

HOUSE BILL 1096

J2, P1

8lr1378

By: **Delegates Waldstreicher and Wilson**

Introduced and read first time: February 7, 2018

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Mental Health Veteran Employment Pilot Program –**
3 **Establishment**

4 FOR the purpose of establishing the Mental Health Veteran Employment Pilot Program
5 under the State Board of Physicians, the State Board of Professional Counselors and
6 Therapists, and the State Board of Examiners of Psychologists; specifying the
7 purposes of the Program; requiring the boards, in consultation with the Department
8 of Veterans Affairs, to adopt regulations establishing the requirements for veteran
9 mental health specialists, mental health professionals, and employers to participate
10 in the Program and listing any mental health occupational specialties that qualify
11 an individual to participate in the Program as a veteran mental health specialist;
12 requiring the Department and certain boards, on or before a certain date, to report
13 certain information to the General Assembly; altering certain definitions to exempt
14 performing a delegated mental health act while participating in the Program from
15 certain scopes of practice; defining certain terms; providing for the termination of
16 this Act; and generally relating to the Mental Health Veteran Employment Pilot
17 Program.

18 BY renumbering

19 Article – Health Occupations
20 Section 1–706
21 to be Section 1–707
22 Annotated Code of Maryland
23 (2014 Replacement Volume and 2017 Supplement)

24 BY adding to

25 Article – Health Occupations
26 Section 1–706 to be under the amended subtitle “Subtitle 7. Service Members,
27 Veterans, and Military Spouses”
28 Annotated Code of Maryland
29 (2014 Replacement Volume and 2017 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Health Occupations
3 Section 14–101(o), 17–101(v), and 18–101(f)
4 Annotated Code of Maryland
5 (2014 Replacement Volume and 2017 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
7 That Section(s) 1–706 of Article – Health Occupations of the Annotated Code of Maryland
8 be renumbered to be Section(s) 1–707.

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

11 **Article – Health Occupations**

12 Subtitle 7. Service Members, Veterans, and Military Spouses [– Licensing].

13 **1–706.**

14 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
15 INDICATED.

16 (2) “DELEGATED MENTAL HEALTH ACT” MEANS AN ACTIVITY THAT IS
17 DELEGATED BY A MENTAL HEALTH PROFESSIONAL TO A VETERAN MENTAL HEALTH
18 SPECIALIST UNDER THIS SECTION AND UNDER REGULATIONS ADOPTED BY THE
19 HEALTH OCCUPATIONS BOARDS THAT LICENSE OR CERTIFY THE MENTAL HEALTH
20 PROFESSIONAL.

21 (3) “DIRECT SUPERVISION” MEANS THAT A MENTAL HEALTH
22 PROFESSIONAL IS PHYSICALLY AVAILABLE, NOTWITHSTANDING APPROPRIATE
23 BREAKS, ON–SITE IN THE AREA WHERE MENTAL HEALTH SERVICES ARE PROVIDED,
24 TO SUPERVISE DELEGATED MENTAL HEALTH ACTS.

25 (4) “MENTAL HEALTH PROFESSIONAL” MEANS AN INDIVIDUAL:

26 (I) LICENSED OR CERTIFIED BY THE BOARD OF PHYSICIANS
27 UNDER TITLE 14 OF THIS ARTICLE, THE BOARD OF PROFESSIONAL COUNSELORS
28 AND THERAPISTS UNDER TITLE 17 OF THIS ARTICLE, OR THE BOARD OF
29 EXAMINERS OF PSYCHOLOGISTS UNDER TITLE 18 OF THIS ARTICLE; AND

30 (II) WHO PROVIDES MENTAL HEALTH SERVICES.

31 (5) “PROGRAM” MEANS THE MENTAL HEALTH VETERAN
32 EMPLOYMENT PILOT PROGRAM ESTABLISHED UNDER SUBSECTION (B) OF THIS

1 SECTION.

2 (6) "VETERAN MENTAL HEALTH SPECIALIST" MEANS A VETERAN WHO
3 SERVED IN THE MILITARY IN A MENTAL HEALTH OCCUPATIONAL SPECIALTY,
4 INCLUDING:

5 (I) AS A MENTAL HEALTH SPECIALIST IN THE UNITED STATES
6 ARMY;

7 (II) AS A PSYCHIATRY TECHNICIAN IN THE UNITED STATES
8 NAVY;

9 (III) IN A MENTAL HEALTH SERVICE JOB IN THE UNITED STATES
10 AIR FORCE; OR

11 (IV) IN ANY OTHER SPECIALTY DESIGNATED UNDER
12 REGULATIONS ADOPTED UNDER SUBSECTION (D) OF THIS SECTION.

13 (B) THERE IS A MENTAL HEALTH VETERAN EMPLOYMENT PILOT
14 PROGRAM.

15 (C) THE PURPOSES OF THE PROGRAM ARE TO:

16 (1) ALLOW VETERAN MENTAL HEALTH SPECIALISTS TO PRACTICE
17 AND PERFORM CERTAIN DELEGATED MENTAL HEALTH ACTS UNDER THE DIRECT
18 SUPERVISION OF A MENTAL HEALTH PROFESSIONAL;

19 (2) INCREASE CIVILIAN EMPLOYMENT OPPORTUNITIES FOR
20 VETERAN MENTAL HEALTH SPECIALISTS; AND

21 (3) USE THE TRAINING AND EXPERIENCE OF VETERAN MENTAL
22 HEALTH SPECIALISTS TO FILL EMPLOYMENT GAPS IN THE MENTAL HEALTH FIELD.

23 (D) IN CONSULTATION WITH THE DEPARTMENT OF VETERANS AFFAIRS,
24 THE HEALTH OCCUPATIONS BOARDS THAT LICENSE OR CERTIFY MENTAL HEALTH
25 PROFESSIONALS SHALL ADOPT REGULATIONS:

26 (1) ESTABLISHING THE REQUIREMENTS FOR VETERAN MENTAL
27 HEALTH SPECIALISTS, MENTAL HEALTH PROFESSIONALS, AND EMPLOYERS TO
28 PARTICIPATE IN THE PROGRAM; AND

29 (2) LISTING ANY MENTAL HEALTH OCCUPATIONAL SPECIALTIES, IN
30 ADDITION TO THOSE LISTED UNDER SUBSECTION (A)(6) OF THIS SECTION, THAT

1 **QUALIFY AN INDIVIDUAL TO PARTICIPATE IN THE PROGRAM AS A VETERAN MENTAL**
 2 **HEALTH SPECIALIST.**

3 14–101.

4 (o) (1) “Practice medicine” means to engage, with or without compensation, in
 5 medical:

6 (i) Diagnosis;

7 (ii) Healing;

8 (iii) Treatment; or

9 (iv) Surgery.

10 (2) “Practice medicine” includes doing, undertaking, professing to do, and
 11 attempting any of the following:

12 (i) Diagnosing, healing, treating, preventing, prescribing for, or
 13 removing any physical, mental, or emotional ailment or supposed ailment of an individual:

14 1. By physical, mental, emotional, or other process that is
 15 exercised or invoked by the practitioner, the patient, or both; or

16 2. By appliance, test, drug, operation, or treatment;

17 (ii) Ending of a human pregnancy; and

18 (iii) Performing acupuncture as provided under § 14–504 of this title.

19 (3) “Practice medicine” does not include:

20 (i) Selling any nonprescription drug or medicine;

21 (ii) Practicing as an optician; [or]

22 (iii) Performing a massage or other manipulation by hand, but by no
 23 other means; **OR**

24 **(IV) PERFORMING A DELEGATED MENTAL HEALTH ACT WHILE**
 25 **PARTICIPATING IN THE MENTAL HEALTH VETERAN EMPLOYMENT PILOT**
 26 **PROGRAM ESTABLISHED UNDER § 1–706 OF THIS ARTICLE.**

27 17–101.

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

6 (2) **“PRACTICE CLINICAL PROFESSIONAL COUNSELING” DOES NOT**
7 **INCLUDE THE PERFORMANCE OF A DELEGATED MENTAL HEALTH ACT WHILE**
8 **PARTICIPATING IN THE MENTAL HEALTH VETERAN EMPLOYMENT PILOT**
9 **PROGRAM ESTABLISHED UNDER § 1-706 OF THIS ARTICLE.**

10 18-101.

11 (f) (1) “Practice psychology” means to provide to any person:

12 (i) Any service for compensation involving the application of
13 psychological principles, psychological methods, or psychological procedures for
14 understanding, predicting, or influencing behavior, including the principles that relate to
15 learning, perception, motivation, emotions, organizational relationships, and interpersonal
16 relationships;

17 (ii) Any service for compensation involving the application of
18 psychological methods or psychological procedures for interviewing, counseling,
19 psychotherapy, behavior modification, or hypnosis; or

20 (iii) Any service for compensation involving the application of
21 psychological methods or psychological procedures for constructing, administering, or
22 interpreting tests of mental abilities, neuropsychological functioning, aptitudes, interests,
23 attitudes, personality characteristics, emotions, or motivations.

24 (2) “Practice psychology” includes:

25 (i) The application of psychological principles and psychological
26 methods in the diagnosis, prevention, treatment, and amelioration of psychological
27 problems, emotional conditions, or mental conditions of individuals or groups;

28 (ii) The use of psychological methods to assist an individual in
29 acquiring greater human effectiveness or to modify feelings, conditions, attitudes, or
30 behavior that is emotionally, intellectually, or socially ineffectual or maladjusted; and

31 (iii) The use of biofeedback instruments that do not pierce or cut the
32 skin to measure physical and mental functioning.

33 (3) **“PRACTICE PSYCHOLOGY” DOES NOT INCLUDE THE**
34 **PERFORMANCE OF A DELEGATED MENTAL HEALTH ACT WHILE PARTICIPATING IN**
35 **THE MENTAL HEALTH VETERAN EMPLOYMENT PILOT PROGRAM ESTABLISHED**

1 UNDER § 1-706 OF THIS ARTICLE.

2 (4) In this subsection, “psychological methods”, “psychological principles”,
3 and “psychological procedures” include the body of information that can be derived from a
4 graduate program in psychology, and other education or training recognized by the Board
5 as prerequisites for a license under this title, and that does not amount to the practice of
6 medicine.

7 SECTION 3. AND BE IT FURTHER ENACTED, That on or before December 1,
8 2021, the Department of Veterans Affairs, the State Board of Physicians, the State Board
9 of Professional Counselors and Therapists, and the State Board of Examiners of
10 Psychologists jointly shall report to the General Assembly, in accordance with § 2-1246 of
11 the State Government Article, on:

12 (1) the number and categories of participants in the Mental Health
13 Veteran Employment Pilot Program established under Section 2 of this Act;

14 (2) any recommended changes to the Program; and

15 (3) any other information related to the Program that the Department or
16 boards consider relevant.

17 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2018. It shall remain effective for a period of 4 years and, at the end of September
19 30, 2022, this Act, with no further action required by the General Assembly, shall be
20 abrogated and of no further force and effect.