

# HOUSE BILL 1188

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By: **Delegate Hubbard**

Introduced and read first time: February 18, 2010

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2010

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **State Board of Professional Counselors and Therapists – Membership**

3 FOR the purpose of clarifying certain qualifications for licensed clinical professional  
4 counselors to be eligible to serve as members of the State Board of Professional  
5 Counselors and Therapists; repealing certain requirements regarding the  
6 eligibility of a licensed clinical marriage and family therapist or a licensed  
7 clinical alcohol and drug counselor to serve as a member of the Board; and  
8 generally relating to the qualifications of the clinical professional counselor  
9 members of the State Board of Professional Counselors and Therapists.

10 BY repealing and reenacting, with amendments,  
11 Article – Health Occupations  
12 Section 17–202  
13 Annotated Code of Maryland  
14 (2009 Replacement Volume)

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

### 17 **Article – Health Occupations**

18 17–202.

19 (a) (1) The Board consists of 13 members appointed by the Governor with  
20 the advice of the Secretary.

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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.



1           (2)    Of the 13 Board members:

2                   (i)    Five shall be licensed as clinical professional counselors  
3 [under Subtitle 3 of this title];

4                   (ii)   Three shall be licensed as clinical marriage and family  
5 therapists;

6                   (iii)   Three shall be licensed as clinical alcohol and drug  
7 counselors; and

8                   (iv)   Two shall be consumer members.

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

11           (4)    The Governor shall appoint the counselors and therapists from a  
12 list submitted to the Governor by the Secretary. Any association representing  
13 professional counselors, marriage and family therapists, or alcohol and drug  
14 counselors may submit recommendations for Board members to the Secretary.

15           (b)    The consumer members of the Board:

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

17                   (2)    May not be or ever have been certified or licensed as a counselor or  
18 therapist or in training to become certified or licensed as a counselor or therapist;

19                   (3)    May not have a household member who is certified or licensed as a  
20 counselor or therapist or in training to become certified or licensed as a counselor or  
21 therapist;

22                   (4)    May not participate or ever have participated in a commercial or  
23 professional field related to professional counseling, marriage and family therapy, or  
24 alcohol and drug counseling;

25                   (5)    May not have a household member who participates in a  
26 commercial or professional field related to professional counseling, marriage and  
27 family therapy, or alcohol and drug counseling;

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

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

1 ~~(c)~~ ~~The licensed clinical marriage and family therapy members of the Board~~  
2 ~~shall:~~

3 ~~(1)~~ ~~Hold a master's or doctoral degree in a marriage and family~~  
4 ~~therapy field; and~~

5 ~~(2)~~ ~~Meet the educational and supervised experience requirements of §~~  
6 ~~17-303 of this title.~~

7 ~~(d)~~ ~~The licensed clinical alcohol and drug counselor members of the Board~~  
8 ~~shall:~~

9 ~~(1)~~ ~~Hold a master's or doctoral degree in a health and human services~~  
10 ~~counseling field; and~~

11 ~~(2)~~ ~~Meet the educational and supervised experience requirements of §~~  
12 ~~17-302 of this title.~~

13 ~~(c)~~ **(C)** Before taking office, each appointee to the Board shall take the  
14 oath required by Article I, § 9 of the Maryland Constitution.

15 ~~(d)~~ **(D)** (1) The term of a member is 4 years.

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

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

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

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

23 ~~(e)~~ **(E)** (1) The Governor may remove a member for incompetency,  
24 misconduct, or neglect of duty.

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

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2010.