

HOUSE BILL 1201

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5lr2851
CF SB 830

By: **Delegates Hayes, B. Barnes, Haynes, Oaks, Pena–Melnyk, and Rosenberg**
Introduced and read first time: February 25, 2015
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Professional Counselors and Therapists – Provisional**
3 **Licenses**

4 FOR the purpose of authorizing the State Board of Professional Counselors and Therapists
5 to issue a certain provisional license to an individual to practice clinical alcohol and
6 drug counseling, clinical marriage and family therapy, clinical professional art
7 therapy, or clinical professional counseling under certain circumstances;
8 establishing certain qualifications and application requirements for the provisional
9 license; requiring the Board to issue a certain provisional license under certain
10 circumstances; providing that a certain provisional license authorizes the holder to
11 practice certain counseling or therapy; providing for the term of the provisional
12 license; providing that a provisional license may not be renewed; and generally
13 relating to provisional licenses and professional counselors and therapists.

14 BY repealing and reenacting, with amendments,
15 Article – Health Occupations
16 Section 17–301
17 Annotated Code of Maryland
18 (2014 Replacement Volume)

19 BY adding to
20 Article – Health Occupations
21 Section 17–301.1
22 Annotated Code of Maryland
23 (2014 Replacement Volume)

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

26 **Article – Health Occupations**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 17-301.

2 (a) Except as otherwise provided in subsection (b) of this section **OR § 17-301.1**
3 **OF THIS SUBTITLE**, an individual may not practice, attempt to practice, or offer to practice
4 clinical alcohol and drug counseling, clinical marriage and family therapy, clinical
5 professional art therapy, or clinical professional counseling in the State unless licensed by
6 the Board.

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

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

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

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

19 **17-301.1.**

20 **(A) THE BOARD MAY ISSUE A PROVISIONAL LICENSE TO AN INDIVIDUAL TO**
21 **PRACTICE CLINICAL ALCOHOL AND DRUG COUNSELING, CLINICAL MARRIAGE AND**
22 **FAMILY THERAPY, CLINICAL PROFESSIONAL ART THERAPY, OR CLINICAL**
23 **PROFESSIONAL COUNSELING FOR A PERIOD OF 1 YEAR WHILE THE INDIVIDUAL IS**
24 **COMPLETING THE REQUIREMENTS FOR FULL LICENSURE UNDER THIS SUBTITLE.**

25 **(B) (1) TO QUALIFY FOR A PROVISIONAL LICENSE UNDER THIS SECTION,**
26 **AN APPLICANT SHALL MEET THE REQUIREMENTS OF THIS SUBSECTION.**

27 **(2) THE APPLICANT SHALL:**

28 **(I) BE OF GOOD MORAL CHARACTER; AND**

29 **(II) BE AT LEAST 18 YEARS OLD.**

30 **(3) AT THE TIME OF APPLICATION FOR A PROVISIONAL LICENSE, THE**
31 **APPLICANT SHALL:**

1 **(I) HOLD A VALID LICENSE IN ANOTHER STATE TO PRACTICE**
2 **CLINICAL ALCOHOL AND DRUG COUNSELING, CLINICAL MARRIAGE AND FAMILY**
3 **THERAPY, CLINICAL PROFESSIONAL ART THERAPY, OR CLINICAL PROFESSIONAL**
4 **COUNSELING; AND**

5 **(II) HAVE HELD THE LICENSE IN THE OTHER STATE FOR AT**
6 **LEAST 2 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION.**

7 **(4) THE APPLICANT SHALL DEMONSTRATE PROGRESS TOWARD FULL**
8 **LICENSURE IN THIS STATE BY MEETING ONE OF THE FOLLOWING REQUIREMENTS**
9 **AT THE TIME OF APPLICATION:**

10 **(I) THE APPLICANT IS ENROLLED IN A REGIONALLY**
11 **ACCREDITED COLLEGE OR UNIVERSITY IN A PROGRAM OF STUDY THAT WILL**
12 **COMPLETE THE REQUIREMENTS FOR FULL LICENSURE IN THIS STATE;**

13 **(II) THE APPLICANT IS REGISTERED TO TAKE THE**
14 **NATIONAL-LEVEL EXAMINATION REQUIRED BY THE BOARD FOR FULL LICENSURE**
15 **IN THIS STATE AND THE STATE LAW TEST;**

16 **(III) THE APPLICANT HAS TAKEN THE NATIONAL-LEVEL**
17 **EXAMINATION REQUIRED BY THE BOARD FOR FULL LICENSURE IN THIS STATE AND**
18 **THE STATE LAW TEST AND IS WAITING FOR THE RESULTS; OR**

19 **(IV) THE APPLICANT HAS PASSED THE NATIONAL-LEVEL**
20 **EXAMINATION REQUIRED BY THE BOARD FOR FULL LICENSURE IN THIS STATE AND**
21 **IS REGISTERED TO TAKE THE STATE LAW TEST.**

22 **(C) TO APPLY FOR A PROVISIONAL LICENSE, AN APPLICANT SHALL:**

23 **(1) SUBMIT AN APPLICATION ON THE FORM THE BOARD REQUIRES;**

24 **(2) PAY TO THE BOARD AN APPLICATION FEE SET BY THE BOARD;**
25 **AND**

26 **(3) SUBMIT TO THE BOARD TWO LETTERS OF RECOMMENDATION**
27 **FROM A CLINICAL ALCOHOL AND DRUG COUNSELOR, CLINICAL MARRIAGE AND**
28 **FAMILY THERAPIST, CLINICAL PROFESSIONAL ART THERAPIST, OR CLINICAL**
29 **PROFESSIONAL COUNSELOR WHO:**

30 **(I) HOLDS A LICENSE IN THE PRACTICE FOR WHICH THE**
31 **APPLICANT SEEKS A PROVISIONAL LICENSE; AND**

1 **(II) 1. IS LICENSED IN THIS STATE; OR**

2 **2. HOLDS A NATIONAL CREDENTIAL THAT THE BOARD**
3 **DETERMINES TO BE EQUIVALENT TO A LICENSE ISSUED IN THIS STATE.**

4 **(D) THE BOARD SHALL ISSUE A PROVISIONAL LICENSE TO AN APPLICANT**
5 **WHO MEETS THE REQUIREMENTS OF THIS SECTION.**

6 **(E) A PROVISIONAL LICENSE AUTHORIZES THE HOLDER TO PRACTICE AS A**
7 **CLINICAL ALCOHOL AND DRUG COUNSELOR, CLINICAL MARRIAGE AND FAMILY**
8 **THERAPIST, CLINICAL PROFESSIONAL ART THERAPIST, OR CLINICAL**
9 **PROFESSIONAL COUNSELOR WHILE THE PROVISIONAL LICENSE IS IN EFFECT.**

10 **(F) (1) A PROVISIONAL LICENSE EXPIRES 1 YEAR AFTER IT IS ISSUED.**

11 **(2) A PROVISIONAL LICENSE MAY NOT BE RENEWED.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2015.