

HB0742/186280/2

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 742

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike “altering the composition of the Board” and substitute “prohibiting a certain number of individuals appointed as certain members of the Board from holding a certain credential”; in line 9, after “year;” insert “requiring the Board to create an Alcohol and Drug Counselor Subcommittee to perform certain functions;”; and strike beginning with “repealing” in line 19 down through “members;” in line 31.

On page 2, strike beginning with “requiring” in line 1 down through “matters;” in line 2; in line 7, after “thereafter;” insert “requiring the Board to submit certain emergency and proposed regulations to the Joint Committee on Administrative, Executive, and Legislative Review within a certain number of days after the effective date of this Act; requiring the Board to submit certain regulations to update provisions regarding certain education and experience requirements to the Joint Committee on or before a certain date; requiring the Board to distribute certain drafts to and receive feedback from certain stakeholders and hold at least a certain number of meetings when drafting certain regulations; requiring the Maryland Department of Health to make certain employees available to the Board to assist in drafting certain regulations; requiring the Board to make a certain determination regarding the regulation of the practice of behavior analysis on or before a certain date and after consulting with the State Board of Examiners of Psychologists, receiving input from certain stakeholders, and holding at least a certain number of meetings; requiring the Board to make a certain determination regarding the regulation of certain creative counselors and therapists on or before a certain date and after receiving certain input and holding at least a certain number of meetings; requiring the Board to make a certain determination for a certain Board composition on or before a certain date and after making certain other determinations, receiving input from certain stakeholders, and holding at least a certain number of meetings;”; in line 9, strike “that the terms of”; in line 10, strike “terminate

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on a certain date” and substitute “to continue to serve until the end of a certain term and that at a certain time, the Governor appoint certain members in accordance with certain provisions of this Act”; strike beginning with “specifying” in line 11 down through “Subcommittee;” in line 12; in line 18, strike “17-6A-01,”; and strike in their entirety lines 26 through 36, inclusive.

AMENDMENT NO. 2

On page 3, in lines 4, 5, 7, and 12, in each instance, strike the bracket; in line 4, strike “**FIVE**”; strike in their entirety lines 8 and 9; in line 11, strike “**(V) ONE SHALL BE A LICENSED BEHAVIOR ANALYST;**”; in line 12, strike “**(VI)**”; and after line 18, insert:

“(5) TWO OF THE INDIVIDUALS APPOINTED AS A LICENSED CLINICAL PROFESSIONAL COUNSELOR MEMBER UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION MAY NOT HOLD ANOTHER CREDENTIAL ISSUED BY THE BOARD.”.

On page 4, in line 3, strike “and”; and in line 5, after “issues” insert “;AND”

(7) ESTABLISH AN ALCOHOL AND DRUG COUNSELOR SUBCOMMITTEE TO:

(I) EVALUATE AND MAKE RECOMMENDATIONS TO THE BOARD ON METHODS TO IMPROVE AND EXPEDITE THE LICENSURE AND CERTIFICATION PROCESSES FOR ALCOHOL AND DRUG COUNSELORS AND DRUG TRAINEES;

(II) EVALUATE AND MAKE RECOMMENDATIONS TO THE BOARD ON METHODS TO IMPROVE AND EXPEDITE THE DISCIPLINARY PROCESS FOR ALCOHOL AND DRUG COUNSELORS AND DRUG TRAINEES;

(III) ASSIST THE BOARD IN DRAFTING REGULATIONS RELATED TO ALCOHOL AND DRUG COUNSELORS AND DRUG TRAINEES; AND

(IV) OTHERWISE ASSIST THE BOARD TO FULFILL THE PURPOSE STATED IN § 17-102(B) OF THIS TITLE".

AMENDMENT NO. 3

On page 8, in line 22, strike "(I)"; in the same line, strike "Is licensed or certified" and substitute "**HOLDS A LICENSE**"; in line 23, strike "has requirements that are" and substitute "**IS**"; and strike beginning with the second "or" in line 23 down through the second "of" in line 24 and substitute "**THE LICENSE THE APPLICANT IS APPLYING FOR UNDER**".

On pages 8 and 9, strike beginning with "OR" in line 24 on page 8 down through "EXAMINATION;" in line 4 on page 9.

On page 9, in line 6, strike "and"; in line 7, after the second "Board" insert "**; AND**

(4) SATISFIES ANY OTHER EDUCATIONAL AND EXPERIENCE REQUIREMENTS ESTABLISHED BY THE BOARD.

(B) THE BOARD MAY WAIVE EDUCATIONAL AND EXPERIENCE REQUIREMENTS ESTABLISHED UNDER SUBSECTION (A)(4) OF THIS SECTION:

(1) UNDER CIRCUMSTANCES DETERMINED BY THE BOARD; AND

(2) FOR APPLICANTS WHO PETITION THE BOARD FOR WAIVER";

and in line 8, strike "(b)" and substitute "**(C)**".

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On page 13, in line 14, strike “(I)”; in the same line, strike “Is licensed or certified” and substitute “HOLDS A LICENSE OR CERTIFICATE”; in line 15, strike “has requirements that are” and substitute “IS”; in the same line, strike “or exceed the requirements of § 17–403 of” and substitute “THE CERTIFICATE THE APPLICANT IS APPLYING FOR UNDER”; strike beginning with “OR” in line 16 down through “EXAMINATION;” in line 25; in line 27, strike “and”; in line 28, after the second “Board” insert “; AND”

(4) SATISFIES ANY OTHER EDUCATIONAL AND EXPERIENCE REQUIREMENTS ESTABLISHED BY THE BOARD.

(C) THE BOARD MAY WAIVE EDUCATIONAL AND EXPERIENCE REQUIREMENTS ESTABLISHED UNDER SUBSECTION (B)(4) OF THIS SECTION:

(1) UNDER CIRCUMSTANCES DETERMINED BY THE BOARD; AND

(2) FOR APPLICANTS WHO PETITION THE BOARD FOR WAIVER;

and in line 29, strike “(c)” and substitute “(D)”.

On page 14, in line 1, strike “(I)”; in the same line, strike “Is licensed or certified” and substitute “HOLDS A LICENSE OR CERTIFICATE”; in line 2, strike “has requirements that are” and substitute “IS”; in the same line, strike “or exceed the requirements of § 17–404 of” and substitute “THE CERTIFICATE THE APPLICANT IS APPLYING FOR UNDER”; strike beginning with “OR” in line 3 down through “EXAMINATION;” in line 12; in line 14, strike “and”; in line 15, after the second “Board” insert “; AND”

(4) SATISFIES ANY OTHER EDUCATIONAL AND EXPERIENCE REQUIREMENTS ESTABLISHED BY THE BOARD.

(E) THE BOARD MAY WAIVE EDUCATIONAL AND EXPERIENCE REQUIREMENTS ESTABLISHED UNDER SUBSECTION (D)(4) OF THIS SECTION:

(1) UNDER CIRCUMSTANCES DETERMINED BY THE BOARD; AND

(2) FOR APPLICANTS WHO PETITION THE BOARD FOR WAIVER”;

and in line 16, strike “(d)” and substitute “**(F)**”.

AMENDMENT NO. 4

On pages 14 through 22, strike in their entirety the lines beginning with line 30 on page 14 through line 5 on page 22, inclusive.

On page 22, strike beginning with “proposing” in line 32 down through “so” in line 33 and substitute “adopting regulations as required under subsection (c) of this section”.

On page 23, in line 28, strike the second “and”; and in line 31, after “system” insert “;

(12) the progress the Board has made in determining whether it is more appropriate for the Board or the State Board of Examiners of Psychologists to regulate the practice of behavior analysis as required under subsection (d) of this section;

(13) the progress the Board has made in determining whether or not it would be in the best interest of the State to regulate additional creative or expressive counselors and therapists as required under subsection (e) of this section; and

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(14) the progress the Board has made in determining a Board composition that appropriately represents the professions credentialed by the Board while providing the best protection to the public as required under subsection (f) of this section.

(c) (1) Within 30 days after the effective date of this Act, the Board shall submit emergency and proposed regulations to the Joint Committee on Administrative, Executive, and Legislative Review:

(i) on licensed clinical professional art therapists and licensed graduate professional art therapists; and

(ii) clarifying internship and supervised work experience requirements for an applicant to qualify as a certified associate counselor–alcohol and drug or a certified supervised counselor–alcohol and drug.

(2) On or before January 1, 2019, the Board shall submit regulations to the Joint Committee on Administrative, Executive, and Legislative Review to update, as appropriate, provisions regarding education and experience requirements for:

(i) licensed clinical professional counselors;

(ii) licensed graduate professional counselors;

(iii) licensed clinical marriage and family therapists;

(iv) licensed graduate marriage and family therapists;

(v) licensed clinical alcohol and drug counselors;

(vi) licensed graduate alcohol and drug counselors;

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(vii) certified associate counselors—alcohol and drug;

(viii) certified supervised counselors—alcohol and drug; and

(ix) alcohol and drug trainees.

(3) When drafting regulations in accordance with paragraph (2) of this subsection, the Board shall:

(i) distribute drafts to and receive feedback from interested stakeholders; and

(ii) hold at least one public meeting.

(4) The Maryland Department of Health shall make employees of the Department available to the Board to assist in drafting the regulations required by this subsection.

(d) On or before June 1, 2019, the Board shall determine whether the Board or the State Board of Examiners of Psychologists is the most appropriate board to regulate the practice of behavior analysis after:

(1) consulting with the State Board of Examiners of Psychologists;

(2) receiving input from interested stakeholders; and

(3) holding at least one public meeting.

(e) (1) On or before June 1, 2019, the Board shall determine whether or not it would be in the best interest of the State to regulate additional creative or expressive counselors and therapists and, if so, whether the Board or another existing health

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occupations board should or a new board should be established to regulate the creative or expressive counselors and therapists.

(2) The Board shall make the determination after:

(i) receiving input from interested stakeholders; and

(ii) holding at least one public meeting.

(f) On or before October 1, 2019, the Board shall determine a Board composition that appropriately represents the professions credentialed by the Board while providing the best protection to the public after:

(1) making the determinations required under subsections (d) and (e) of this section;

(2) receiving input from interested stakeholders; and

(3) holding at least one public meeting”.

On page 24, in line 5, strike “the terms of”; in the same line, after the second “the” insert “two longest serving”; strike beginning with “marriage” in line 6 down through “date” in line 7 and substitute “professional counselors on the effective date of this Act shall continue to serve until the end of the members’ current term at which time the Governor shall appoint two licensed clinical professional counselors who do not hold another credential issued by the Board as required by § 17-202(a)(5) of the Health Occupations Article, as enacted by Section 1”; in line 9, strike “whose appointment is terminated under” and substitute “who finishes the member’s term in accordance with”; strike in their entirety lines 11 through 15, inclusive; and in line 16, strike “6.” and substitute “5.”.