

HOUSE BILL 982

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By: **Delegate Henson**

Introduced and read first time: February 10, 2022

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Faith–Based Counseling – Exemption**

3 FOR the purpose of establishing an exemption from licensure requirements under the
4 Maryland Professional Counselors and Therapists Act for an individual offering
5 faith–based counseling services in coordination with a religious organization;
6 prohibiting an individual who receives an exemption from offering medical care,
7 medical detoxification, or medical withdrawal services; authorizing the Maryland
8 Department of Health to revoke an exemption under certain circumstances; and
9 generally relating to faith–based counseling services.

10 BY repealing and reenacting, with amendments,

11 Article – Health Occupations
12 Section 17–301
13 Annotated Code of Maryland
14 (2021 Replacement Volume)

15 BY adding to

16 Article – Health Occupations
17 Section 17–311
18 Annotated Code of Maryland
19 (2021 Replacement Volume)

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

22 **Article – Health Occupations**

23 17–301.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) Except as otherwise provided in [subsection] **SUBSECTIONS (b) AND (C)** of
2 this section, an individual may not practice, attempt to practice, or offer to practice clinical
3 alcohol and drug counseling, clinical marriage and family therapy, clinical professional art
4 therapy, or clinical professional counseling in the State unless licensed by the Board.

5 (b) Subject to the regulations of the Board, subsection (a) of this section does not
6 apply to:

7 (1) A student working under the supervision of a licensed mental health
8 care provider while pursuing a supervised course of study in counseling that the Board
9 approves as qualifying training and experience under this title; or

10 (2) An individual who, in accordance with § 17–406 of this title, is working
11 as a trainee under the supervision of a licensed clinical alcohol and drug counselor or
12 another health care provider licensed or certified under this article and approved by the
13 Board while fulfilling the experiential or course of study requirements under § 17–302 of
14 this subtitle or § 17–403 or § 17–404 of this title.

15 (c) **SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL**
16 **WHO RECEIVES AN EXEMPTION UNDER § 17–311 OF THIS SUBTITLE.**

17 (D) This subtitle may not be construed to limit the scope of practice of any
18 individual who is duly licensed under this article.

19 **17–311.**

20 (A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
21 **INDICATED.**

22 (2) **“FAITH–BASED COUNSELING PLAN” MEANS:**

23 (I) **A DETAILED DESCRIPTION OF THE FAITH–BASED**
24 **COUNSELING SERVICES TO BE PROVIDED BY AN INDIVIDUAL IN ACCORDANCE WITH**
25 **THE PRACTICES OF A RELIGIOUS ORGANIZATION;**

26 (II) **AN EXPLANATION OF THE UNDERLYING RELIGIOUS**
27 **PRINCIPALS, PRACTICES, AND METHODOLOGIES THAT WILL BE EMPLOYED IN**
28 **PROVIDING THE FAITH–BASED COUNSELING SERVICES; AND**

29 (III) **A SUMMARY OF THE EDUCATION AND TRAINING THAT THE**
30 **INDIVIDUAL HAS RECEIVED IN:**

31 1. **THE COUNSELING SERVICES TO BE PROVIDED; AND**

1 **2. THE UNDERLYING RELIGIOUS PRINCIPALS,**
2 **PRACTICES, AND METHODOLOGIES THAT WILL BE EMPLOYED.**

3 **(3) “FAITH–BASED COUNSELING SERVICES” MEANS MARRIAGE AND**
4 **FAMILY COUNSELING OR OTHER COUNSELING SERVICES THAT:**

5 **(I) ARE CONDUCTED IN ACCORDANCE WITH THE PRACTICES OF**
6 **A RELIGIOUS ORGANIZATION;**

7 **(II) ARE EXCLUSIVELY RELIGIOUS, SPIRITUAL, OR**
8 **ECCLESIASTICAL IN NATURE; AND**

9 **(III) CONSIST OF ONLY NONMEDICAL TREATMENT METHODS**
10 **INCLUDING PRAYER, MORAL GUIDANCE, SPIRITUAL COUNSELING, AND SCRIPTURAL**
11 **STUDY.**

12 **(4) “RELIGIOUS ORGANIZATION” MEANS A CHURCH, SYNAGOGUE,**
13 **MOSQUE, TEMPLE, OR OTHER RELIGIOUS INSTITUTION:**

14 **(I) THE PURPOSE OF WHICH IS THE PROPAGATION OF**
15 **RELIGIOUS BELIEFS;**

16 **(II) THAT IS EXEMPT FROM FEDERAL INCOME TAX; AND**

17 **(III) THAT IS FORMED IN ACCORDANCE WITH THE**
18 **REQUIREMENTS OF TITLE 5, SUBTITLE 3 OF THE CORPORATIONS AND**
19 **ASSOCIATIONS ARTICLE.**

20 **(B) THE REQUIREMENTS OF THIS TITLE DO NOT APPLY TO AN INDIVIDUAL**
21 **WHO HAS RECEIVED A FAITH–BASED COUNSELING SERVICES EXEMPTION FROM THE**
22 **DEPARTMENT.**

23 **(C) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS ESTABLISHING A**
24 **SIMPLE PROCEDURE FOR AN INDIVIDUAL OFFERING FAITH–BASED COUNSELING**
25 **SERVICES IN COORDINATION WITH A RELIGIOUS ORGANIZATION TO APPLY FOR AN**
26 **EXEMPTION FROM THE REQUIREMENTS OF THIS TITLE.**

27 **(2) THE APPLICATION FOR AN EXEMPTION UNDER PARAGRAPH (1) OF**
28 **THIS SUBSECTION SHALL INCLUDE:**

29 **(I) THE INDIVIDUAL’S NAME AND CONTACT INFORMATION;**

1 (II) THE NAME AND CONTACT INFORMATION OF THE
2 ASSOCIATED RELIGIOUS ORGANIZATION;

3 (III) A STATEMENT OF ASSOCIATION FROM THE RELIGIOUS
4 ORGANIZATION;

5 (IV) A STATEMENT FROM THE ASSOCIATED RELIGIOUS
6 ORGANIZATION THAT THE ORGANIZATION WILL MONITOR AND SUPERVISE THE
7 INDIVIDUAL'S ACTIVITIES;

8 (V) A COPY OF THE DETERMINATION LETTER FROM THE
9 INTERNAL REVENUE SERVICE DOCUMENTING THE RELIGIOUS ORGANIZATION'S
10 TAX-EXEMPT STATUS;

11 (VI) DOCUMENTATION DEMONSTRATING THAT THE RELIGIOUS
12 ORGANIZATION IS IN GOOD STANDING WITH THE DEPARTMENT OF ASSESSMENTS
13 AND TAXATION; AND

14 (VII) A FAITH-BASED COUNSELING PLAN.

15 (D) AN INDIVIDUAL WHO RECEIVES AN EXEMPTION UNDER THIS SECTION
16 MAY NOT PROVIDE MEDICAL CARE, MEDICAL DETOXIFICATION, OR MEDICAL
17 WITHDRAWAL SERVICES.

18 (E) AN INDIVIDUAL WHO RECEIVES AN EXEMPTION UNDER THIS SECTION
19 SHALL INCLUDE IN ANY ADVERTISEMENT OR LITERATURE THAT PROMOTES OR
20 DESCRIBES THE SERVICES OFFERED BY THE INDIVIDUAL A CONSPICUOUS
21 STATEMENT THAT THE SERVICES:

22 (1) ARE EXCLUSIVELY RELIGIOUS IN NATURE AND THE INDIVIDUAL IS
23 NOT SUBJECT TO LICENSURE OR REGULATION BY THE DEPARTMENT OR THE
24 BOARD; AND

25 (2) INCLUDE ONLY NONMEDICAL TREATMENT METHODS SUCH AS
26 PRAYER, MORAL GUIDANCE, SPIRITUAL COUNSELING, AND SCRIPTURAL STUDY.

27 (F) BEFORE AN INDIVIDUAL WHO RECEIVES AN EXEMPTION UNDER THIS
28 SECTION MAY PROVIDE FAITH-BASED COUNSELING SERVICES TO ANOTHER
29 INDIVIDUAL, THE INDIVIDUAL RECEIVING THE SERVICES MUST SIGN A
30 DECLARATION STATING THAT THE INDIVIDUAL UNDERSTANDS THAT:

1 **(1) THE FAITH-BASED COUNSELING SERVICES ARE EXCLUSIVELY**
2 **RELIGIOUS IN NATURE AND ARE NOT SUBJECT TO LICENSURE OR REGULATION BY**
3 **THE DEPARTMENT OR THE BOARD; AND**

4 **(2) THE INDIVIDUAL PROVIDING THE FAITH-BASED COUNSELING**
5 **SERVICES:**

6 **(I) IS NOT LICENSED BY THE DEPARTMENT OR THE BOARD;**
7 **AND**

8 **(II) OFFERS ONLY NONMEDICAL TREATMENT METHODS, SUCH**
9 **AS PRAYER, MORAL GUIDANCE, SPIRITUAL COUNSELING, AND SCRIPTURAL STUDY.**

10 **(G) THE DEPARTMENT MAY REVOKE AN EXEMPTION GRANTED UNDER THIS**
11 **SECTION AFTER NOTICE AND A HEARING IF:**

12 **(1) THE DEPARTMENT DETERMINES THAT ANY INFORMATION**
13 **INCLUDED IN THE APPLICATION FOR EXEMPTION WAS FALSE OR INTENTIONALLY**
14 **MISLEADING;**

15 **(2) THE INDIVIDUAL FAILS TO INFORM THE DEPARTMENT IN A**
16 **TIMELY MANNER OF ANY MATERIAL CHANGE IN THE INFORMATION INCLUDED IN**
17 **THE APPLICATION FOR EXEMPTION;**

18 **(3) ANY ADVERTISEMENT OR LITERATURE PROVIDED BY THE**
19 **INDIVIDUAL DOES NOT MEET THE REQUIREMENTS OF THIS SECTION;**

20 **(4) THE INDIVIDUAL DEVIATES FROM THE FAITH-BASED**
21 **COUNSELING PLAN INCLUDED IN THE APPLICATION;**

22 **(5) THE ASSOCIATED RELIGIOUS ORGANIZATION INFORMS THE**
23 **DEPARTMENT THAT THE ORGANIZATION HAS ENDED ITS ASSOCIATION WITH THE**
24 **INDIVIDUAL; OR**

25 **(6) THE INDIVIDUAL VIOLATES THIS SECTION OR A REGULATION**
26 **ADOPTED BY THE DEPARTMENT IN ACCORDANCE WITH THIS SECTION.**

27 **(H) UNLESS OTHERWISE PROVIDED BY LAW, AN INDIVIDUAL WHO RECEIVES**
28 **AN EXEMPTION UNDER THIS SECTION IS NOT EXEMPT FROM ANY FEDERAL OR STATE**
29 **ELIGIBILITY REQUIREMENTS FOR REIMBURSEMENT OR OTHER FUNDING FOR**
30 **SERVICES PROVIDED UNDER THIS SECTION.**

1 **(I) THIS SECTION DOES NOT AFFECT THE AUTHORITY OF A STATE OR**
2 **LOCAL OFFICIAL OR ENTITY TO INSPECT A FACILITY USED BY AN INDIVIDUAL WHO**
3 **RECEIVES AN EXEMPTION UNDER THIS SECTION.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2022.