

**Department of Legislative Services**  
Maryland General Assembly  
2020 Session

**FISCAL AND POLICY NOTE**  
**Third Reader**

Senate Bill 182

(Chair, Education, Health, and Environmental Affairs  
Committee)

Education, Health, and Environmental Affairs

Health and Government Operations

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**State Board of Professional Counselors and Therapists - Sunset Extension and  
Program Evaluation**

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This bill extends the termination date for the State Board of Professional Counselors and Therapists by five years to July 1, 2026. The bill also repeals a requirement that the board submit semiannual progress reports to the Department of Legislative Services (DLS) and instead requires such reports be submitted to specified committees of the General Assembly, beginning October 1, 2020, and until October 1, 2025. The reports must address progress made in addressing the board's complaint backlog, adopting regulations, and establishing an Alcohol and Drug Counselor Subcommittee. **The bill takes effect July 1, 2020.**

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**Fiscal Summary**

**State Effect:** Board special fund revenues and expenditures are maintained beyond FY 2021. The Governor's proposed FY 2021 budget includes \$1.3 million for board operations.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law/Background:** The State Board of Professional Counselors and Therapists licenses and certifies professional counselors, alcohol and drug counselors, marriage and family therapists, professional art therapists, and behavior analysts; receives and resolves

complaints; and sets standards for the practice of counseling and therapy. In fiscal 2019, the board regulated approximately 8,700 licensees and certificate holders.

The board is 1 of approximately 70 regulatory entities and activities subject to evaluation under the Maryland Program Evaluation Act (MPEA). Entities subject to MPEA may be evaluated by DLS only as directed by specified entities or by legislation. Most such entities are subject to termination, including the board, which is scheduled to terminate July 1, 2021. Accordingly, the evaluation process is better known as sunset review.

In 2017, DLS conducted a full sunset evaluation of the board. The report can be found on the DLS [website](#). Chapters 756 and 757 of 2018 implemented several of the recommendations of the report. The emergency legislation extended the termination date of the board to July 1, 2021; required the board to submit progress reports to DLS every six months for three years beginning October 1, 2018; and made other revisions to statute governing the board. In addition, the Acts required DLS to report to the Senate Education, Health, and Environmental Affairs and House Health and Government Operations committees by December 1, 2019, on the board's progress in implementing the recommendations of the sunset evaluation and recommend whether and for how long the termination date of the board should be extended.

DLS' 2019 review found that the board has made significant progress. However, additional action is required with respect to addressing the remaining backlog of open complaints, reviewing and updating regulations, and implementing the Alcohol and Drug Counselor Subcommittee. Therefore, DLS recommended extending the board's termination date by five years to July 1, 2026, and requiring the board to continue to submit progress reports but to Senate Education, Health, and Environmental Affairs and House Health and Government Operations committees rather than DLS. The bill implements these recommendations.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** HB 303 (Chair, Health and Government Operations Committee)  
- Health and Government Operations.

**Information Source(s):** Maryland Department of Health; Department of Legislative Services

**Fiscal Note History:** First Reader - January 23, 2020  
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