

Chapter 727

(House Bill 1188)

AN ACT concerning

State Board of Professional Counselors and Therapists – Membership

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

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

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

Article – Health Occupations

17–202.

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

(2) Of the 13 Board members:

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

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

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

(iv) Two shall be consumer members.

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

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

(b) The consumer members of the Board:

(1) Shall be members of the general public;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 20, 2010.