

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 1287

(Delegate R. Lewis)

Health and Government Operations

Education, Health, and Environmental Affairs

**Alcohol and Drug Counseling - Alcohol and Drug Trainees - Practice Through
Telehealth**

This bill expressly permits an individual to use telehealth when practicing clinical alcohol and drug counseling without a license or alcohol and drug counseling without certification if the individual is working as a trainee under supervision while fulfilling experiential or course of study requirements.

Fiscal Summary

State Effect: None. The change is procedural in nature and does not directly affect governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: An individual may practice clinical alcohol and drug counseling or alcohol and drug counseling without a license or certification, respectively, for a limited period of time as a trainee under the supervision of an approved supervisor while fulfilling experiential or course of study requirements. An approved supervisor must be a certified professional counselor-alcohol and drug, a licensed clinical alcohol and drug counselor; or a licensed or certified health care provider with documented expertise in alcohol and drug counseling. Working as a trainee under an approved supervisor must include direct, on-site, face-to-face, individual, or group meetings focused on delivering quality alcohol and drug counseling services and improving counseling skills.

The State Board of Professional Counselors and Therapists is required to maintain a registry of all counselors or therapists currently licensed or certified by the board and all individuals currently working as trainees. The board must adopt a code of ethics appropriate and applicable to counselors or therapists currently certified or licensed by the board and individuals currently working as trainees.

Pursuant to Code of Maryland Regulations 10.58.06, specified professional counselors may provide services via telehealth if either the client or the provider is located in the State. To provide telehealth services, a counselor or therapist must (1) verify a client's identity and specific location; (2) obtain informed consent specific to telehealth; (3) use encryption to prevent unauthorized access to data; (4) notify clients if there is a data breach; (5) provide a secure connection that complies with federal and State privacy laws; (6) establish safety protocols in case of emergency; (7) confirm an alternative method of contact in case of technological failure; and (8) identify all individuals present at each location and confirm their permission to hear the client's health information. At an initial telehealth interaction, the counselor or therapist must disclose their name, location, license number, and contact information. Counselors and therapists using telehealth are held to the same standards of practice and documentation as those applicable for in-person sessions.

On March 5, 2020, Governor Lawrence J. Hogan, Jr., declared a state of emergency and the existence of a catastrophic health emergency to prevent the spread of COVID-19. The Governor has issued numerous executive orders, including authorizing expanded telehealth services. Pursuant to such executive orders, the Secretary of Health authorized the use of telehealth for alcohol and drug trainees in accordance with regulations during the state of emergency and subject to specified conditions.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 646 (Senators Carozza and Kagan) - Education, Health, and Environmental Affairs.

Information Source(s): Department of Legislative Services

Fiscal Note History: First Reader - February 11, 2021
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