

SENATE BILL 474

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2lr2157
CF HB 348

By: **Senator Pinsky**

Introduced and read first time: February 2, 2012

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Professional Counselors and Therapists – Certified**
3 **Professional Counselor–Alcohol and Drug – Repeal**

4 FOR the purpose of repealing certain provisions of law relating to the requirements
5 that must be met to qualify as a certified professional counselor–alcohol and
6 drug; repealing a certain requirement that the State Board of Professional
7 Counselors and Therapists grant a certain waiver to certain applicants;
8 prohibiting the Board from placing a certified professional counselor–alcohol
9 and drug on inactive status; prohibiting the Board from reinstating the
10 certificate of a certified professional counselor–alcohol and drug under certain
11 circumstances; providing that this Act may not be construed to invalidate
12 certain certificates or to prohibit certain renewals; and generally relating to the
13 repeal of the certified professional counselor–alcohol and drug certificate.

14 BY repealing

15 Article – Health Occupations
16 Section 17–402
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2011 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – Health Occupations
21 Section 17–405 and 17–505
22 Annotated Code of Maryland
23 (2009 Replacement Volume and 2011 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That Section(s) 17–402 of Article – Health Occupations of the Annotated
26 Code of Maryland be repealed.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Health Occupations**

4 17–405.

5 (a) The Board shall waive the requirements for certification for an applicant
6 to practice alcohol and drug counseling if the applicant meets the requirements of this
7 section.

8 [(b) If the applicant is licensed or certified to practice as a professional
9 counselor–alcohol and drug, the Board shall grant a waiver under this section only if
10 the applicant:

11 (1) Is licensed or certified in another state, territory, or jurisdiction
12 that has requirements that are equivalent to or exceed the requirements of § 17–402 of
13 this subtitle;

14 (2) Submits an application to the Board on a form that the Board
15 requires; and

16 (3) Pays to the Board an application fee set by the Board.

17 (c) (B) If the applicant is licensed or certified to practice as an associate
18 counselor–alcohol and drug, the Board shall grant a waiver under this section only if
19 the applicant:

20 (1) Is licensed or certified in another state, territory, or jurisdiction
21 that has requirements that are equivalent to or exceed the requirements of § 17–403 of
22 this subtitle;

23 (2) Submits an application to the Board on a form that the Board
24 requires; and

25 (3) Pays to the Board an application fee set by the Board.

26 [(d) (C) If the applicant is licensed or certified to practice as a supervised
27 counselor–alcohol and drug, the Board shall grant a waiver under this section only if
28 the applicant:

29 (1) Is licensed or certified in another state, territory, or jurisdiction
30 that has requirements that are equivalent to or exceed the requirements of § 17–404 of
31 this subtitle;

32 (2) Submits an application to the Board on a form that the Board
33 requires; and

1 (3) Pays to the Board an application fee set by the Board.

2 **[(e)] (D)** The Board shall adopt regulations to carry out this section.

3 17-505.

4 (a) (1) Except as provided in paragraph (3) of this subsection, the Board
5 shall place a licensee or certificate holder on inactive status, if the licensee or
6 certificate holder:

7 (i) Submits to the Board an application for inactive status on
8 the form required by the Board; and

9 (ii) Pays the inactive status fee set by the Board.

10 (2) The Board shall issue a license or certificate to an individual who
11 is on inactive status if the individual complies with the renewal requirements that are
12 in effect when the individual requests the renewal of the license or certificate.

13 (3) The Board may not place **A CERTIFIED PROFESSIONAL**
14 **COUNSELOR-ALCOHOL AND DRUG**, a certified professional counselor-marriage and
15 family therapist, or a certified professional counselor on inactive status.

16 (b) (1) Except as provided in paragraph (2) of this subsection, the Board,
17 in accordance with its regulations, may reinstate the license of a licensee or the
18 certificate of a certificate holder who has failed to renew the license or certificate for
19 any reason.

20 (2) The Board may not reinstate the certificate of **A CERTIFIED**
21 **PROFESSIONAL COUNSELOR-ALCOHOL AND DRUG**, a certified professional
22 counselor-marriage and family therapist, or certified professional counselor who has
23 failed to renew the certificate for any reason.

24 SECTION 3. AND BE IT FURTHER ENACTED, That nothing in this Act shall
25 be construed to invalidate a certificate issued by the State Board of Professional
26 Counselors and Therapists to a certified professional counselor-alcohol and drug
27 before the effective date of this Act or to prohibit the timely renewal by the Board of a
28 valid certificate.

29 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2012.