

# HOUSE BILL 1207

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CF SB 969

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By: **Delegates Pendergrass, Hammen, Carr, K. Kelly, McHale, Pena-Melnyk, and ~~B. Robinson~~ B. Robinson, Hubbard, and ~~Morhaim~~ Morhaim, and Clippinger**

Introduced and read first time: February 10, 2012  
Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments  
House action: Adopted with floor amendments  
Read second time: March 18, 2012

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

1 AN ACT concerning

2 **State Board of Professional Counselors and Therapists – Licensure of**  
3 **Clinical Professional Art Therapists**

4 FOR the purpose of altering the membership of the State Board of Professional  
5 Counselors and Therapists ~~to include two members who are licensed as clinical~~  
6 ~~professional art therapists~~; requiring certain individuals to be licensed by the  
7 Board as clinical professional art therapists before performing certain work in  
8 the State; establishing certain education and experience requirements to qualify  
9 for a license to practice clinical professional art therapy; requiring the Board to  
10 waive certain requirements under certain circumstances; providing that a  
11 license authorizes certain individuals to practice clinical professional art  
12 therapy while a license is effective; authorizing the Board to adopt certain  
13 regulations allowing certain individuals to practice as licensed graduate  
14 professional art therapists under certain supervision; establishing certain  
15 requirements to qualify for a license to practice as a licensed graduate  
16 professional art therapist; authorizing certain individuals to practice graduate  
17 professional art therapy under certain supervision for a certain period of time;  
18 prohibiting a licensee from surrendering a license under certain circumstances;  
19 authorizing the Board to deny a license to an applicant, reprimand a licensee,  
20 place a licensee on probation, or suspend or revoke a license under certain  
21 circumstances; authorizing the State or the Board to maintain a certain action  
22 to enjoin certain unauthorized practice or certain conduct; providing that  
23 certain action is in addition to and not instead of certain prosecution;

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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 authorizing certain committees or certain associations to be a counselor or  
 2 therapist rehabilitation committee; providing that a counselor and therapist  
 3 rehabilitation committee evaluates and provides assistance to certain  
 4 professional art therapists under certain circumstances; prohibiting certain  
 5 individuals from engaging in certain actions or making certain representations  
 6 in the State or using certain titles unless licensed by the Board; providing for  
 7 the appointment of ~~certain members~~ a certain member of the Board; ~~requiring~~  
 8 ~~certain vacancies on the Board to remain unfilled in accordance with provisions~~  
 9 ~~of this Act altering the membership of the Board;~~ and generally relating to the  
 10 establishment of a license for clinical professional art therapy and the State  
 11 Board of Professional Counselors and Therapists.

12 BY repealing and reenacting, with amendments,  
 13 Article – Health Occupations  
 14 Section 17–101, 17–202, 17–301, 17–308, 17–309, 17–508, 17–509, 17–513,  
 15 17–515, 17–601, and 17–602  
 16 Annotated Code of Maryland  
 17 (2009 Replacement Volume and 2011 Supplement)

18 BY repealing and reenacting, without amendments,  
 19 Article – Health Occupations  
 20 Section 17–103 and 17–201  
 21 Annotated Code of Maryland  
 22 (2009 Replacement Volume and 2011 Supplement)

23 BY adding to  
 24 Article – Health Occupations  
 25 Section 17–304.1, 17–304.2, and 17–307.1  
 26 Annotated Code of Maryland  
 27 (2009 Replacement Volume and 2011 Supplement)

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

30 **Article – Health Occupations**

31 17–101.

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

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

35 (1) To develop understanding of intrapersonal and interpersonal  
 36 substance abuse problems;

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

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

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

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

7           (c) (1) “Appraisal” means:

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

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

14           (2) “Appraisal” does not include instruments which require specialized  
15 psychological training for administration and interpretation unless the licensed  
16 counselor or therapist has completed the training required under § 17-310 of this title.

17           **(D) “ART THERAPY” MEANS THE INTEGRATED USE OF**  
18 **PSYCHOTHERAPEUTIC PRINCIPLES, ART MEDIA, AND THE CREATIVE PROCESS**  
19 **TO ASSIST INDIVIDUALS, FAMILIES, OR GROUPS IN:**

20                   **(1) INCREASING AWARENESS OF SELF AND OTHERS;**

21                   **(2) COPING WITH SYMPTOMS, STRESS, AND TRAUMATIC**  
22 **EXPERIENCES;**

23                   **(3) ENHANCING COGNITIVE ABILITIES; AND**

24                   **(4) IDENTIFYING AND ASSESSING CLIENTS’ NEEDS IN ORDER TO**  
25 **IMPLEMENT THERAPEUTIC INTERVENTION TO MEET DEVELOPMENTAL,**  
26 **BEHAVIORAL, MENTAL, AND EMOTIONAL NEEDS.**

27           **[(d)] (E)** “Board” means the State Board of Professional Counselors and  
28 Therapists.

29           **[(e)] (F)** “Certificate” means a certificate issued by the Board to practice  
30 professional counseling.

1           **[(f)] (G)**       “Certified professional counselor” means a professional counselor  
2 who is certified by the Board.

3           **[(g)] (H)**       “Certified professional counselor–marriage and family therapist”  
4 means an individual who is certified by the Board to practice marriage and family  
5 therapy in the State.

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

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

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

15           **[(i)] (J)**       “Counseling” means assisting an individual, family, or group  
16 through the client–counselor relationship:

17                      (1)   To develop understanding of intrapersonal and interpersonal  
18 problems;

19                      (2)   To define goals;

20                      (3)   To make decisions;

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

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

26           **[(j)] (K)**       “Fund” means the State Board of Professional Counselors and  
27 Therapists Fund.

28           **[(k)] (L)**       “License” means, unless the context requires otherwise, one of six  
29 types of licenses issued by the Board authorizing an individual to practice:

30                      (1)   Clinical alcohol and drug counseling;

31                      (2)   Clinical marriage and family therapy;

1           **(3) CLINICAL PROFESSIONAL ART THERAPY;**

2           [[3] (4) Clinical professional counseling;

3           [[4] (5) Graduate alcohol and drug counseling;

4           [[5] (6) Graduate marriage and family therapy; [or]

5           **(7) GRADUATE PROFESSIONAL ART THERAPY; OR**

6           [[6] (8) Graduate professional counseling.

7           [[l] (M) “Licensed graduate alcohol and drug counselor” means an  
8 individual approved by the Board to practice graduate alcohol and drug counseling.

9           [[m] (N) “Licensed graduate marriage and family therapist” means an  
10 individual approved by the Board to practice graduate marriage and family therapy.

11           **(O) “LICENSED GRADUATE PROFESSIONAL ART THERAPIST” MEANS AN**  
12 **INDIVIDUAL APPROVED BY THE BOARD TO PRACTICE GRADUATE**  
13 **PROFESSIONAL ART THERAPY.**

14           [[n] (P) “Licensed graduate professional counselor” means an individual  
15 approved by the Board to practice graduate professional counseling.

16           [[o] (Q) “Marriage and family therapy” means applying marriage and  
17 family systems theory, principles, methods, therapeutic techniques, and research in:

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

20           (2) The identification and assessment of client needs and the  
21 implementation of therapeutic intervention.

22           [[p] (R) “Practice alcohol and drug counseling” means to engage  
23 professionally and for compensation in alcohol and drug counseling activities while  
24 representing oneself to be a certified professional counselor–alcohol and drug, a  
25 certified supervised counselor–alcohol and drug, or a certified associate counselor–  
26 alcohol and drug.

27           [[q] (S) “Practice clinical alcohol and drug counseling” means to engage  
28 professionally and for compensation in alcohol and drug counseling and appraisal  
29 activities by providing services involving the application of counseling principles and  
30 methods in the diagnosis, prevention, treatment, and amelioration of psychological  
31 problems and emotional or mental conditions of individuals or groups.

1            **[(r)] (T)**        “Practice clinical marriage and family therapy” means to engage  
2 professionally and for compensation in marriage and family therapy and appraisal  
3 activities by providing services involving the application of therapy principles and  
4 methods in the diagnosis, prevention, treatment, and amelioration of psychological  
5 problems and emotional or mental conditions of individuals or groups.

6            **(U)        “PRACTICE CLINICAL PROFESSIONAL ART THERAPY” MEANS TO**  
7 **ENGAGE PROFESSIONALLY AND FOR COMPENSATION IN ART THERAPY AND**  
8 **APPRAISAL ACTIVITIES BY PROVIDING SERVICES INVOLVING THE APPLICATION**  
9 **OF ART THERAPY PRINCIPLES AND METHODS IN THE DIAGNOSIS, PREVENTION,**  
10 **TREATMENT, AND AMELIORATION OF PSYCHOLOGICAL PROBLEMS AND**  
11 **EMOTIONAL OR MENTAL CONDITIONS OF INDIVIDUALS OR GROUPS.**

12           **[(s)] (V)**        “Practice clinical professional counseling” means to engage  
13 professionally and for compensation in counseling and appraisal activities by  
14 providing services involving the application of counseling principles and methods in  
15 the diagnosis, prevention, treatment, and amelioration of psychological problems and  
16 emotional or mental conditions of individuals or groups.

17           **[(t)] (W)**        “Practice graduate alcohol and drug counseling” means to practice  
18 clinical alcohol and drug counseling:

19                    (1)        Under the supervision of a licensed clinical alcohol and drug  
20 counselor or another health care provider licensed under this article, as approved by  
21 the Board; and

22                    (2)        While fulfilling the requirements for supervised experience under §  
23 17–302 of this title.

24           **[(u)] (X)**        “Practice graduate marriage and family therapy” means to practice  
25 clinical marriage and family therapy:

26                    (1)        Under the supervision of a licensed clinical marriage and family  
27 therapist or another health care provider licensed under this article, as approved by  
28 the Board; and

29                    (2)        While fulfilling the requirements for supervised experience under §  
30 17–303 of this title.

31           **(Y)        “PRACTICE GRADUATE PROFESSIONAL ART THERAPY” MEANS TO**  
32 **PRACTICE CLINICAL PROFESSIONAL ART THERAPY:**

33                    **(1)        UNDER THE SUPERVISION OF A LICENSED CLINICAL**  
34 **PROFESSIONAL ART THERAPIST OR ANOTHER HEALTH CARE PROVIDER**  
35 **LICENSED UNDER THIS ARTICLE, AS APPROVED BY THE BOARD; AND**

1                   **(2) WHILE FULFILLING THE REQUIREMENTS FOR SUPERVISED**  
 2 **EXPERIENCE UNDER § 17-304.1 OF THIS TITLE.**

3           **[(v)] (Z)** “Practice graduate professional counseling” means to practice  
 4 clinical professional counseling:

5                   (1) Under the supervision of a licensed clinical professional counselor  
 6 or another health care provider licensed under this article, as approved by the Board;  
 7 and

8                   (2) While fulfilling the requirements for supervised experience under §  
 9 17-304 of this title.

10           **[(w)] (AA)** “Practice marriage and family therapy” means to engage  
 11 professionally and for compensation in marriage and family therapy activities while  
 12 representing oneself to be a certified professional counselor–marriage and family  
 13 therapist.

14           **[(x)] (BB)** “Practice professional counseling” means to engage professionally  
 15 and for compensation in counseling and appraisal activities while representing oneself  
 16 to be a certified professional counselor.

17 17-103.

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

20 17-201.

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

22 17-202.

23           (a) (1) The Board consists of ~~13~~ ~~11~~ members appointed by the Governor  
 24 with the advice of the Secretary.

25                   (2) Of the ~~13~~ ~~11~~ Board members:

26                           (i) ~~Five~~ ~~THREE~~ FOUR shall be licensed as clinical  
 27 professional counselors;

28                           (ii) ~~Three~~ ~~TWO~~ shall be licensed as clinical marriage and  
 29 family therapists;

30                           (iii) ~~Three~~ ~~TWO~~ shall be licensed as clinical alcohol and drug  
 31 counselors; [and]





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

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

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

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

8           (e)    (1)   The Governor may remove a member for incompetency,  
9 misconduct, or neglect of duty.

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

13 17-301.

14           (a)    ~~(1)~~   Except as otherwise provided in subsection (b) of this section, an  
15 individual may not practice, attempt to practice, or offer to practice clinical alcohol and  
16 drug counseling, clinical marriage and family therapy, CLINICAL PROFESSIONAL  
17 ART THERAPY, or clinical professional counseling in the State unless licensed by the  
18 Board.

19           ~~(2)    ON OR BEFORE OCTOBER 1, 2014, AN INDIVIDUAL SHALL BE~~  
20 ~~LICENSED BY THE BOARD BEFORE THE INDIVIDUAL MAY PRACTICE CLINICAL~~  
21 ~~PROFESSIONAL ART THERAPY IN THE STATE.~~

22           (b)    Subject to the regulations of the Board, subsection (a) of this section does  
23 not apply to:

24           (1)    A student working under the supervision of a licensed mental  
25 health care provider while pursuing a supervised course of study in counseling that  
26 the Board approves as qualifying training and experience under this title; or

27           (2)    An individual who, in accordance with § 17-406 of this title, is  
28 working as a trainee under the supervision of a licensed clinical alcohol and drug  
29 counselor or another health care provider licensed or certified under this article and  
30 approved by the Board while fulfilling the experiential or course of study requirements  
31 under § 17-302 of this subtitle or § 17-402, § 17-403, or § 17-404 of this title.

32           (c)    This subtitle may not be construed to limit the scope of practice of any  
33 individual who is duly licensed under this article.

1 **17-304.1.**

2 (A) EXCEPT AS PROVIDED IN §§ 17-304.2 AND 17-307.1 OF THIS  
3 SUBTITLE, TO QUALIFY FOR A LICENSE TO PRACTICE CLINICAL PROFESSIONAL  
4 ART THERAPY, AN APPLICANT SHALL BE AN INDIVIDUAL WHO MEETS THE  
5 REQUIREMENTS OF THIS SECTION.

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

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

8 (D) (1) THE APPLICANT SHALL HOLD A MASTER'S OR DOCTORAL  
9 DEGREE IN ART THERAPY FROM AN ACCREDITED EDUCATIONAL INSTITUTION  
10 THAT IS APPROVED BY THE BOARD.

11 (2) IN THE CASE OF AN APPLICANT HOLDING A DOCTORAL  
12 DEGREE, THE APPLICANT SHALL HAVE COMPLETED:

13 (I) A MINIMUM OF 90 GRADUATE CREDIT HOURS IN AN ART  
14 THERAPY PROGRAM ACCREDITED BY THE AMERICAN ART THERAPY  
15 ASSOCIATION AND APPROVED BY THE BOARD; AND

16 (II) NOT LESS THAN 2 YEARS OF SUPERVISED EXPERIENCE  
17 IN ART THERAPY APPROVED BY THE BOARD, 1 YEAR OF WHICH SHALL HAVE  
18 BEEN COMPLETED AFTER THE AWARD OF THE DOCTORAL DEGREE.

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

21 (I) A MINIMUM OF 60 GRADUATE CREDIT HOURS IN AN ART  
22 THERAPY PROGRAM ACCREDITED BY THE AMERICAN ART THERAPY  
23 ASSOCIATION AND APPROVED BY THE BOARD; AND

24 (II) NOT LESS THAN 3 YEARS, WITH A MINIMUM OF 3,000  
25 HOURS, OF SUPERVISED EXPERIENCE IN ART THERAPY APPROVED BY THE  
26 BOARD, 2 YEARS OF WHICH SHALL HAVE BEEN COMPLETED AFTER THE AWARD  
27 OF THE MASTER'S DEGREE.

28 (E) THE APPLICANT SHALL PROVIDE DOCUMENTATION TO THE BOARD  
29 EVIDENCING THE COMPLETION OF 60 HOURS OF GRADUATE COURSE WORK IN  
30 ART THERAPY FROM AN ACCREDITED COLLEGE OR UNIVERSITY PROGRAM THAT  
31 IS ACCREDITED BY THE AMERICAN ART THERAPY ASSOCIATION, APPROVED BY  
32 THE BOARD, AND INCLUDES TRAINING IN:

1           **(1) PERSONALITY DEVELOPMENT;**

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

4           **(3) PSYCHOPATHOLOGY;**

5           **(4) PSYCHOTHERAPY;**

6           **(5) MARRIAGE AND FAMILY THERAPY;**

7           **(6) ADDICTIONS; AND**

8           **(7) LIFESTYLE AND CAREER DEVELOPMENT.**

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

12           **(G) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, THE APPLICANT**  
 13 **SHALL PASS THE ART THERAPY CREDENTIALS BOARD EXAM.**

14 **17-304.2.**

15           ~~**ON OR BEFORE OCTOBER 1, 2014, THE BOARD SHALL WAIVE THE**~~  
 16 ~~**REQUIREMENTS FOR LICENSURE UNDER § 17-304.1(D) THROUGH (G) OF THIS**~~  
 17 ~~**SUBTITLE FOR AN APPLICANT TO PRACTICE CLINICAL PROFESSIONAL ART**~~  
 18 ~~**THERAPY, IF THE APPLICANT PROVIDES THE BOARD WITH EVIDENCE OF:**~~

19           ~~**(1) CURRENT CERTIFICATION BY THE ART THERAPY**~~  
 20 ~~**CREDENTIALS BOARD, INC.; AND**~~

21           ~~**(2) HAVING COMPLETED 3 YEARS OF FULL-TIME EXPERIENCE**~~  
 22 ~~**PROVIDING ART THERAPY.**~~

23           **THE BOARD SHALL WAIVE THE REQUIREMENTS FOR THE PRACTICE OF**  
 24 **LICENSED CLINICAL PROFESSIONAL ART THERAPY UNDER § 17-304.1(D)**  
 25 **THROUGH (G) OF THIS SUBTITLE IF, ON OR BEFORE OCTOBER 1, 2014, THE**  
 26 **APPLICANT PROVIDES THE BOARD WITH DOCUMENTATION SHOWING:**

27           **(1) CURRENT CERTIFICATION BY THE ART THERAPY**  
 28 **CREDENTIALS BOARD, INC., AND**

1                   **(2) COMPLETION OF 3 YEARS OF FULL-TIME EXPERIENCE**  
2 **PROVIDING ART THERAPY.**

3 **17-307.1.**

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

7                   **(1) IS LICENSED AS A CLINICAL PROFESSIONAL ART THERAPIST**  
8 **IN ANOTHER STATE, TERRITORY, OR JURISDICTION THAT HAS REQUIREMENTS**  
9 **THAT ARE EQUIVALENT TO OR EXCEED THE REQUIREMENTS OF § 17-304.1 OF**  
10 **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 alcohol and drug  
19 counseling, clinical marriage and family therapy, [or] clinical professional counseling,  
20 **OR CLINICAL PROFESSIONAL ART THERAPY** while the license is effective.

21           (b) An individual licensed under this subtitle may provide services involving  
22 the application of counseling principles and methods in the diagnosis, prevention,  
23 treatment, and amelioration of psychological problems, emotional conditions, or  
24 mental conditions of individuals or groups.

25 **17-309.**

26           (a) The Board may adopt regulations to allow an individual to practice under  
27 supervision as a licensed graduate alcohol and drug counselor, a licensed graduate  
28 marriage and family therapist, [or] a licensed graduate professional counselor, **OR A**  
29 **LICENSED GRADUATE PROFESSIONAL ART THERAPIST.**

30           (b) To qualify to practice as a licensed graduate alcohol and drug counselor, a  
31 licensed graduate marriage and family therapist, [or] a licensed graduate professional  
32 counselor, **OR A LICENSED GRADUATE PROFESSIONAL ART THERAPIST**, an  
33 individual shall be:

1 (1) Of good moral character; and

2 (2) At least 18 years old.

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

5 (1) A master's or doctoral degree in a health and human services  
6 counseling field that meets the educational requirements of § 17-302 of this subtitle;  
7 and

8 (2) Passed the National Alcohol and Drug Counselor Examination  
9 approved by the Board.

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

12 (1) A master's or doctoral degree in a marriage and family field that  
13 meets the educational requirements of § 17-303 of this subtitle; and

14 (2) Passed the National Marriage and Family Therapy Examination  
15 approved by the Board.

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

18 (1) A master's or doctoral degree in a professional counseling field that  
19 meets the educational requirements of § 17-304 of this subtitle; and

20 (2) Passed the National Professional Counselor Examination approved  
21 by the Board.

22 **(F) AN INDIVIDUAL MAY PRACTICE GRADUATE PROFESSIONAL ART**  
23 **THERAPY UNDER SUPERVISION FOR A LIMITED PERIOD OF TIME IF THE**  
24 **INDIVIDUAL HAS A MASTER'S OR DOCTORAL DEGREE IN ART THERAPY THAT**  
25 **MEETS THE EDUCATIONAL REQUIREMENTS OF § 17-304.1 OF THIS SUBTITLE.**

26 **[(f)] (G)** An individual may not practice without approval by the Board.

27 17-508.

28 (a) In this section, "regulated counselor or therapist" means:

29 (1) A licensed clinical alcohol and drug counselor;

30 (2) A licensed clinical marriage and family therapist;

1           **(3) A LICENSED CLINICAL PROFESSIONAL ART THERAPIST;**

2           ~~[(3)] (4)~~ A licensed clinical professional counselor;

3           ~~[(4)] (5)~~ A licensed graduate alcohol and drug counselor;

4           ~~[(5)] (6)~~ A licensed graduate marriage and family therapist;

5           **(7) A LICENSED GRADUATE PROFESSIONAL ART THERAPIST;**

6           ~~[(6)] (8)~~ A licensed graduate professional counselor;

7           ~~[(7)] (9)~~ A certified professional counselor—alcohol and drug  
8 counselor;

9           ~~[(8)] (10)~~ A certified associate counselor—alcohol and drug counselor;

10          ~~[(9)] (11)~~ A certified supervised counselor—alcohol and drug counselor;

11          ~~[(10)] (12)~~ A certified professional counselor—marriage and family  
12 therapist; and

13          ~~[(11)] (13)~~ A certified professional counselor.

14          (b) Unless the Board agrees to accept the surrender of a license or certificate,  
15 while the licensee or certificate holder is under investigation or while charges are  
16 pending against the licensee or certificate holder, a regulated counselor or therapist  
17 may not:

18           (1) Surrender the license or certificate; or

19           (2) Allow the license or certificate to lapse by operation of law.

20          (c) The Board may set conditions on its agreement with the regulated  
21 counselor or therapist under investigation or against whom charges are pending to  
22 accept surrender of the license or certificate.

23          17–509.

24          Subject to the hearing provisions of § 17–511 of this subtitle, the Board, on the  
25 affirmative vote of a majority of its members then serving, may deny a license or  
26 certificate to any applicant, place any licensee or certificate holder on probation,  
27 reprimand any licensee or certificate holder, or suspend or revoke a license of any  
28 licensee or a certificate of any certificate holder if the applicant, licensee, or certificate  
29 holder:

- 1 (1) Fraudulently or deceptively obtains or attempts to obtain a license  
2 or certificate for the applicant, licensee, or certificate holder or for another;
- 3 (2) Habitually is intoxicated;
- 4 (3) Provides professional services:
  - 5 (i) While under the influence of alcohol; or
  - 6 (ii) While using any narcotic or controlled dangerous substance,  
7 as defined in § 5–101 of the Criminal Law Article, or other drug that is in excess of  
8 therapeutic amounts or without valid medical indication;
- 9 (4) Aids or abets an unauthorized individual in practicing clinical or  
10 nonclinical counseling or therapy or representing to be an alcohol and drug counselor,  
11 marriage and family therapist, [or] professional counselor, **OR PROFESSIONAL ART**  
12 **THERAPIST**;
- 13 (5) Promotes the sale of drugs, devices, appliances, or goods to a  
14 patient so as to exploit the patient for financial gain;
- 15 (6) Willfully makes or files a false report or record in the practice of  
16 counseling or therapy;
- 17 (7) Makes a willful misrepresentation while counseling or providing  
18 therapy;
- 19 (8) Violates the code of ethics adopted by the Board;
- 20 (9) Knowingly violates any provision of this title;
- 21 (10) Is convicted of or pleads guilty or nolo contendere to a felony or a  
22 crime involving moral turpitude, whether or not any appeal or other proceeding is  
23 pending to have the conviction or plea set aside;
- 24 (11) Is professionally, physically, or mentally incompetent;
- 25 (12) Submits a false statement to collect a fee;
- 26 (13) Violates any rule or regulation adopted by the Board;
- 27 (14) Is disciplined by a licensing or disciplinary authority of any other  
28 state or country or convicted or disciplined by a court of any state or country for an act  
29 that would be grounds for disciplinary action under the Board’s disciplinary statutes;

1 (15) Refuses, withholds from, denies, or discriminates against an  
2 individual with regard to the provision of professional services for which the licensee is  
3 licensed and qualified or the certificate holder is certified and qualified to render  
4 because the individual is HIV positive;

5 (16) Commits an act of immoral or unprofessional conduct in the  
6 practice of clinical or nonclinical counseling or therapy;

7 (17) Knowingly fails to report suspected child abuse in violation of §  
8 5–704 of the Family Law Article; or

9 (18) Fails to cooperate with a lawful investigation conducted by the  
10 Board.

11 17–513.

12 (a) An action may be maintained in the name of the State or the Board to  
13 enjoin:

14 (1) The unauthorized practice of alcohol and drug counseling and  
15 clinical alcohol and drug counseling, marriage and family therapy and clinical  
16 marriage and family therapy, [or] professional counseling and clinical professional  
17 counseling, **OR CLINICAL PROFESSIONAL ART THERAPY**; or

18 (2) Conduct that is a ground for disciplinary action under § 17–509 of  
19 this subtitle.

20 (b) An action under this section may be brought by:

21 (1) The Board, in its own name;

22 (2) The Attorney General, in the name of the State; or

23 (3) A State’s Attorney, in the name of the State.

24 (c) An action under this section shall be brought in the county where the  
25 defendant:

26 (1) Resides; or

27 (2) Engages in the acts sought to be enjoined.

28 (d) Proof of actual damages or that any person will sustain any damages if  
29 an injunction is not granted is not required for an action under this section.

30 (e) An action under this section is in addition to and not instead of criminal  
31 prosecution for the unauthorized practice of alcohol and drug counseling and clinical



1 alcohol and drug counseling, marriage and family therapy and clinical marriage and  
2 family therapy, [or] professional counseling and clinical professional counseling, **OR**  
3 **CLINICAL PROFESSIONAL ART THERAPY**, under § 17–301, § 17–601, § 17–602, or §  
4 17–603 of this title or disciplinary action under § 17–509 of this subtitle.

5 17–515.

6 (a) In this section, “counselor and therapist rehabilitation committee” means  
7 a committee that:

8 (1) Is described in subsection (b) of this section; and

9 (2) Performs any of the functions listed in subsection (d) of this  
10 section.

11 (b) For purposes of this section, a counselor and therapist rehabilitation  
12 committee is a committee of the Board or a committee of any association or  
13 associations representing alcohol and drug counselors, marriage and family therapists,  
14 [or] professional counselors, **OR PROFESSIONAL ART THERAPISTS** that:

15 (1) Is recognized by the Board; and

16 (2) Includes but is not limited to alcohol and drug counselors,  
17 marriage and family therapists, [and] professional counselors, **AND PROFESSIONAL**  
18 **ART THERAPISTS**.

19 (c) A rehabilitation committee of the Board or recognized by the Board may  
20 function:

21 (1) Solely for the Board; or

22 (2) Jointly with a rehabilitation committee representing another board  
23 or boards.

24 (d) For purposes of this section, a counselor and therapist rehabilitation  
25 committee evaluates and provides assistance to any alcohol and drug counselor,  
26 marriage and family therapist, professional counselor, **PROFESSIONAL ART**  
27 **THERAPIST**, and any other individual regulated by the Board, in need of treatment  
28 and rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical,  
29 emotional, or mental condition.

30 (e) (1) Except as otherwise provided in this subsection, the proceedings,  
31 records, and files of the counselor and therapist rehabilitation committee are not  
32 discoverable and are not admissible in evidence in any civil action arising out of the  
33 matters that are being or have been reviewed and evaluated by the counselor and  
34 therapist rehabilitation committee.

1           (2) Paragraph (1) of this subsection does not apply to any record or  
2 document that is considered by the counselor and therapist rehabilitation committee  
3 and that otherwise would be subject to discovery or introduction into evidence in a  
4 civil action.

5           (3) For purposes of this subsection, civil action does not include a  
6 proceeding before the Board or judicial review of a proceeding before the Board.

7           (f) A person who acts in good faith and within the scope of jurisdiction of a  
8 counselor and therapist rehabilitation committee is not civilly liable for any action as a  
9 member of the counselor and therapist rehabilitation committee or for giving  
10 information to, participating in, or contributing to the function of the counselor and  
11 therapist rehabilitation committee.

12 17-601.

13           Unless an individual is licensed to practice clinical alcohol and drug counseling,  
14 clinical marriage and family therapy, [or] clinical professional counseling, **OR**  
15 **CLINICAL PROFESSIONAL ART THERAPY**, an individual may not:

16           (1) Represent to the public by title, by description of services, methods,  
17 or procedures, or otherwise, that the individual is licensed by the Board to provide  
18 clinical alcohol and drug counseling services, clinical marriage and family therapy  
19 services, [or] clinical professional counseling services, **OR CLINICAL PROFESSIONAL**  
20 **ART THERAPY SERVICES** in the State;

21           (2) Use any title, abbreviation, sign, card, or other representation that  
22 the individual is a licensed clinical alcohol and drug counselor, licensed clinical  
23 marriage and family therapist, [or] licensed clinical professional counselor, **LICENSED**  
24 **CLINICAL PROFESSIONAL ART THERAPIST**; or

25           (3) Use the title "L.C.A.D.C.", "L.C.M.F.T.", [or] "L.C.P.C.", ~~OR~~  
26 ~~"L.C.P.A.T OR "L.C.P.A.T."~~ or the words "licensed clinical alcohol and drug  
27 counselor", "licensed clinical marriage and family therapist", [or] "licensed clinical  
28 professional counselor", **OR "LICENSED CLINICAL PROFESSIONAL ART**  
29 **THERAPIST"** with the intent to represent that the individual practices clinical alcohol  
30 and drug counseling, clinical marriage and family therapy, [or] clinical professional  
31 counseling, **OR CLINICAL PROFESSIONAL ART THERAPY**.

32 17-602.

33           Except as otherwise provided in this title, unless an individual has been  
34 approved by the Board to practice as a licensed graduate alcohol and drug counselor, a  
35 licensed graduate professional counselor, [or] a licensed graduate marriage and family

1 therapist, **OR A LICENSED GRADUATE PROFESSIONAL ART THERAPIST** the  
2 individual may not:

3 (1) Use the title “licensed graduate alcohol and drug counselor”,  
4 “licensed graduate professional counselor”, [or] “licensed graduate marriage and  
5 family therapist”, **OR “LICENSED GRADUATE PROFESSIONAL ART THERAPIST”**;

6 (2) Use the initials “L.G.A.D.C.”, “L.G.P.C.”, [or] “L.G.M.F.T.”, ~~OR~~  
7 ~~“L.G.P.A.T.”~~ **OR “L.G.P.A.T.”** after the name of the individual;

8 (3) Represent to the public that the individual is approved by the  
9 Board to practice alcohol and drug counseling, professional counseling, [or] marriage  
10 and family therapy, **OR PROFESSIONAL ART THERAPY**; or

11 (4) Use any title, abbreviation, sign, card, or other representation that  
12 the individual is a licensed graduate alcohol and drug counselor, a licensed graduate  
13 professional counselor, [or] a licensed graduate marriage and family therapist, **OR A**  
14 **LICENSED GRADUATE PROFESSIONAL ART THERAPIST**.

15 SECTION 2. AND BE IT FURTHER ENACTED, That:

16 ~~(1) the two clinical professional art therapist members member added~~  
17 ~~to the State Board of Professional Counselors and Therapists under § 17–202(a)(2)(iv)~~  
18 ~~of the Health Occupations Article, as enacted by Section 1 of this Act, shall be~~  
19 ~~appointed to fill the first two vacancies vacancy on the Board formerly filled by a~~  
20 ~~licensed clinical professional counselor member, a licensed clinical marriage and~~  
21 ~~family therapist member, or a licensed clinical alcohol and drug counselor member~~  
22 ~~that occur after the effective date of this Act; and~~

23 ~~(2) after the two clinical professional art therapist members have been~~  
24 ~~added in accordance with item (1) of this section, the next two vacancies on the Board~~  
25 ~~formerly filled by a licensed clinical professional counselor member, a licensed clinical~~  
26 ~~marriage and family therapist member, or a licensed clinical alcohol and drug~~  
27 ~~counselor member shall be left vacant until the membership of the Board reflects the~~  
28 ~~membership required by § 17–202(a) of the Health Occupations Article, as enacted by~~  
29 ~~Section 1 of this Act.~~

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2012.