against the [certified professional
16 counselor–marriage and family therapist or the licensed clinical] marriage and family
17 therapist, the Board discusses the proposed action with [the] A Board member who is
18 a licensed clinical marriage and family therapist; and

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

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

24 (i) Before taking action against the alcohol and drug counselor,
25 the Board discusses the proposed action with [the] A Board member who is a ~~certified~~
26 ~~professional counselor alcohol and drug or~~ licensed clinical alcohol and drug
27 counselor; and

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

31 (3) The Board shall investigate all complaints filed against licensed
32 [professional] counselors **AND THERAPISTS** if, at the time of the violation, the
33 licensed [professional] counselor **OR THERAPIST** has also registered and qualified for

1 psychology associate status by virtue of holding a master's degree under Title 18
2 (Maryland Psychologists Act) of this article.

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

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

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

12 17–206.

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

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

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

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

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

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

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

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

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

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

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

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

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

5 **SUBTITLE 3. LICENSING.**

6 **17-301.**

7 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OF THIS
8 SECTION, AN INDIVIDUAL MAY NOT PRACTICE, ATTEMPT TO PRACTICE, OR
9 OFFER TO PRACTICE CLINICAL ALCOHOL AND DRUG COUNSELING, CLINICAL
10 MARRIAGE AND FAMILY THERAPY, OR CLINICAL PROFESSIONAL COUNSELING IN
11 THE STATE UNLESS LICENSED BY THE BOARD.

12 (B) SUBJECT TO THE REGULATIONS OF THE BOARD, SUBSECTION (A)
13 OF THIS SECTION DOES NOT APPLY TO:

14 (1) A STUDENT WORKING UNDER THE SUPERVISION OF A
15 LICENSED MENTAL HEALTH CARE PROVIDER WHILE PURSUING A SUPERVISED
16 COURSE OF STUDY IN COUNSELING THAT THE BOARD APPROVES AS
17 QUALIFYING TRAINING AND EXPERIENCE UNDER THIS TITLE; OR

18 (2) AN INDIVIDUAL WHO, IN ACCORDANCE WITH § 17-406 OF THIS
19 TITLE, IS WORKING AS A TRAINEE UNDER THE SUPERVISION OF A LICENSED
20 CLINICAL ALCOHOL AND DRUG COUNSELOR OR ANOTHER HEALTH CARE
21 PROVIDER LICENSED OR CERTIFIED UNDER THIS ARTICLE AND APPROVED BY
22 THE BOARD WHILE FULFILLING THE EXPERIENTIAL OR COURSE OF STUDY
23 REQUIREMENTS UNDER § 17-302 OF THIS SUBTITLE OR § 17-402, § 17-403, OR §
24 17-404 OF THIS TITLE.

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

27 **17-302.**

28 (A) TO QUALIFY FOR A LICENSE TO PRACTICE CLINICAL ALCOHOL AND
29 DRUG COUNSELING, AN APPLICANT SHALL BE AN INDIVIDUAL WHO MEETS THE
30 REQUIREMENTS OF THIS SECTION.

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

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

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

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

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

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

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

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

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

19 **(II) GROUP COUNSELING;**

20 **(III) INDIVIDUAL COUNSELING;**

21 **(IV) FAMILY COUNSELING;**

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

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

24 **(VII) HUMAN DEVELOPMENT;**

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

26 **(IX) COURSES PERTAINING TO COUNSELOR CORE**
27 **FUNCTIONS OF SCREENING, INTAKE, ORIENTATION, CASE MANAGEMENT, CRISIS**
28 **INTERVENTION, EDUCATION AND PREVENTION, REFERRAL, CONSULTATION,**

1 REPORTS AND RECORD KEEPING, AND SPECIAL ALCOHOL AND DRUG
2 DEPENDENCY TOPICS.

3 (E) THE APPLICANT SHALL HAVE COMPLETED NOT LESS THAN 3 YEARS
4 WITH A MINIMUM OF 2,000 HOURS OF SUPERVISED EXPERIENCE IN ALCOHOL
5 AND DRUG COUNSELING 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; AND

16 (4) PSYCHOTHERAPY IN ALCOHOL AND DRUG DISORDERS.

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

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

22 **17-303.**

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

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

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

28 (D) (1) EXCEPT AS PROVIDED IN § 17-306 OF THIS SUBTITLE, THE
29 APPLICANT SHALL HOLD A MASTER'S OR DOCTORAL DEGREE IN A MARRIAGE
30 AND FAMILY FIELD OR HAVE COMPLETED A PROGRAM OF STUDIES JUDGED BY

1 **THE BOARD TO BE SUBSTANTIALLY EQUIVALENT IN SUBJECT MATTER AND**
2 **EXTENT OF TRAINING AS REQUIRED UNDER THIS SECTION.**

3 **(2) IN THE CASE OF AN APPLICANT HOLDING A DOCTORAL**
4 **DEGREE, THE APPLICANT SHALL HAVE COMPLETED A MINIMUM OF 90**
5 **GRADUATE CREDIT HOURS IN TRAINING IN MARRIAGE AND FAMILY THERAPY**
6 **APPROVED BY THE BOARD THAT INCLUDES INSTRUCTION IN THE FOLLOWING**
7 **SPECIALIZED AREAS:**

8 **(I) ANALYSIS OF FAMILY SYSTEMS;**

9 **(II) FAMILY THERAPY, THEORY, AND TECHNIQUES;**

10 **(III) COUPLES THERAPY, THEORY, AND TECHNIQUES;**

11 **(IV) GENDER AND ETHNICITY IN MARRIAGE AND FAMILY**
12 **THERAPY; AND**

13 **(V) SEXUAL ISSUES IN MARRIAGE AND FAMILY THERAPY.**

14 **(3) IN THE CASE OF AN APPLICANT HOLDING ONLY A MASTER'S**
15 **DEGREE, THE APPLICANT SHALL HAVE COMPLETED A MINIMUM OF 60**
16 **GRADUATE CREDIT HOURS IN TRAINING IN MARRIAGE AND FAMILY THERAPY**
17 **APPROVED BY THE BOARD THAT INCLUDES INSTRUCTION IN THE SPECIALIZED**
18 **AREAS SET FORTH IN PARAGRAPH (2) OF THIS SUBSECTION.**

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

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

28 **(1) PERSONALITY DEVELOPMENT;**

29 **(2) DIAGNOSIS AND TREATMENT OF MENTAL AND EMOTIONAL**
30 **DISORDERS;**

31 **(3) PSYCHOPATHOLOGY;**

1 **(4) FAMILY THERAPY; AND**

2 **(5) PSYCHOTHERAPY.**

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

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

8 **17-304.**

9 **(A) EXCEPT AS PROVIDED IN § 17-307 OF THIS SUBTITLE, TO QUALIFY**
10 **FOR A LICENSE TO PRACTICE CLINICAL PROFESSIONAL COUNSELING, AN**
11 **APPLICANT SHALL BE AN INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS**
12 **SECTION.**

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

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

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

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

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

22 **1. COUNSELING THEORY AND ETHICS;**

23 **2. COUNSELING TECHNIQUES;**

24 **3. HUMAN GROWTH AND DEVELOPMENT AND**
25 **MALADAPTIVE BEHAVIORS;**

26 **4. GROUP DYNAMICS, PROCESSING, AND**
27 **COUNSELING;**

28 **5. SOCIAL AND CULTURAL FOUNDATIONS;**

- 1 **6. LIFESTYLE AND CAREER DEVELOPMENT;**
- 2 **7. APPRAISAL OF INDIVIDUALS;**
- 3 **8. RESEARCH AND EVALUATION;**
- 4 **9. PARTICIPATION IN A SUPERVISED PRACTICUM IN**
5 **PROFESSIONAL COUNSELING;**
- 6 **10. MARRIAGE AND FAMILY THERAPY; AND**
- 7 **11. ALCOHOL AND DRUG COUNSELING; AND**

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

11 **(3) IN THE CASE OF AN APPLICANT HOLDING ONLY A MASTER'S**
12 **DEGREE, THE APPLICANT SHALL HAVE COMPLETED:**

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

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

20 **(E) THE APPLICANT SHALL PROVIDE DOCUMENTATION TO THE BOARD**
21 **EVIDENCING THE COMPLETION OF 60 HOURS OF GRADUATE COURSE WORK IN**
22 **THE APPLICANT'S RESPECTIVE AREA OF PRACTICE FROM AN ACCREDITED**
23 **COLLEGE OR UNIVERSITY PROGRAM APPROVED BY THE BOARD, INCLUDING**
24 **TRAINING IN:**

- 25 **(1) PERSONALITY DEVELOPMENT;**
- 26 **(2) DIAGNOSIS AND TREATMENT OF MENTAL AND EMOTIONAL**
27 **DISORDERS;**
- 28 **(3) PSYCHOPATHOLOGY; AND**
- 29 **(4) PSYCHOTHERAPY.**

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

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

6 **17-305.**

7 **(A) THE BOARD SHALL WAIVE THE REQUIREMENTS FOR LICENSURE**
8 **FOR AN APPLICANT TO PRACTICE CLINICAL ALCOHOL AND DRUG COUNSELING**
9 **IF THE APPLICANT:**

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

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

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

18 **(B) THE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THIS**
19 **SECTION.**

20 **17-306.**

21 **(A) THE BOARD SHALL WAIVE THE REQUIREMENTS FOR LICENSURE**
22 **FOR AN APPLICANT TO PRACTICE CLINICAL MARRIAGE AND FAMILY THERAPY IF**
23 **THE APPLICANT:**

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

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

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

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

3 **17-307.**

4 **(A) THE BOARD SHALL WAIVE THE REQUIREMENTS FOR LICENSURE**
5 **FOR AN APPLICANT TO PRACTICE CLINICAL PROFESSIONAL COUNSELING IF THE**
6 **APPLICANT:**

7 **(1) IS LICENSED OR CERTIFIED AS A CLINICAL PROFESSIONAL**
8 **COUNSELOR IN ANOTHER STATE, TERRITORY, OR JURISDICTION THAT HAS**
9 **REQUIREMENTS THAT ARE EQUIVALENT TO OR EXCEED THE REQUIREMENTS OF**
10 **§ 17-304 OF THIS SUBTITLE;**

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

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

15 **(B) THE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THIS**
16 **SECTION.**

17 **17-308.**

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

21 **(B) AN INDIVIDUAL LICENSED UNDER THIS SUBTITLE MAY PROVIDE**
22 **SERVICES INVOLVING THE APPLICATION OF COUNSELING PRINCIPLES AND**
23 **METHODS IN THE DIAGNOSIS, PREVENTION, TREATMENT, AND AMELIORATION**
24 **OF PSYCHOLOGICAL PROBLEMS, EMOTIONAL CONDITIONS, OR MENTAL**
25 **CONDITIONS OF INDIVIDUALS OR GROUPS.**

26 **17-309.**

27 **(A) THE BOARD MAY ADOPT REGULATIONS TO ALLOW AN INDIVIDUAL**
28 **TO PRACTICE UNDER SUPERVISION AS A LICENSED GRADUATE ALCOHOL AND**
29 **DRUG COUNSELOR, A LICENSED GRADUATE MARRIAGE AND FAMILY THERAPIST,**
30 **OR A LICENSED GRADUATE PROFESSIONAL COUNSELOR.**

31 **(B) TO QUALIFY TO PRACTICE AS A LICENSED GRADUATE ALCOHOL AND**
32 **DRUG COUNSELOR, A LICENSED GRADUATE MARRIAGE AND FAMILY THERAPIST,**

1 OR A LICENSED GRADUATE PROFESSIONAL COUNSELOR, AN INDIVIDUAL SHALL
2 BE:

3 (1) OF GOOD MORAL CHARACTER; AND

4 (2) AT LEAST 18 YEARS OLD.

5 (C) AN INDIVIDUAL MAY PRACTICE GRADUATE ALCOHOL AND DRUG
6 COUNSELING UNDER SUPERVISION FOR A LIMITED PERIOD OF TIME IF THE
7 INDIVIDUAL HAS:

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

11 (2) PASSED THE NATIONAL ALCOHOL AND DRUG COUNSELOR
12 EXAMINATION APPROVED BY THE BOARD.

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

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

19 (2) PASSED THE NATIONAL MARRIAGE AND FAMILY THERAPY
20 EXAMINATION APPROVED BY THE BOARD.

21 (E) AN INDIVIDUAL MAY PRACTICE GRADUATE PROFESSIONAL
22 COUNSELING UNDER SUPERVISION FOR A LIMITED PERIOD OF TIME IF THE
23 INDIVIDUAL HAS:

24 (1) A MASTER'S OR DOCTORAL DEGREE IN A PROFESSIONAL
25 COUNSELING FIELD THAT MEETS THE EDUCATIONAL REQUIREMENTS OF
26 § 17-304 OF THIS SUBTITLE; AND

27 (2) PASSED THE NATIONAL PROFESSIONAL COUNSELOR
28 EXAMINATION APPROVED BY THE BOARD.

29 (F) AN INDIVIDUAL MAY NOT PRACTICE WITHOUT APPROVAL BY THE
30 BOARD.

31 SUBTITLE 4. CERTIFICATION.

1 **17-401.**

2 (A) (1) THIS SUBSECTION ONLY APPLIES TO INDIVIDUALS CERTIFIED
3 BY THE BOARD AS A CERTIFIED PROFESSIONAL COUNSELOR OR CERTIFIED
4 PROFESSIONAL COUNSELOR-MARRIAGE AND FAMILY THERAPIST ON OR
5 BEFORE SEPTEMBER 30, 2008.

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

8 1. USE THE TITLE "CERTIFIED PROFESSIONAL
9 COUNSELOR";

10 2. USE THE INITIALS "C.P.C." AFTER THE NAME OF
11 THE INDIVIDUAL; OR

12 3. REPRESENT TO THE PUBLIC THAT THE
13 INDIVIDUAL IS CERTIFIED AS A PROFESSIONAL COUNSELOR.

14 (II) A CERTIFICATE TO PRACTICE PROFESSIONAL
15 COUNSELING ISSUED BY THE BOARD AUTHORIZES THE CERTIFICATE HOLDER
16 TO PRACTICE PROFESSIONAL COUNSELING WHILE THE CERTIFICATE IS
17 EFFECTIVE.

18 (3) (I) AN INDIVIDUAL SHALL BE CERTIFIED AS A
19 PROFESSIONAL COUNSELOR-MARRIAGE AND FAMILY THERAPIST BY THE
20 BOARD BEFORE THE INDIVIDUAL MAY:

21 1. USE THE TITLE "CERTIFIED PROFESSIONAL
22 COUNSELOR-MARRIAGE AND FAMILY THERAPIST";

23 2. USE THE INITIALS "C.P.C.-M.F.T." AFTER THE
24 NAME OF THE INDIVIDUAL; OR

25 3. REPRESENT TO THE PUBLIC THAT THE
26 INDIVIDUAL IS CERTIFIED AS A CERTIFIED PROFESSIONAL
27 COUNSELOR-MARRIAGE AND FAMILY THERAPIST.

28 (II) A CERTIFICATE TO PRACTICE MARRIAGE AND FAMILY
29 THERAPY ISSUED BY THE BOARD AUTHORIZES THE CERTIFICATE HOLDER TO
30 PRACTICE MARRIAGE AND FAMILY THERAPY WHILE THE CERTIFICATE IS
31 EFFECTIVE.

1 **(B) (1) AN INDIVIDUAL SHALL BE CERTIFIED AS A CERTIFIED**
2 **PROFESSIONAL COUNSELOR-ALCOHOL AND DRUG BY THE BOARD BEFORE THE**
3 **INDIVIDUAL MAY:**

4 **(I) USE THE TITLE “CERTIFIED PROFESSIONAL**
5 **COUNSELOR-ALCOHOL AND DRUG”;**

6 **(II) USE THE INITIALS “C.P.C.-A.D.” AFTER THE NAME OF**
7 **THE INDIVIDUAL; OR**

8 **(III) REPRESENT TO THE PUBLIC THAT THE INDIVIDUAL IS**
9 **CERTIFIED AS A CERTIFIED PROFESSIONAL COUNSELOR-ALCOHOL AND DRUG.**

10 **(2) AN INDIVIDUAL SHALL BE CERTIFIED AS A CERTIFIED**
11 **ASSOCIATE COUNSELOR-ALCOHOL AND DRUG BY THE BOARD BEFORE THE**
12 **INDIVIDUAL MAY:**

13 **(I) USE THE TITLE “CERTIFIED ASSOCIATE**
14 **COUNSELOR-ALCOHOL AND DRUG”;**

15 **(II) USE THE INITIALS “C.A.C.-A.D.” AFTER THE NAME OF**
16 **THE INDIVIDUAL; OR**

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

19 **(3) AN INDIVIDUAL SHALL BE CERTIFIED AS A CERTIFIED**
20 **SUPERVISED COUNSELOR-ALCOHOL AND DRUG BY THE BOARD BEFORE THE**
21 **INDIVIDUAL MAY:**

22 **(I) USE THE TITLE “CERTIFIED SUPERVISED**
23 **COUNSELOR-ALCOHOL AND DRUG”;**

24 **(II) USE THE INITIALS “C.S.C.-A.D.” AFTER THE NAME OF**
25 **THE INDIVIDUAL; OR**

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

28 **(4) A CERTIFICATE TO PRACTICE ALCOHOL AND DRUG**
29 **COUNSELING ISSUED BY THE BOARD AUTHORIZES THE CERTIFICATE HOLDER**
30 **TO PRACTICE ALCOHOL AND DRUG COUNSELING WHILE THE CERTIFICATE IS**
31 **EFFECTIVE.**

1 **17-402.**

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

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

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

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

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

17 (I) COUNSELING THEORY AND ETHICS;

18 (II) COUNSELING TECHNIQUES;

19 (III) HUMAN GROWTH AND DEVELOPMENT AND
20 MALADAPTIVE BEHAVIORS;

21 (IV) GROUP DYNAMICS, PROCESSING, AND COUNSELING;

22 (V) SOCIAL AND CULTURAL FOUNDATIONS;

23 (VI) LIFESTYLE AND CAREER DEVELOPMENT;

24 (VII) APPRAISAL OF INDIVIDUALS;

25 (VIII) RESEARCH AND EVALUATION;

26 (IX) PARTICIPATION IN A SUPERVISED PRACTICUM IN
27 PROFESSIONAL COUNSELING;

28 (X) MARRIAGE AND FAMILY THERAPY; AND

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

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

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

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

11 **(II) GROUP COUNSELING;**

12 **(III) INDIVIDUAL COUNSELING;**

13 **(IV) FAMILY COUNSELING;**

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

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

16 **(VII) HUMAN DEVELOPMENT;**

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

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

23 **(E) THE APPLICANT SHALL HAVE COMPLETED NOT LESS THAN 3 YEARS**
24 **WITH A MINIMUM OF 2,000 HOURS OF SUPERVISED EXPERIENCE IN ALCOHOL**
25 **AND DRUG COUNSELING APPROVED BY THE BOARD, 2 YEARS OF WHICH SHALL**
26 **HAVE BEEN COMPLETED AFTER THE AWARD OF THE MASTER'S OR DOCTORAL**
27 **DEGREE OR ITS SUBSTANTIAL EQUIVALENT.**

28 **(F) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, THE APPLICANT**
29 **SHALL PASS AN EXAMINATION APPROVED BY THE BOARD UNDER THIS TITLE.**

30 **17-403.**

1 **(A) EXCEPT AS PROVIDED IN § 17-405 OF THIS SUBTITLE, TO QUALIFY**
2 **AS A CERTIFIED ASSOCIATE COUNSELOR-ALCOHOL AND DRUG, AN APPLICANT**
3 **SHALL:**

4 **(1) HOLD A BACHELOR'S DEGREE FROM AN ACCREDITED**
5 **EDUCATIONAL INSTITUTION APPROVED BY THE BOARD IN A HEALTH AND**
6 **HUMAN SERVICES COUNSELING FIELD OR HAVE COMPLETED A PROGRAM OF**
7 **STUDIES JUDGED BY THE BOARD TO BE SUBSTANTIALLY EQUIVALENT IN**
8 **SUBJECT MATTER AND EXTENT OF TRAINING TO SUCH A PROGRAM OF STUDIES;**

9 **(2) HAVE COMPLETED NOT LESS THAN 3 YEARS, WITH A MINIMUM**
10 **OF 2,000 HOURS OF SUPERVISED EXPERIENCE IN ALCOHOL AND DRUG**
11 **COUNSELING APPROVED BY THE BOARD, 2 YEARS OF WHICH SHALL HAVE BEEN**
12 **COMPLETED AFTER THE AWARD OF THE BACHELOR'S DEGREE;**

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

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

16 **(II) GROUP COUNSELING;**

17 **(III) INDIVIDUAL COUNSELING;**

18 **(IV) FAMILY COUNSELING;**

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

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

21 **(VII) HUMAN DEVELOPMENT;**

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

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

28 **(4) (I) PRACTICE ALCOHOL AND DRUG COUNSELING UNDER**
29 **THE SUPERVISION OF A CERTIFIED PROFESSIONAL COUNSELOR-ALCOHOL AND**
30 **DRUG OR ANOTHER HEALTH CARE PROVIDER APPROVED BY THE BOARD; OR**

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

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

8 **17-404.**

9 **(A) TO QUALIFY AS A CERTIFIED SUPERVISED COUNSELOR-ALCOHOL**
10 **AND DRUG, AN APPLICANT SHALL:**

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

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

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

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

22 **(II) GROUP COUNSELING;**

23 **(III) INDIVIDUAL COUNSELING;**

24 **(IV) FAMILY COUNSELING;**

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

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

27 **(VII) HUMAN DEVELOPMENT;**

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

1 **(IX) COURSES PERTAINING TO COUNSELOR CORE**
2 **FUNCTIONS OF SCREENING, INTAKE, ORIENTATION, CASE MANAGEMENT, CRISIS**
3 **INTERVENTION, EDUCATION AND PREVENTION, REFERRAL, CONSULTATION,**
4 **REPORTS AND RECORD KEEPING, AND SPECIAL ALCOHOL AND DRUG**
5 **DEPENDENCY TOPICS; AND**

6 **(4) PRACTICE ALCOHOL AND DRUG COUNSELING UNDER THE**
7 **SUPERVISION OF A CERTIFIED PROFESSIONAL COUNSELOR-ALCOHOL AND**
8 **DRUG OR ANOTHER HEALTH CARE PROVIDER APPROVED BY THE BOARD AND**
9 **PROVIDE ALCOHOL AND DRUG COUNSELING AS AN EMPLOYEE OF AN AGENCY OR**
10 **FACILITY THAT IS ACCREDITED BY THE JOINT COMMISSION ON THE**
11 **ACCREDITATION OF HEALTH CARE ORGANIZATIONS OR THAT IS CERTIFIED**
12 **UNDER TITLE 8, SUBTITLE 4 OF THE HEALTH - GENERAL ARTICLE.**

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

15 **17-405.**

16 **(A) THE BOARD SHALL WAIVE THE REQUIREMENTS FOR**
17 **CERTIFICATION FOR AN APPLICANT TO PRACTICE ALCOHOL AND DRUG**
18 **COUNSELING IF THE APPLICANT MEETS THE REQUIREMENTS OF THIS SECTION.**

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

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

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

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

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

32 **(1) IS LICENSED OR CERTIFIED IN ANOTHER STATE, TERRITORY,**
33 **OR JURISDICTION THAT HAS REQUIREMENTS THAT ARE EQUIVALENT TO OR**
34 **EXCEED THE REQUIREMENTS OF § 17-403 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 (D) **IF THE APPLICANT IS LICENSED OR CERTIFIED TO PRACTICE AS A**
6 **SUPERVISED COUNSELOR-ALCOHOL AND DRUG, THE BOARD SHALL GRANT A**
7 **WAIVER UNDER THIS SECTION ONLY IF THE APPLICANT:**

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

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

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

15 (E) **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
16 **SECTION.**

17 **17-406.**

18 (A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
19 **MEANINGS INDICATED.**

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

21 (I) **A CERTIFIED PROFESSIONAL COUNSELOR-ALCOHOL**
22 **AND DRUG;**

23 (II) **A LICENSED CLINICAL ALCOHOL AND DRUG**
24 **COUNSELOR; OR**

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

28 (3) **“UNDER THE SUPERVISION OF AN APPROVED ALCOHOL AND**
29 **DRUG SUPERVISOR” MEANS ENGAGING IN AN ONGOING PROCESS THAT**
30 **INCLUDES DIRECT, ON-SITE, FACE-TO-FACE, INDIVIDUAL OR GROUP MEETINGS**

1 WITH AN APPROVED ALCOHOL AND DRUG SUPERVISOR FOCUSED ON QUALITY
2 OF DELIVERY OF ALCOHOL AND DRUG COUNSELING SERVICES AND
3 IMPROVEMENT OF COUNSELING SKILLS FOR A MINIMUM OF 1 DOCUMENTED
4 HOUR FOR EACH 40-HOUR WORKWEEK BUT NOT LESS THAN 2 DOCUMENTED
5 HOURS PER MONTH FOR LESS THAN A 40-HOUR WORKWEEK.

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

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

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

21 **17-501.**

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

23 (1) **SUBMIT AN APPLICATION ON THE FORM THAT THE BOARD**
24 **REQUIRES; AND**

25 (2) **PAY TO THE BOARD THE APPLICATION FEE SET BY THE**
26 **BOARD.**

27 **17-502.**

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

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

1 (C) **THE BOARD SHALL NOTIFY EACH QUALIFIED APPLICANT OF THE**
2 **TIME AND PLACE OF EXAMINATION.**

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

5 (2) **THE APPLICANT SHALL PAY TO THE BOARD A**
6 **REEXAMINATION FEE SET BY THE BOARD FOR EACH REEXAMINATION.**

7 (E) **THE EXAMINATION SHALL INCLUDE A PORTION THAT TESTS AN**
8 **APPLICANT'S KNOWLEDGE OF THE MARYLAND PROFESSIONAL COUNSELORS**
9 **AND THERAPISTS ACT.**

10 **17-503.**

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

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

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

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

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

18 (4) **THE SIGNATURES OF THE CHAIRMAN AND THE SECRETARY OF**
19 **THE BOARD; AND**

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

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

24 **17-504.**

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

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

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

5 **(1) THE DATE ON WHICH THE CURRENT LICENSE OR**
6 **CERTIFICATE EXPIRES;**

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

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

11 **(C) EACH LICENSEE OR CERTIFICATE HOLDER SHALL NOTIFY THE**
12 **BOARD OF ANY CHANGE IN THE ADDRESS OF THE LICENSEE OR CERTIFICATE**
13 **HOLDER.**

14 **(D) BEFORE THE LICENSE OR CERTIFICATE EXPIRES, THE LICENSEE OR**
15 **CERTIFICATE HOLDER PERIODICALLY MAY RENEW IT FOR AN ADDITIONAL**
16 **2-YEAR TERM, IF THE LICENSEE OR CERTIFICATE HOLDER:**

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

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

19 **(3) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE**
20 **FORM THAT THE BOARD REQUIRES; AND**

21 **(4) SUBMITS SATISFACTORY EVIDENCE OF COMPLIANCE WITH**
22 **ANY CONTINUING EDUCATION REQUIREMENTS AS REQUIRED BY THE BOARD**
23 **FOR LICENSE OR CERTIFICATE RENEWAL.**

24 **(E) THE BOARD MAY NOT AUTHORIZE HOME STUDY TOWARDS THE**
25 **COMPLETION OF THE CONTINUING EDUCATION REQUIREMENTS.**

26 **(F) (1) THE BOARD SHALL RENEW THE LICENSE OR CERTIFICATE OF**
27 **AND ISSUE A RENEWAL LICENSE OR CERTIFICATE TO EACH LICENSEE OR**
28 **CERTIFICATE HOLDER WHO MEETS THE REQUIREMENTS OF THIS SECTION.**

29 **(2) THE BOARD SHALL INCLUDE THE TERM OF THE RENEWAL ON**
30 **EACH RENEWAL LICENSE OR CERTIFICATE THAT THE BOARD ISSUES.**

1 **17-505.**

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

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

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

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

12 (3) THE BOARD MAY NOT PLACE A CERTIFIED PROFESSIONAL
13 COUNSELOR-MARRIAGE AND FAMILY THERAPIST OR A CERTIFIED
14 PROFESSIONAL COUNSELOR ON INACTIVE STATUS.

15 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
16 SUBSECTION, THE BOARD, IN ACCORDANCE WITH ITS REGULATIONS, MAY
17 REINSTATE THE LICENSE OF A LICENSEE OR THE CERTIFICATE OF A
18 CERTIFICATE HOLDER WHO HAS FAILED TO RENEW THE LICENSE OR
19 CERTIFICATE FOR ANY REASON.

20 (2) THE BOARD MAY NOT REINSTATE THE CERTIFICATE OF A
21 CERTIFIED PROFESSIONAL COUNSELOR-MARRIAGE AND FAMILY THERAPIST OR
22 CERTIFIED PROFESSIONAL COUNSELOR WHO HAS FAILED TO RENEW THE
23 CERTIFICATE FOR ANY REASON.

24 **17-506.**

25 EACH LICENSEE OR CERTIFICATE HOLDER SHALL DISPLAY THE LICENSE
26 OR CERTIFICATE CONSPICUOUSLY IN THE LICENSEE'S OR CERTIFICATE
27 HOLDER'S OFFICE OR PLACE OF EMPLOYMENT.

28 **17-507.**

29 (A) ANY INDIVIDUAL WHO IS LICENSED UNDER SUBTITLE 3 OF THIS
30 TITLE OR CERTIFIED UNDER SUBTITLE 4 OF THIS TITLE MAY NOT CHARGE A
31 CLIENT OR RECEIVE REMUNERATION FOR COUNSELING OR THERAPY SERVICES
32 UNLESS:

1 (1) BEFORE THE PERFORMANCE OF THOSE SERVICES, THE
2 CLIENT IS FURNISHED A COPY OF A PROFESSIONAL DISCLOSURE STATEMENT;
3 OR

4 (2) (I) THIS PROFESSIONAL DISCLOSURE STATEMENT IS
5 DISPLAYED IN A CONSPICUOUS LOCATION AT THE PLACE WHERE THE SERVICES
6 ARE PERFORMED; AND

7 (II) A COPY OF THE STATEMENT IS PROVIDED TO THE
8 CLIENT ON REQUEST.

9 (B) THE PROFESSIONAL DISCLOSURE STATEMENT SHALL CONTAIN:

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

13 (2) THE FORMAL PROFESSIONAL EDUCATION OF THE LICENSEE
14 OR CERTIFICATE HOLDER, INCLUDING THE INSTITUTIONS ATTENDED AND THE
15 DEGREES RECEIVED FROM THEM;

16 (3) THE AREAS OF SPECIALIZATION OF THE LICENSEE OR
17 CERTIFICATE HOLDER AND THE SERVICES PROVIDED;

18 (4) IN THE CASE OF AN INDIVIDUAL LICENSED UNDER SUBTITLE
19 3 OF THIS TITLE OR CERTIFIED UNDER SUBTITLE 4 OF THIS TITLE WHO IS
20 ENGAGED IN A PRIVATE INDIVIDUAL PRACTICE, PARTNERSHIP, OR GROUP
21 PRACTICE, THE INDIVIDUAL'S FEE SCHEDULE LISTED BY TYPE OF SERVICE OR
22 HOURLY RATE;

23 (5) AT THE BOTTOM OF THE FIRST PAGE OF THE DISCLOSURE
24 STATEMENT, THE WORDS, "THIS INFORMATION IS REQUIRED BY THE BOARD OF
25 PROFESSIONAL COUNSELORS AND THERAPISTS, WHICH REGULATES ALL
26 LICENSED AND CERTIFIED COUNSELORS AND THERAPISTS."; AND

27 (6) IMMEDIATELY BENEATH THE STATEMENT REQUIRED BY ITEM
28 (5) OF THIS SUBSECTION, THE NAME, ADDRESS, AND TELEPHONE NUMBER OF
29 THE BOARD.

30 17-508.

31 (A) IN THIS SECTION, "REGULATED COUNSELOR OR THERAPIST"
32 MEANS:

- 1 (1) A LICENSED CLINICAL ALCOHOL AND DRUG COUNSELOR;
- 2 (2) A LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST;
- 3 (3) A LICENSED CLINICAL PROFESSIONAL COUNSELOR;
- 4 (4) A LICENSED GRADUATE ALCOHOL AND DRUG COUNSELOR;
- 5 (5) A LICENSED GRADUATE MARRIAGE AND FAMILY THERAPIST;
- 6 (6) A LICENSED GRADUATE PROFESSIONAL COUNSELOR;
- 7 (7) A CERTIFIED PROFESSIONAL COUNSELOR-ALCOHOL AND
8 DRUG COUNSELOR;
- 9 (8) A CERTIFIED ASSOCIATE COUNSELOR-ALCOHOL AND DRUG
10 COUNSELOR;
- 11 (9) A CERTIFIED SUPERVISED COUNSELOR-ALCOHOL AND DRUG
12 COUNSELOR;
- 13 (10) A CERTIFIED PROFESSIONAL COUNSELOR-MARRIAGE AND
14 FAMILY THERAPIST; AND
- 15 (11) A CERTIFIED PROFESSIONAL COUNSELOR.

16 (B) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A
17 LICENSE OR CERTIFICATE, WHILE THE LICENSEE OR CERTIFICATE HOLDER IS
18 UNDER INVESTIGATION OR WHILE CHARGES ARE PENDING AGAINST THE
19 LICENSEE OR CERTIFICATE HOLDER, A REGULATED COUNSELOR OR THERAPIST
20 MAY NOT:

- 21 (1) SURRENDER THE LICENSE OR CERTIFICATE; OR
- 22 (2) ALLOW THE LICENSE OR CERTIFICATE TO LAPSE BY
23 OPERATION OF LAW.

24 (C) THE BOARD MAY SET CONDITIONS ON ITS AGREEMENT WITH THE
25 REGULATED COUNSELOR OR THERAPIST UNDER INVESTIGATION OR AGAINST
26 WHOM CHARGES ARE PENDING TO ACCEPT SURRENDER OF THE LICENSE OR
27 CERTIFICATE.

28 17-509.

1 **SUBJECT TO THE HEARING PROVISIONS OF § 17-511 OF THIS SUBTITLE,**
2 **THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS THEN**
3 **SERVING, MAY DENY A LICENSE OR CERTIFICATE TO ANY APPLICANT, PLACE**
4 **ANY LICENSEE OR CERTIFICATE HOLDER ON PROBATION, REPRIMAND ANY**
5 **LICENSEE OR CERTIFICATE HOLDER, OR SUSPEND OR REVOKE A LICENSE OF**
6 **ANY LICENSEE OR A CERTIFICATE OF ANY CERTIFICATE HOLDER IF THE**
7 **APPLICANT, LICENSEE, OR CERTIFICATE HOLDER:**

8 **(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO**
9 **OBTAIN A LICENSE OR CERTIFICATE FOR THE APPLICANT, LICENSEE, OR**
10 **CERTIFICATE HOLDER OR FOR ANOTHER;**

11 **(2) HABITUALLY IS INTOXICATED;**

12 **(3) PROVIDES PROFESSIONAL SERVICES:**

13 **(I) WHILE UNDER THE INFLUENCE OF ALCOHOL; OR**

14 **(II) WHILE USING ANY NARCOTIC OR CONTROLLED**
15 **DANGEROUS SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW**
16 **ARTICLE, OR OTHER DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR**
17 **WITHOUT VALID MEDICAL INDICATION;**

18 **(4) AIDS OR ABETS AN UNAUTHORIZED INDIVIDUAL IN**
19 **PRACTICING CLINICAL OR NONCLINICAL COUNSELING OR THERAPY OR**
20 **REPRESENTING TO BE AN ALCOHOL AND DRUG COUNSELOR, MARRIAGE AND**
21 **FAMILY THERAPIST, OR PROFESSIONAL COUNSELOR;**

22 **(5) PROMOTES THE SALE OF DRUGS, DEVICES, APPLIANCES, OR**
23 **GOODS TO A PATIENT SO AS TO EXPLOIT THE PATIENT FOR FINANCIAL GAIN;**

24 **(6) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN**
25 **THE PRACTICE OF COUNSELING OR THERAPY;**

26 **(7) MAKES A WILLFUL MISREPRESENTATION WHILE COUNSELING**
27 **OR PROVIDING THERAPY;**

28 **(8) VIOLATES THE CODE OF ETHICS ADOPTED BY THE BOARD;**

29 **(9) KNOWINGLY VIOLATES ANY PROVISION OF THIS TITLE;**

30 **(10) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE**
31 **TO A FELONY OR A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT**

1 ANY APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR
2 PLEA SET ASIDE;

3 (11) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY
4 INCOMPETENT;

5 (12) SUBMITS A FALSE STATEMENT TO COLLECT A FEE;

6 (13) VIOLATES ANY RULE OR REGULATION ADOPTED BY THE
7 BOARD;

8 (14) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY
9 AUTHORITY OF ANY OTHER STATE OR COUNTRY OR CONVICTED OR DISCIPLINED
10 BY A COURT OF ANY STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS
11 FOR DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES;

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

17 (16) COMMITS AN ACT OF IMMORAL OR UNPROFESSIONAL
18 CONDUCT IN THE PRACTICE OF CLINICAL OR NONCLINICAL COUNSELING OR
19 THERAPY;

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

22 (18) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION
23 CONDUCTED BY THE BOARD.

24 **17-510.**

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

30 (1) INSTEAD OF PLACING THE LICENSEE OR CERTIFICATE
31 HOLDER ON PROBATION, REPRIMANDING THE LICENSEE OR CERTIFICATE
32 HOLDER, OR SUSPENDING OR REVOKING THE LICENSE OR CERTIFICATE; OR

1 **(2) IN ADDITION TO PLACING THE LICENSEE OR CERTIFICATE**
2 **HOLDER ON PROBATION, REPRIMANDING THE LICENSEE OR CERTIFICATE**
3 **HOLDER, OR SUSPENDING OR REVOKING THE LICENSE OR CERTIFICATE.**

4 **(B) THE BOARD SHALL ADOPT REGULATIONS TO SET STANDARDS FOR**
5 **THE IMPOSITION OF PENALTIES UNDER THIS SECTION.**

6 **(C) THE BOARD SHALL PAY ANY MONEY COLLECTED UNDER THIS**
7 **SECTION INTO THE GENERAL FUND OF THE STATE.**

8 **17-511.**

9 **(A) EXCEPT AS OTHERWISE PROVIDED IN TITLE 10, SUBTITLE 2 OF THE**
10 **STATE GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY ACTION UNDER**
11 **§ 17-509 OF THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM**
12 **THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE**
13 **BOARD.**

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

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

20 **(D) THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY**
21 **COUNSEL.**

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

26 **(2) IF, WITHOUT LAWFUL EXCUSE, A PERSON DISOBEYS A**
27 **SUBPOENA FROM THE BOARD OR AN ORDER BY THE BOARD TO TAKE AN OATH**
28 **OR TO TESTIFY OR ANSWER A QUESTION, THEN, ON PETITION OF THE BOARD, A**
29 **COURT OF COMPETENT JURISDICTION MAY PUNISH THE PERSON AS FOR**
30 **CONTEMPT OF COURT.**

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

1 **17-512.**

2 (A) EXCEPT AS PROVIDED IN THIS SECTION FOR AN ACTION UNDER §
3 17-409 OF THIS TITLE, ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE
4 BOARD IN A CONTESTED CASE, AS DEFINED IN § 10-201 OF THE STATE
5 GOVERNMENT ARTICLE, MAY:

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

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

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

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

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

14 (C) AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING JUDICIAL
15 REVIEW.

16 (D) THE BOARD MAY APPEAL FROM ANY DECISION THAT REVERSES OR
17 MODIFIES ITS ORDER.

18 **17-513.**

19 (A) AN ACTION MAY BE MAINTAINED IN THE NAME OF THE STATE OR
20 THE BOARD TO ENJOIN:

21 (1) THE UNAUTHORIZED PRACTICE OF ALCOHOL AND DRUG
22 COUNSELING AND CLINICAL ALCOHOL AND DRUG COUNSELING, MARRIAGE AND
23 FAMILY THERAPY AND CLINICAL MARRIAGE AND FAMILY THERAPY, OR
24 PROFESSIONAL COUNSELING AND CLINICAL PROFESSIONAL COUNSELING; OR

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

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

28 (1) THE BOARD, IN ITS OWN NAME;

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

1 **(3) A STATE’S ATTORNEY, IN THE NAME OF THE STATE.**

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

4 **(1) RESIDES; OR**

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

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

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

16 **17-514.**

17 **FOR REASONS THE BOARD CONSIDERS SUFFICIENT, AND ON THE**
18 **AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS THEN SERVING, THE**
19 **BOARD MAY:**

20 **(1) REINSTATE A LICENSE OR CERTIFICATE THAT HAS BEEN**
21 **REVOKED;**

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

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

24 **17-515.**

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

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

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

1 **(B) FOR PURPOSES OF THIS SECTION, A COUNSELOR AND THERAPIST**
2 **REHABILITATION COMMITTEE IS A COMMITTEE OF THE BOARD OR A**
3 **COMMITTEE OF ANY ASSOCIATION OR ASSOCIATIONS REPRESENTING ALCOHOL**
4 **AND DRUG COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, OR**
5 **PROFESSIONAL COUNSELORS THAT:**

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

7 **(2) INCLUDES BUT IS NOT LIMITED TO ALCOHOL AND DRUG**
8 **COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND PROFESSIONAL**
9 **COUNSELORS.**

10 **(C) A REHABILITATION COMMITTEE OF THE BOARD OR RECOGNIZED BY**
11 **THE BOARD MAY FUNCTION:**

12 **(1) SOLELY FOR THE BOARD; OR**

13 **(2) JOINTLY WITH A REHABILITATION COMMITTEE**
14 **REPRESENTING ANOTHER BOARD OR BOARDS.**

15 **(D) FOR PURPOSES OF THIS SECTION, A COUNSELOR AND THERAPIST**
16 **REHABILITATION COMMITTEE EVALUATES AND PROVIDES ASSISTANCE TO ANY**
17 **ALCOHOL AND DRUG COUNSELOR, MARRIAGE AND FAMILY THERAPIST,**
18 **PROFESSIONAL COUNSELOR, AND ANY OTHER INDIVIDUAL REGULATED BY THE**
19 **BOARD, IN NEED OF TREATMENT AND REHABILITATION FOR ALCOHOLISM,**
20 **DRUG ABUSE, CHEMICAL DEPENDENCY, OR OTHER PHYSICAL, EMOTIONAL, OR**
21 **MENTAL CONDITION.**

22 **(E) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE**
23 **PROCEEDINGS, RECORDS, AND FILES OF THE COUNSELOR AND THERAPIST**
24 **REHABILITATION COMMITTEE ARE NOT DISCOVERABLE AND ARE NOT**
25 **ADMISSIBLE IN EVIDENCE IN ANY CIVIL ACTION ARISING OUT OF THE MATTERS**
26 **THAT ARE BEING OR HAVE BEEN REVIEWED AND EVALUATED BY THE**
27 **COUNSELOR AND THERAPIST REHABILITATION COMMITTEE.**

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

32 **(3) FOR PURPOSES OF THIS SUBSECTION, CIVIL ACTION DOES**
33 **NOT INCLUDE A PROCEEDING BEFORE THE BOARD OR JUDICIAL REVIEW OF A**
34 **PROCEEDING BEFORE THE BOARD.**

1 **(F) A PERSON WHO ACTS IN GOOD FAITH AND WITHIN THE SCOPE OF**
2 **JURISDICTION OF A COUNSELOR AND THERAPIST REHABILITATION COMMITTEE**
3 **IS NOT CIVILLY LIABLE FOR ANY ACTION AS A MEMBER OF THE COUNSELOR AND**
4 **THERAPIST REHABILITATION COMMITTEE OR FOR GIVING INFORMATION TO,**
5 **PARTICIPATING IN, OR CONTRIBUTING TO THE FUNCTION OF THE COUNSELOR**
6 **AND THERAPIST REHABILITATION COMMITTEE.**

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

8 **17-601.**

9 **UNLESS AN INDIVIDUAL IS LICENSED TO PRACTICE CLINICAL ALCOHOL**
10 **AND DRUG COUNSELING, CLINICAL MARRIAGE AND FAMILY THERAPY, OR**
11 **CLINICAL PROFESSIONAL COUNSELING, AN 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 LICENSED BY THE BOARD TO PROVIDE CLINICAL ALCOHOL AND DRUG**
15 **COUNSELING SERVICES, CLINICAL MARRIAGE AND FAMILY THERAPY SERVICES,**
16 **OR CLINICAL PROFESSIONAL COUNSELING SERVICES IN THE STATE;**

17 **(2) USE ANY TITLE, ABBREVIATION, SIGN, CARD, OR OTHER**
18 **REPRESENTATION THAT THE INDIVIDUAL IS A LICENSED CLINICAL ALCOHOL**
19 **AND DRUG COUNSELOR, LICENSED CLINICAL MARRIAGE AND FAMILY**
20 **THERAPIST, OR LICENSED CLINICAL PROFESSIONAL COUNSELOR; OR**

21 **(3) USE THE TITLE "L.C.A.D.C.", "L.C.M.F.T.", OR "L.C.P.C."**
22 **OR THE WORDS "LICENSED CLINICAL ALCOHOL AND DRUG COUNSELOR",**
23 **"LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST", OR "LICENSED**
24 **CLINICAL PROFESSIONAL COUNSELOR" WITH THE INTENT TO REPRESENT THAT**
25 **THE INDIVIDUAL PRACTICES CLINICAL ALCOHOL AND DRUG COUNSELING,**
26 **CLINICAL MARRIAGE AND FAMILY THERAPY, OR CLINICAL PROFESSIONAL**
27 **COUNSELING.**

28 **17-602.**

29 **EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, UNLESS AN INDIVIDUAL**
30 **HAS BEEN APPROVED BY THE BOARD TO PRACTICE AS A LICENSED GRADUATE**
31 **ALCOHOL AND DRUG COUNSELOR, A LICENSED GRADUATE PROFESSIONAL**
32 **COUNSELOR, OR A LICENSED GRADUATE MARRIAGE AND FAMILY THERAPIST**
33 **THE INDIVIDUAL MAY NOT:**

1 (1) USE THE TITLE “LICENSED GRADUATE ALCOHOL AND DRUG
2 COUNSELOR”, “LICENSED GRADUATE PROFESSIONAL COUNSELOR”, OR
3 “LICENSED GRADUATE MARRIAGE AND FAMILY THERAPIST”;

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

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

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

13 **17-603.**

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

17 (1) REPRESENT TO THE PUBLIC BY TITLE, BY DESCRIPTION OF
18 SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE INDIVIDUAL
19 IS CERTIFIED BY THE BOARD TO PROVIDE COUNSELING OR THERAPY SERVICES
20 IN THIS STATE;

21 (2) USE ANY TITLE, ABBREVIATION, SIGN, CARD, OR OTHER
22 REPRESENTATION THAT THE INDIVIDUAL IS A CERTIFIED PROFESSIONAL
23 COUNSELOR, CERTIFIED PROFESSIONAL COUNSELOR-MARRIAGE AND FAMILY
24 THERAPIST, CERTIFIED PROFESSIONAL COUNSELOR-ALCOHOL AND DRUG,
25 CERTIFIED ASSOCIATE COUNSELOR-ALCOHOL AND DRUG, OR CERTIFIED
26 SUPERVISED COUNSELOR-ALCOHOL AND DRUG; OR

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

1 COUNSELOR–ALCOHOL AND DRUG” WITH THE INTENT TO REPRESENT THAT THE
2 INDIVIDUAL PRACTICES ALCOHOL AND DRUG COUNSELING.

3 **17-604.**

4 (A) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE OR
5 § 17-301 OF THIS TITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS
6 SUBJECT TO A FINE NOT EXCEEDING \$2,000 OR IMPRISONMENT NOT
7 EXCEEDING 1 YEAR OR BOTH.

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

9 **SUBTITLE 7. SHORT TITLE; TERMINATION OF TITLE.**

10 **17-701.**

11 THIS TITLE MAY BE CITED AS THE “MARYLAND PROFESSIONAL
12 COUNSELORS AND THERAPISTS ACT”.

13 **17-702.**

14 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF
15 THE MARYLAND PROGRAM EVALUATION ACT, THIS TITLE AND ALL RULES OR
16 REGULATIONS ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO
17 EFFECT AFTER JULY 1, 2019.

18 **Article – State Government**

19 **8-403.**

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

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

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

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

1 **Article – Health Occupations**

2 **17-405.1.**

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

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

8 (II) FILES AN APPLICATION FOR CERTIFICATION AS A
9 CERTIFIED PROFESSIONAL COUNSELOR-ALCOHOL AND DRUG ON OR BEFORE
10 MAY 1, 2009;

11 (III) HOLDS A MASTER’S OR DOCTORAL DEGREE IN A
12 HEALTH AND HUMAN SERVICES COUNSELING FIELD OR HAS COMPLETED A
13 PROGRAM THAT THE BOARD DETERMINES TO BE SUBSTANTIALLY EQUIVALENT
14 IN SUBJECT MATTER AND EXTENT OF TRAINING AS A MASTER’S OR DOCTORAL
15 DEGREE IN A HEALTH AND HUMAN SERVICES COUNSELING FIELD;

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

26 (V) HAS COMPLETED NOT LESS THAN 3 YEARS WITH A
27 MINIMUM OF 3,000 HOURS OF SUPERVISED EXPERIENCE IN ALCOHOL AND DRUG
28 ABUSE COUNSELING APPROVED BY THE BOARD, 2 YEARS OF WHICH SHALL
29 HAVE BEEN COMPLETED AFTER THE AWARD OF THE MASTER’S OR DOCTORAL
30 DEGREE; AND

31 (VI) HAD, BY OCTOBER 1, 2001, SUCCESSFULLY PASSED AN
32 EXAMINATION APPROVED BY THE BOARD.

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

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

6 **(II) FILES AN APPLICATION FOR CERTIFICATION AS A**
7 **CERTIFIED ASSOCIATE COUNSELOR-ALCOHOL AND DRUG ON OR BEFORE MAY 1,**
8 **2009;**

9 **(III) HOLDS A BACHELOR'S DEGREE IN A HEALTH AND**
10 **HUMAN SERVICES COUNSELING FIELD OR HAS COMPLETED A PROGRAM THAT**
11 **THE BOARD DETERMINES TO BE SUBSTANTIALLY EQUIVALENT IN SUBJECT**
12 **MATTER AND EXTENT OF TRAINING TO A BACHELOR'S DEGREE IN A HEALTH AND**
13 **HUMAN SERVICES COUNSELING FIELD;**

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

24 **(V) HAS COMPLETED NOT LESS THAN 3 YEARS WITH A**
25 **MINIMUM OF 3,000 HOURS OF SUPERVISED EXPERIENCE IN ALCOHOL AND DRUG**
26 **ABUSE COUNSELING APPROVED BY THE BOARD, 2 YEARS OF WHICH SHALL**
27 **HAVE BEEN COMPLETED AFTER THE AWARD OF THE BACHELOR'S DEGREE OR A**
28 **PROGRAM THAT THE BOARD DETERMINES TO BE SUBSTANTIALLY EQUIVALENT**
29 **IN SUBJECT MATTER AND EXTENT OF TRAINING.**

30 **(3) THE BOARD SHALL WAIVE THE REQUIREMENTS FOR**
31 **CERTIFICATION AS A CERTIFIED SUPERVISED COUNSELOR-ALCOHOL AND DRUG**
32 **FOR ANY INDIVIDUAL WHO:**

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

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

4 (III) HOLDS AN ASSOCIATE'S DEGREE IN HEALTH AND
5 HUMAN SERVICES COUNSELING OR HAS COMPLETED A PROGRAM THAT THE
6 BOARD DETERMINES TO BE SUBSTANTIALLY EQUIVALENT IN SUBJECT MATTER
7 AND EXTENT OF TRAINING TO AN ASSOCIATE'S DEGREE IN HEALTH AND HUMAN
8 SERVICES COUNSELING; OR

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

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

20 ~~(a) The term of the professional counselor member of the Board of~~
21 ~~Professional Counselors and Therapists whose term is scheduled to expire on June 30,~~
22 ~~2009, shall terminate at the end of June 30, 2009, at which time no successors shall be~~
23 ~~appointed.~~

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

29 ~~(c)~~ (b) Notwithstanding the provisions of § 17-202 of the Health Occupations
30 Article, as enacted by Section 2 of this Act, the term of the certified associate
31 counselor-alcohol and drug or certified supervised counselor-alcohol and drug advisor
32 to the Board appointed by the Governor on or before October 1, 2008, shall terminate
33 at the end of June 30, 2009.

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

35 (a) On or before October 1, 2010, the State Board of Professional Counselors
36 and Therapists shall submit, in accordance with § 2-1246 of the State Government
37 Article, to the Senate Education, Health, and Environmental Affairs Committee and

1 the House Health and Government Operations Committee an interim report on
2 Board's actions concerning the recommendations contained in the sunset review report
3 of the State Board of Professional Counselors and Therapists published by the
4 Department of Legislative Services in October 2007.

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

6 (1) the results of the Board's review of the certification structure for
7 alcohol and drug counselors to determine whether the current three-tiered structure
8 is of continued benefit to the profession and the public, including any proposed
9 alternatives to the current structure;

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.