

SENATE BILL 784

F2
HB 601/13 – W&M

4lr2609

By: **Senators Montgomery, Astle, Benson, Brinkley, Colburn, Conway, Feldman, Kelley, Klausmeier, Middleton, ~~and Ramirez~~ Ramirez, and Dyson**

Introduced and read first time: January 31, 2014
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 8, 2014

CHAPTER _____

1 AN ACT concerning

2 ~~Education – Loan Assistance – Professional Counselors and Alcohol and Drug~~
3 ~~Counselors~~

4 Higher Education – Loan Assistance – Licensed Clinical Counselors

5 FOR the purpose of requiring the Office of Student Financial Assistance of the
6 Maryland Higher Education Commission to assist in the repayment of certain
7 higher education loans owed by ~~licensed clinical professional counselors or~~
8 licensed clinical alcohol and drug counselors, licensed clinical marriage and
9 family therapy counselors, or licensed clinical professional counselors under
10 certain circumstances; ~~requiring that funds for the Janet L. Hoffman Loan~~
11 ~~Assistance Repayment Program include certain money paid to the Program~~
12 ~~from certain fees collected by the State Board of Professional Counselors and~~
13 ~~Therapists; requiring the Comptroller to distribute a certain amount of the fees~~
14 ~~received from the State Board of Professional Counselors and Therapists to the~~
15 ~~Office of Student Financial Assistance;~~ and generally relating to the repayment
16 of higher education loans owed by ~~licensed clinical professional counselors and~~
17 licensed clinical alcohol and drug counselors, licensed clinical marriage and
18 family therapy counselors, and licensed clinical professional counselors.

19 BY repealing and reenacting, without amendments,
20 Article – Education
21 Section 18–1501

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 Annotated Code of Maryland
2 (2008 Replacement Volume and 2013 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Education
5 Section 18–1502 ~~and 18–1504~~
6 Annotated Code of Maryland
7 (2008 Replacement Volume and 2013 Supplement)

8 ~~BY repealing and reenacting, with amendments,~~
9 ~~Article – Health Occupations~~
10 ~~Section 17–206~~
11 ~~Annotated Code of Maryland~~
12 ~~(2009 Replacement Volume and 2013 Supplement)~~

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

15 **Article – Education**

16 18–1501.

17 (a) In this subtitle the following words have the meanings indicated.

18 (b) (1) “Eligible field of employment” means employment in the State by
19 an organization, institution, association, society, or corporation that is exempt from
20 taxation under § 501(c)(3) or (4) of the Internal Revenue Code of 1986.

21 (2) “Eligible field of employment” includes employment by the State or
22 any local government in the State, but does not include being employed as a judicial
23 clerk in any court.

24 (c) “Higher education loan” means any loan for undergraduate or graduate
25 study that is obtained for tuition, educational expenses, or living expenses from:

26 (1) A college or university, government, or commercial source; or

27 (2) An organization, institution, association, society, or corporation
28 that is exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code of
29 1986.

30 (d) “Program” means the Janet L. Hoffman Loan Assistance Repayment
31 Program.

32 18–1502.

1 (a) There is a program of loan assistance repayment known as the Janet L.
2 Hoffman Loan Assistance Repayment Program in the State.

3 (b) The Office of Student Financial Assistance shall assist in the repayment
4 of the amount of any higher education loan owed by an individual who:

5 (1) (i) Receives a graduate, professional, or undergraduate degree
6 from:

7 1. A college or university in the State of Maryland; or

8 2. A school of law; or

9 (ii) Receives a Resident Teacher Certificate (RTC) from the
10 Department after completing an alternative teaching preparation program approved
11 by the State Superintendent;

12 (2) Obtains eligible employment;

13 (3) Receives an income that is less than the maximum eligible total
14 income levels established by the Office, including any additional sources of income;
15 and

16 (4) Satisfies any other criteria established by the Office.

17 (c) Subject to the provisions of subsection (b) of this section, the Office shall
18 assist in the repayment of the amount of any higher education loan owed by a public
19 school teacher in the State who:

20 (1) Has taught in Maryland for at least 2 years:

21 (i) In science, technology, engineering, or math subjects; or

22 (ii) In a school in which at least 75% of the students are enrolled
23 in the free and reduced lunch program in the State; and

24 (2) Has received the highest performance evaluation rating for the
25 most recent year available in the county in which the teacher taught.

26 (d) (1) A grant awarded under subsection (c) of this section shall be
27 known as the Nancy Grasmick Teacher Award.

28 (2) A recipient of a Nancy Grasmick Teacher Award shall be known as
29 a Nancy Grasmick Teacher Scholar.

1 (e) An applicant for assistance in the repayment of a commercial loan shall
 2 demonstrate to the Office that the commercial loan was used for tuition, educational
 3 expenses, or living expenses for graduate or undergraduate study.

4 (f) Assistance in the repayment of a loan from an entity set forth in §
 5 18–1501(c)(2) of this subtitle shall require the approval of the Office.

6 **(G) SUBJECT TO THE PROVISIONS OF SUBSECTION (B) OF THIS**
 7 **SECTION, THE OFFICE SHALL ASSIST IN THE REPAYMENT OF THE AMOUNT OF**
 8 **ANY HIGHER EDUCATION LOAN OWED BY ~~A LICENSED CLINICAL PROFESSIONAL~~**
 9 **~~COUNSELOR OR~~ A LICENSED CLINICAL ALCOHOL AND DRUG COUNSELOR, A**
 10 **LICENSED CLINICAL MARRIAGE AND FAMILY THERAPY COUNSELOR, OR A**
 11 **LICENSED CLINICAL PROFESSIONAL COUNSELOR WHOSE PRACTICE IS LOCATED**
 12 **IN A HIGH-NEED GEOGRAPHIC AREA OF THE STATE AS DETERMINED BY THE**
 13 **DEPARTMENT OF HEALTH AND MENTAL HYGIENE.**

14 ~~18–1504.~~

15 ~~(a) Funds for the Janet L. Hoffman Loan Assistance Repayment Program~~
 16 ~~described in subsection (b)(2) of this section shall be allocated by the Commission to an~~
 17 ~~individual who:~~

18 ~~(1) Has received a graduate degree from a school of law; and~~

19 ~~(2) Has submitted an application for the Janet L. Hoffman Loan~~
 20 ~~Assistance Repayment Program that the Commission disapproved due to insufficient~~
 21 ~~funds.~~

22 ~~(b) Funds for the Janet L. Hoffman Loan Assistance Repayment Program~~
 23 ~~shall:~~

24 ~~(1) Be provided on an annual basis in the State budget; [and]~~

25 ~~(2) Include money paid to the Program from the fee charged for a~~
 26 ~~special admission of an out-of-state attorney under § 7–202(e) of the Courts Article;~~
 27 ~~AND~~

28 ~~(3) INCLUDE MONEY PAID TO THE PROGRAM FROM THE FEES~~
 29 ~~DISTRIBUTED BY THE COMPTROLLER TO THE OFFICE OF STUDENT FINANCIAL~~
 30 ~~ASSISTANCE FROM FEES COLLECTED BY THE STATE BOARD OF PROFESSIONAL~~
 31 ~~COUNSELORS AND THERAPISTS UNDER § 17–206(C) OF THE HEALTH~~
 32 ~~OCCUPATIONS ARTICLE.~~

33 ~~(e) If a federal matching grant loan program furnishes professional services~~
 34 ~~in an eligible field of employment to low-income or underserved residents of the State,~~
 35 ~~the Office may apply not more than 50 percent of the funds provided in the State~~

1 ~~budget for the Janet L. Hoffman Loan Assistance Repayment Program to the State's~~
 2 ~~participation in the federal program.~~

3 ~~**Article — Health Occupations**~~

4 ~~17-206.~~

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

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

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

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

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

14 ~~(2) The Comptroller shall [distribute the fees to the Fund];~~

15 ~~(i) **DISTRIBUTE 12% OF THE FEES TO THE OFFICE OF**~~
 16 ~~**STUDENT FINANCIAL ASSISTANCE OF THE MARYLAND HIGHER EDUCATION**~~
 17 ~~**COMMISSION TO PROVIDE GRANTS TO LICENSED CLINICAL PROFESSIONAL**~~
 18 ~~**COUNSELORS AND LICENSED CLINICAL ALCOHOL AND DRUG COUNSELORS**~~
 19 ~~**UNDER THE JANET L. HOFFMAN LOAN ASSISTANCE REPAYMENT PROGRAM AS**~~
 20 ~~**PROVIDED IN § 18-504 OF THE EDUCATION ARTICLE; AND**~~

21 ~~(ii) **DISTRIBUTE THE REMAINDER OF THE FEES TO THE**~~
 22 ~~**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.~~

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

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

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

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 July 1, 2014.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.