

# HOUSE BILL 303

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CF SB 182

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By: **Chair, Health and Government Operations Committee**

Introduced and read first time: January 20, 2020

Assigned to: Health and Government Operations

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Committee Report: Favorable

House action: Adopted

Read second time: February 18, 2020

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Board of Professional Counselors and Therapists – Sunset Extension and**  
3 **Program Evaluation**

4 FOR the purpose of continuing the State Board of Professional Counselors and Therapists  
5 by extending to a certain date the termination provisions relating to statutory and  
6 regulatory authority of the Board; repealing the requirement that the Board submit  
7 a certain semiannual report to the Department of Legislative Services; requiring the  
8 Board to submit a certain report to certain committees of the General Assembly on  
9 or before a certain date and at certain intervals thereafter; requiring the report to  
10 address the progress made in addressing the Board’s complaint backlog, adopting  
11 certain regulations, and establishing a certain Alcohol and Drug Counselor  
12 Subcommittee; and generally relating to the State Board of Professional Counselors  
13 and Therapists.

14 BY repealing and reenacting, with amendments,  
15 Article – Health Occupations  
16 Section 17–702  
17 Annotated Code of Maryland  
18 (2014 Replacement Volume and 2019 Supplement)

19 BY repealing  
20 Chapter 756 of the Acts of the General Assembly of 2018  
21 Section 2(a) and (b)

22 BY repealing

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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 Chapter 757 of the Acts of the General Assembly of 2018  
2 Section 2(a) and (b)

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

5 **Article – Health Occupations**

6 17–702.

7 Subject to the evaluation and reestablishment provisions of the Maryland Program  
8 Evaluation Act, this title and all rules or regulations adopted under this title shall  
9 terminate and be of no effect after July 1, [2021] **2026**.

10 **Chapter 756 of the Acts of 2018**

11 SECTION 2. AND BE IT FURTHER ENACTED, That:

12 [(a) On or before October 1, 2018, and every 6 months thereafter until October 1,  
13 2021, the State Board of Professional Counselors and Therapists, in consultation with the  
14 Maryland Department of Health and the Department of Budget and Management, shall  
15 submit to the Department of Legislative Services a report on the progress made  
16 implementing the recommendations contained within the December 2017 publication  
17 “Sunset Review: Evaluation of the State Board of Professional Counselors and Therapists”.

18 (b) The progress reports required under subsection (a) of this section shall  
19 address:

20 (1) the efforts made by the Board, in conjunction with the Maryland  
21 Department of Health and the Department of Budget and Management, to:

22 (i) obtain additional personnel resources to allow the Board to  
23 conduct a systematic evaluation and triage of the Board’s complaint backlog;

24 (ii) prioritize complaints based on potential public safety risks; and

25 (iii) develop a plan to systematically address the complaint backlog  
26 and implement strategies to prevent future backlogs;

27 (2) the practices adopted by the Board to improve the thoroughness,  
28 completeness, and legibility of investigative notes and the progress made in moving to an  
29 electronic system to track complaints and investigations;

30 (3) the development of concrete timelines for the duration of investigations,  
31 wherein after a certain period of time, a case should be dismissed or advanced except under  
32 specified circumstances;

1 (4) the progress the Board has made in adopting regulations as required  
2 under subsection (c) of this section;

3 (5) the research and consideration the Board has given to extending the  
4 use of education programs accredited by the respective professional accrediting  
5 organizations for education requirements for licensed clinical professional counselors,  
6 clinical alcohol and drug counselors, clinical marriage and family therapists, certified  
7 associate counselors—alcohol and drug, and certified supervised counselors—alcohol and  
8 drug;

9 (6) any progress made toward the implementation of the proposed  
10 portability plan for professional counselors and levels of reciprocity or endorsement to other  
11 levels of licensees or certificate holders in other states who have practiced for a specified  
12 number of years, passed a state law exam, and passed either a specified national  
13 examination or hold a specified national certification from a respective national  
14 credentialing organization;

15 (7) the specific efforts have been undertaken to train Board staff in current  
16 requirements for direct licensure or certification responsibilities, and cross-training for  
17 additional licensure and certification responsibilities;

18 (8) the progress of the investigation by the Board into implementing an  
19 online licensing and certification system that:

20 (i) allows applicants to submit applications electronically;

21 (ii) assists the Board in keeping accurate records of the number of  
22 applicants, licensees, and certificate holders; and

23 (iii) tracks applications through the licensing and certification  
24 process;

25 (9) whether the number and types of licenses and certificates currently  
26 issued are necessary to protect the public or if a reduced number would adequately protect  
27 the public and provide better access to services;

28 (10) the progress that has been made to implement systems to track  
29 progress toward licensure and complaint resolution goals, in conjunction with the  
30 Department of Budget and Management;

31 (11) the progress that has been made, in conjunction with the Maryland  
32 Department of Health and the Department of Information Technology, to determine  
33 whether the Board should be a part of the electronic licensing and disciplinary system;

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

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

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

7 **Chapter 757 of the Acts of 2018**

8 SECTION 2. AND BE IT FURTHER ENACTED, That:

9 [(a) On or before October 1, 2018, and every 6 months thereafter until October 1,  
10 2021, the State Board of Professional Counselors and Therapists, in consultation with the  
11 Maryland Department of Health and the Department of Budget and Management, shall  
12 submit to the Department of Legislative Services a report on the progress made  
13 implementing the recommendations contained within the December 2017 publication  
14 “Sunset Review: Evaluation of the State Board of Professional Counselors and Therapists”.

15 (b) The progress reports required under subsection (a) of this section shall  
16 address:

17 (1) the efforts made by the Board, in conjunction with the Maryland  
18 Department of Health and the Department of Budget and Management, to:

19 (i) obtain additional personnel resources to allow the Board to  
20 conduct a systematic evaluation and triage of the Board’s complaint backlog;

21 (ii) prioritize complaints based on potential public safety risks; and

22 (iii) develop a plan to systematically address the complaint backlog  
23 and implement strategies to prevent future backlogs;

24 (2) the practices adopted by the Board to improve the thoroughness,  
25 completeness, and legibility of investigative notes and the progress made in moving to an  
26 electronic system to track complaints and investigations;

27 (3) the development of concrete timelines for the duration of investigations,  
28 wherein after a certain period of time, a case should be dismissed or advanced except under  
29 specified circumstances;

30 (4) the progress the Board has made in adopting regulations as required  
31 under subsection (c) of this section;

32 (5) the research and consideration the Board has given to extending the  
33 use of education programs accredited by the respective professional accrediting

1 organizations for education requirements for licensed clinical professional counselors,  
2 clinical alcohol and drug counselors, clinical marriage and family therapists, certified  
3 associate counselors—alcohol and drug, and certified supervised counselors—alcohol and  
4 drug;

5 (6) any progress made toward the implementation of the proposed  
6 portability plan for professional counselors and levels of reciprocity or endorsement to other  
7 levels of licensees or certificate holders in other states who have practiced for a specified  
8 number of years, passed a state law exam, and passed either a specified national  
9 examination or hold a specified national certification from a respective national  
10 credentialing organization;

11 (7) the specific efforts have been undertaken to train Board staff in current  
12 requirements for direct licensure or certification responsibilities, and cross—training for  
13 additional licensure and certification responsibilities;

14 (8) the progress of the investigation by the Board into implementing an  
15 online licensing and certification system that:

16 (i) allows applicants to submit applications electronically;

17 (ii) assists the Board in keeping accurate records of the number of  
18 applicants, licensees, and certificate holders; and

19 (iii) tracks applications through the licensing and certification  
20 process;

21 (9) whether the number and types of licenses and certificates currently  
22 issued are necessary to protect the public or if a reduced number would adequately protect  
23 the public and provide better access to services;

24 (10) the progress that has been made to implement systems to track  
25 progress toward licensure and complaint resolution goals, in conjunction with the  
26 Department of Budget and Management;

27 (11) the progress that has been made, in conjunction with the Maryland  
28 Department of Health and the Department of Information Technology, to determine  
29 whether the Board should be a part of the electronic licensing and disciplinary system;

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

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

(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.]

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) On or before October 1, 2020, and every 6 months thereafter until October 1, 2025, the State Board of Professional Counselors and Therapists shall submit to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2–1257 of the State Government Article, a report on the progress made implementing the recommendations contained within the December 2017 publication “Sunset Review: Evaluation of the State Board of Professional Counselors and Therapists”.

(b) The progress reports required under subsection (a) of this section shall address the progress that the Board has made:

(1) addressing the Board’s complaint backlog;

(2) adopting regulations as required under Section 2(c) of Chapter 756 of the Acts of the General Assembly of 2018 and Section 2(c) of Chapter 757 of the Acts of the General Assembly of 2018; and

(3) establishing an Alcohol and Drug Counselor Subcommittee as required under § 17–205(b)(7) of the Health Occupations Article.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.