

HOUSE BILL 1104

J2

9lr2729
CF 9lr3089

By: **Delegates Sample–Hughes, R. Lewis, and P. Young**

Introduced and read first time: February 8, 2019

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Professional Counselors and Therapists – Licensure, Criminal**
3 **History Records Checks, and Trainee Status – Revisions**

4 FOR the purpose of repealing the requirement that the credit hours or educational
5 requirements completed by certain applicants to be licensed by the State Board of
6 Professional Counselors and Therapists be accredited by the American Art Therapy
7 Association; requiring certain applicants to pass an examination approved by the
8 Board, rather than the Art Therapy Credentials Board Exam; requiring an applicant
9 for trainee status to submit certain information to the Board, pay a certain fee, and
10 submit to a criminal history records check; repealing authorization for the Board to
11 accept an alternate method of a criminal history records check under certain
12 circumstances; requiring the Central Repository to forward to the Board and to
13 certain individuals certain information under certain circumstances; altering the
14 information that must be included by the Board on each license and certificate;
15 requiring the Board to maintain a certain electronic roster for a certain purpose;
16 authorizing certain individuals to contact the Board to verify a license or certificate;
17 repealing the requirement for a licensee or certificate holder to display the license or
18 certificate in a certain manner; making certain provisions of law governing the
19 denial, probation, suspension, reprimand, or revocation of licenses and certificates
20 applicable to certain trainees; making conforming changes; repealing certain
21 obsolete language; and generally relating to professional counselors and therapists.

22 BY repealing and reenacting, with amendments,
23 Article – Health Occupations
24 Section 17–304.1, 17–501, 17–503, and 17–509
25 Annotated Code of Maryland
26 (2014 Replacement Volume and 2018 Supplement)

27 BY repealing
28 Article – Health Occupations
29 Section 17–304.2, 17–501.1(d), and 17–506

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2014 Replacement Volume and 2018 Supplement)

3 BY adding to
4 Article – Health Occupations
5 Section 17–501.1(d)
6 Annotated Code of Maryland
7 (2014 Replacement Volume and 2018 Supplement)

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

10 **Article – Health Occupations**

11 17–304.1.

12 (a) Except as provided in [§§ 17–304.2 and] § 17–307.1 of this subtitle, to qualify
13 for a license to practice clinical professional art therapy, an applicant shall be an individual
14 who meets the requirements of this section.

15 (b) The applicant shall be of good moral character.

16 (c) The applicant shall be at least 18 years old.

17 (d) (1) The applicant shall hold a master’s or doctoral degree in art therapy
18 from an accredited educational institution that is approved by the Board.

19 (2) In the case of an applicant holding a doctoral degree, the applicant shall
20 have completed:

21 (i) A minimum of 90 graduate credit hours in an art therapy
22 program [accredited by the American Art Therapy Association and] approved by the Board;
23 and

24 (ii) Not less than 2 years of supervised experience in art therapy
25 approved by the Board, 1 year of which shall have been completed after the award of the
26 doctoral degree.

27 (3) In the case of an applicant holding only a master’s degree, the applicant
28 shall have completed:

29 (i) A minimum of 60 graduate credit hours in an art therapy
30 program [accredited by the American Art Therapy Association and] approved by the Board;
31 and

32 (ii) Not less than 3 years, with a minimum of 3,000 hours, of
33 supervised experience in art therapy approved by the Board, 2 years of which shall have

1 been completed after the award of the master's degree.

2 (e) The applicant shall provide documentation to the Board evidencing the
3 completion of any educational requirements established by the Board in regulation, from
4 an accredited college or university program that is [accredited by the American Art
5 Therapy Association,] approved by the Board.

6 (f) The applicant shall provide documentation evidencing the completion of 2
7 years of postgraduate supervised experience as required by the Board.

8 (g) Except as otherwise provided in this title, the applicant shall pass [the Art
9 Therapy Credentials Board Exam] **AN EXAMINATION APPROVED BY THE BOARD.**

10 [17-304.2.

11 The Board shall waive the requirements for the practice of licensed clinical
12 professional art therapy under § 17-304.1(d) through (g) of this subtitle if, on or before
13 October 1, 2014, the applicant provides the Board with documentation showing:

14 (1) Current certification by the Art Therapy Credentials Board, Inc.; and

15 (2) Completion of 3 years of full-time experience providing art therapy.]

16 17-501.

17 To apply for **TRAINEE STATUS**, a license, or **A** certificate, an applicant shall:

18 (1) Submit an application on the form that the Board requires;

19 (2) Pay to the Board the application fee set by the Board; and

20 (3) Submit to a criminal history records check in accordance with §
21 17-501.1 of this subtitle.

22 17-501.1.

23 [(d) If an applicant has made three or more unsuccessful attempts at securing
24 legible fingerprints, the Board may accept an alternate method of a criminal history records
25 check as allowed by the Director of the Central Repository and the Director of the Federal
26 Bureau of Investigation.]

27 **(D) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO THE**
28 **CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY**
29 **RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE BOARD AND**
30 **THE INDIVIDUAL A REVISED PRINTED STATEMENT OF THE INDIVIDUAL'S STATE**
31 **CRIMINAL HISTORY RECORD.**

1 17-503.

2 (a) [The] **SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE** Board shall
3 issue a license or certificate to any applicant who meets the requirements of this title.

4 (b) The Board shall include on each license and certificate that the Board issues:

5 (1) The [kind] **TYPE** of license or certificate;

6 (2) The full name of the licensee or certificate holder;

7 (3) A serial number; **AND**

8 (4) [The signatures of the chairman and the secretary of the Board; and

9 (5) The seal of the Board] **THE EXPIRATION DATE OF THE LICENSE OR**
10 **CERTIFICATE.**

11 (c) The Board may issue a license or certificate to replace a lost, destroyed, or
12 mutilated license or certificate if the licensee or certificate holder pays the replacement fee
13 set by the Board.

14 (d) (1) On receipt of the criminal history record information of an applicant for
15 licensure or certification forwarded to the Board in accordance with § 17-501.1 of this
16 subtitle, in determining whether to grant a license or certificate, the Board shall consider:

17 (i) The age at which the crime was committed;

18 (ii) The circumstances surrounding the crime;

19 (iii) The length of time that has passed since the crime;

20 (iv) Subsequent work history;

21 (v) Employment and character references; and

22 (vi) Other evidence that demonstrates whether the applicant poses a
23 threat to the public health or safety.

24 (2) The Board may not issue a license or certificate if the criminal history
25 record information required under § 17-501.1 of this subtitle has not been received.

26 **(E) (1) THE BOARD SHALL MAINTAIN AN ELECTRONIC ROSTER OF ALL**
27 **INDIVIDUALS LICENSED OR CERTIFIED BY THE BOARD.**

1 **(2) THE ROSTER SHALL BE AVAILABLE FOR THE PURPOSE OF**
2 **ELECTRONICALLY VERIFYING LICENSURE OR CERTIFICATION ON THE BOARD'S**
3 **WEBSITE.**

4 **(3) INDIVIDUALS WITHOUT ACCESS TO THE BOARD'S WEBSITE MAY**
5 **CONTACT THE BOARD TO VERIFY A LICENSE OR CERTIFICATE.**

6 [17-506.

7 Each licensee or certificate holder shall display the license or certificate
8 conspicuously in the licensee's or certificate holder's office or place of employment.]

9 17-509.

10 Subject to the hearing provisions of § 17-511 of this subtitle, the Board, on the
11 affirmative vote of a majority of its members then serving, may deny **TRAINEE STATUS**, a
12 license, or A certificate to any applicant, place any **TRAINEE**, licensee, or certificate holder
13 on probation, reprimand any **TRAINEE**, licensee, or certificate holder, or suspend,
14 **RESCIND**, or revoke **THE STATUS OF ANY TRAINEE**, a license of any licensee, or a
15 certificate of any certificate holder if the applicant, **TRAINEE**, licensee, or certificate holder:

16 (1) Fraudulently or deceptively obtains or attempts to obtain **TRAINEE**
17 **STATUS**, a license, or A certificate for the applicant, **TRAINEE**, licensee, or certificate holder
18 or for another;

19 (2) Habitually is intoxicated;

20 (3) Provides professional services:

21 (i) While under the influence of alcohol; or

22 (ii) While using any narcotic or controlled dangerous substance, as
23 defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of therapeutic
24 amounts or without valid medical indication;

25 (4) Aids or abets an unauthorized individual in practicing clinical or
26 nonclinical counseling or therapy or representing to be an alcohol and drug counselor,
27 marriage and family therapist, professional counselor, or professional art therapist;

28 (5) Promotes the sale of drugs, devices, appliances, or goods to a patient so
29 as to exploit the patient for financial gain;

30 (6) Willfully makes or files a false report or record in the practice of
31 counseling or therapy;

32 (7) Makes a willful misrepresentation while counseling or providing

1 therapy;

2 (8) Violates the code of ethics adopted by the Board;

3 (9) Knowingly violates any provision of this title;

4 (10) Is convicted of or pleads guilty or nolo contendere to a felony or a crime
5 involving moral turpitude, whether or not any appeal or other proceeding is pending to
6 have the conviction or plea set aside;

7 (11) Is professionally, physically, or mentally incompetent;

8 (12) Submits a false statement to collect a fee;

9 (13) Violates any rule or regulation adopted by the Board;

10 (14) Is disciplined by a licensing or disciplinary authority of any other state
11 or country or convicted or disciplined by a court of any state or country for an act that would
12 be grounds for disciplinary action under the Board's disciplinary statutes;

13 (15) Refuses, withholds from, denies, or discriminates against an individual
14 with regard to the provision of professional services for which the licensee is licensed and
15 qualified or the certificate holder is certified and qualified to render because the individual
16 is HIV positive;

17 (16) Commits an act of immoral or unprofessional conduct in the practice of
18 clinical or nonclinical counseling or therapy;

19 (17) Knowingly fails to report suspected child abuse in violation of § 5-704
20 of the Family Law Article;

21 (18) Fails to cooperate with a lawful investigation conducted by the Board;
22 or

23 (19) Fails to submit to a criminal history records check in accordance with §
24 17-501.1 of this subtitle.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
26 1, 2019.