A BILL ENTITLED

AN ACT concerning

Health Occupations – Mental Health Services – Cultural Competency and Diversity

FOR the purpose of requiring the State Board of Professional Counselors and Therapists, the State Board of Examiners of Psychologists, and the State Board of Social Work Examiners to have a certain number of members who are from underrepresented communities; requiring certain professional counselors and therapists, psychologists, psychology assistants, and social workers to complete a certain number of continuing education unit hours in cultural competency; establishing the Culturally Informed and Culturally Responsive Mental Health Task Force; establishing the Alternative Mental Health Professional Licensing Pathways Workgroup; requiring the Governor to appropriate certain funds in certain fiscal years to staff the Task Force, establish a grant program to provide certain continuing education, and provide loan forgiveness under the Janet L. Hoffman Loan Assistance Repayment Program; and generally relating to mental health services and cultural competency and diversity.

BY repealing and reenacting, without amendments,

Article – Health Occupations
Section 1–101(a), 17–504(a)(1), and 19–308(d)
Annotated Code of Maryland
(2021 Replacement Volume)

BY adding to

Article – Health Occupations
Section 1–101(l) and 19–308(h)
Annotated Code of Maryland
(2021 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Health Occupations
Annotated Code of Maryland
(2021 Replacement Volume)

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

Article – Health Occupations

1–101.

(a) In this article the following words have the meanings indicated.

(L) “UNDERREPRESENTED COMMUNITY” MEANS A GROUP THAT:

(1) REPRESENTS PERSONS OF COLOR; OR

(2) IS NOT REPRESENTED IN THE MAJORITY WITH RESPECT TO RACE,
ETHNICITY, NATIONAL ORIGIN, SEXUAL ORIENTATION, GENDER IDENTITY, OR
PHYSICAL ABILITY.

17–202.

(a) (1) The Board consists of 13 members appointed by the Governor with the
advice of the Secretary.

(2) Of the 13 Board members:

(i) Four shall be licensed as clinical professional counselors;

(ii) Three shall be licensed as clinical marriage and family
therapists;

(iii) Three shall be licensed as clinical alcohol and drug counselors;

(iv) One shall be licensed as a clinical professional art therapist; and

(v) Two shall be consumer members.

(3) (I) [The] SUBJECT TO SUBPARAGRAPH (II) OF THIS
PARAGRAPH, THE composition of the Board as to the race and sex of its members shall
reflect the composition of the population of the State.

(II) AT LEAST THREE MEMBERS SHALL BE INDIVIDUALS WHO
ARE MEMBERS OF AN UNDERREPRESENTED COMMUNITY.
The Governor shall appoint the counselors and therapists from a list submitted to the Governor by the Secretary. Any association representing professional counselors, marriage and family therapists, alcohol and drug counselors, or professional art therapists may submit recommendations for Board members to the Secretary.

Two of the individuals appointed as a licensed clinical professional counselor member under paragraph (2)(i) of this subsection may not hold another credential issued by the Board.

17–504.

A license or certificate expires on the date set by the Board, unless the license or certificate is renewed for an additional term as provided in this section.

Before the license or certificate expires, the licensee or certificate holder periodically may renew it for an additional 2–year term, if the licensee or certificate holder:

Otherwise is entitled to be licensed or certified;

Pays to the Board the renewal fee set by the Board;

Submits to the Board a renewal application on the form that the Board requires; and

Submits satisfactory evidence of compliance with [any continuing education requirements as required by the Board] THE FOLLOWING CONTINUING EDUCATION REQUIREMENTS for license or certificate renewal:

SUCCESSFUL COMPLETION OF AT LEAST 6 CONTINUING EDUCATION UNIT HOURS THAT INCREASE KNOWLEDGE, UNDERSTANDING, SELF–AWARENESS, AND PRACTICE SKILLS THAT ENABLE A LICENSEE OR CERTIFICATE HOLDER TO SERVE CLIENTS FROM DIVERSE SOCIOECONOMIC AND CULTURAL BACKGROUNDS AND THAT MAY INCLUDE:

1. UNDERSTANDING CULTURE, THE FUNCTIONS OF CULTURE, AND THE STRENGTHS THAT EXIST IN VARIED CULTURES;

2. UNDERSTANDING CLIENTS’ CULTURES AND DIFFERENCES AMONG AND BETWEEN CULTURAL GROUPS;

3. UNDERSTANDING THE NATURE OF SOCIAL DIVERSITY AND OPPRESSION; AND

4. UNDERSTANDING CULTURAL HUMILITY; AND
(II) **ANY ADDITIONAL REQUIREMENTS ESTABLISHED BY THE BOARD.**

18–202.

(a) (1) The Board consists of 9 members.

(2) Of the 9 Board members:

(i) 2 shall be consumer members; and

(ii) 7 shall be licensed psychologists, of whom:

1. At least 2 shall be engaged primarily in providing psychological services; and

2. At least 2 shall be engaged primarily in teaching, training, or research in psychology.

(b) (3) AT LEAST THREE MEMBERS SHALL BE INDIVIDUALS WHO ARE MEMBERS OF AN UNDERREPRESENTED COMMUNITY.

[(3)] (4) The Governor shall appoint the psychologist members, with the advice of the Secretary and the advice and consent of the Senate, from a list of names submitted to the Secretary by the Maryland Psychological Association.

[(4)] (5) For each vacancy of a psychologist member, the Maryland Psychological Association shall:

(i) Notify all licensed psychologists in the State of the vacancy to solicit nominations to fill the vacancy; and

(ii) Conduct a balloting process where every licensed psychologist is eligible to vote to select the names of the licensed psychologists that will be submitted to the Governor.

[(5)] (6) The Governor shall appoint the consumer members with the advice of the Secretary and the advice and consent of the Senate.

18–309.

(f) (1) The Board may establish continuing education requirements as a condition to the renewal of licenses or registrations under this section.

(2) The requirements established under this subsection shall be set by the Board as to the amount and type of study required.
A licensee or registrant shall submit to the Board satisfactory evidence of compliance with the following continuing education requirements for license or registration renewal:

(i) Successful completion of at least 6 continuing education unit hours that increase knowledge, understanding, self-awareness, and practice skills that enable a licensee or registrant to serve clients from diverse socioeconomic and cultural backgrounds and that may include:

1. Understanding culture, the functions of culture, and the strengths that exist in varied cultures;

2. Understanding clients’ cultures and differences among and between cultural groups;

3. Understanding the nature of social diversity and oppression; and

4. Understanding cultural humility; and

(ii) Any additional requirements established by the Board.

The Board consists of 12 members.

(a) (1) Of the 12 Board members:

   (i) 10 shall be licensed social workers of whom:

   1. Subject to paragraph [(3)] (4) of this subsection, 1 is a licensed bachelor social worker;

   2. Subject to paragraph [(3)] (4) of this subsection, 1 is a licensed master social worker at the time of appointment;

   3. Subject to paragraph [(3)] (4) of this subsection, at least 1 is a licensed certified social worker;

   4. Subject to paragraph [(3)] (4) of this subsection, at least 4 are licensed certified social workers—clinical;
5. 1 is a licensed social worker employed by the Department of Human Services; and

6. Subject to paragraph [(3)] (4) of this subsection, 1 is a licensed social worker who is:

   A. Primarily engaged in social worker education at a social work program accredited by the Council on Social Work Education; and

   B. Nominated from a list of names submitted by the deans and directors of the Maryland Social Work Education Programs; and

   (ii) 2 shall be consumer members.

(3) AT LEAST THREE MEMBERS SHALL BE INDIVIDUALS WHO ARE MEMBERS OF AN UNDERREPRESENTED COMMUNITY.

[(3)] (4) If a licensed bachelor social worker, a licensed master social worker, a licensed certified social worker, a licensed certified social worker–clinical, or a licensed social worker is not appointed to the Board under paragraph (2)(i) of this subsection within 3 months of a vacancy, a licensee of any license category shall be appointed immediately if that licensee is qualified to be a member of the Board under subsections (b) and (d) of this section.

[(4)] (5) The Governor shall appoint all members of the Board with the advice of the Secretary and the advice and consent of the Senate.

[(5)] (6) The Governor shall appoint all social work members of the Board from a list of nominees containing names submitted by:

   (i) Professional social work associations in the State;

   (ii) Any person who provides a statement of nomination signed by at least 15 social workers licensed in the State;

   (iii) The secretaries of public agencies of the State where social workers are employed; or

   (iv) The corporate executive officers or executive directors of private organizations where social workers are employed.

19–308.

(d) Before the license expires, the licensee periodically may renew it for an additional 2–year term, if the licensee:
(1) Otherwise is entitled to be licensed;
(2) Pays to the Board the appropriate renewal fee specified by this subtitle;
(3) Submits to the Board:
   (i) A renewal application on the form that the Board requires; and
   (ii) Satisfactory evidence of compliance with any continuing education requirement set under this section for license renewal; and
(4) Beginning in calendar year 2023 and except as provided in subsection (g)(3) of this section, attests that the licensee has submitted to a State and national criminal history records check in accordance with § 19–302.2 of this subtitle.

H A LICENSEE SHALL SUBMIT TO THE BOARD SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE FOLLOWING CONTINUING EDUCATION REQUIREMENTS FOR LICENSE RENEWAL:

(1) SUCCESSFUL COMPLETION OF AT LEAST 6 CONTINUING EDUCATION UNIT HOURS THAT INCREASE KNOWLEDGE, UNDERSTANDING, SELF–AWARENESS, AND PRACTICE SKILLS THAT ENABLE A LICENSEE TO SERVE CLIENTS FROM DIVERSE SOCIOECONOMIC AND CULTURAL BACKGROUNDS AND THAT MAY INCLUDE:

   (I) UNDERSTANDING CULTURE, THE FUNCTIONS OF CULTURE, AND THE STRENGTHS THAT EXIST IN VARIED CULTURES;
   (II) UNDERSTANDING CLIENTS’ CULTURES AND DIFFERENCES AMONG AND BETWEEN CULTURAL GROUPS;
   (III) UNDERSTANDING THE NATURE OF SOCIAL DIVERSITY AND OPPRESSION; AND
   (IV) UNDERSTANDING CULTURAL HUMILITY; AND
(2) ANY ADDITIONAL REQUIREMENTS ESTABLISHED BY THE BOARD.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a Culturally Informed and Culturally Responsive Mental Health Task Force in the State.
(b) The Task Force shall consist of:
(1) the Secretary of Human Services, or the Secretary’s designee;
(2) the Executive Director of the Behavioral Health Administration;
(3) one member representing the State Board of Examiners of Psychologists, designated by the Executive Director of the Board;
(4) one member representing the State Board of Social Work Examiners, designated by the Executive Director of the Board;
(5) one member representing the State Board of Professional Counselors and Therapists with credentials to practice marriage and family therapy, designated by the Executive Director of the Board; and
(6) the following members to be appointed by the Governor on or before August 1, 2022:
   (i) three members representing undergraduate and graduate mental health programs;
   (ii) three mental health providers who represent underrepresented communities;
   (iii) two members representing mental health advocacy organizations; and
   (iv) one member who is an expert in providing training and education in cultural competency and cultural responsiveness.

(c) The Task Force shall:
(1) make recommendations for the hiring and recruitment of culturally competent mental health providers from diverse racial and ethnic communities;
(2) make recommendations for the training of all mental health providers on cultural competency and cultural humility;
(3) assess the extent to which mental health provider organizations embrace diversity and demonstrate proficiency in culturally competent mental health treatment and services; and
(4) make recommendations for increasing the number of mental health organizations owned, managed, or led by individuals who are Black, indigenous, or people of color.

(d) The members of the Task Force shall elect two cochairs from its membership.
(e) The Department of Human Services shall provide staff for the Task Force.

(f) On or before October 1, 2024, the Task Force shall report its preliminary findings and recommendations to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

(g) On or before October 1, 2025, the Task Force shall report its final findings and recommendations to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The Secretary of Health and the Secretary of Human Services shall convene an Alternative Mental Health Professional Licensing Pathways Workgroup that consists of members representing:

(1) the State Board of Examiners of Psychologists;
(2) the State Board of Professional Counselors and Therapists;
(3) the State Board of Social Work Examiners;
(4) mental health providers from diverse cultural communities; and
(5) mental health graduate programs.

(b) The Workgroup shall:

(1) identify barriers to licensure in mental health professions;
(2) collect data on the number of individuals graduating from educational programs but not passing examinations required for licensure; and
(3) develop recommendations for creating alternative pathways for licensure in mental health professions and for ensuring provider competency and professionalism, while recognizing the limitations of national credentialing examinations.

(c) On or before October 1, 2025, the Workgroup shall report its findings and recommendations 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.

SECTION 4. AND BE IT FURTHER ENACTED, That in each of fiscal years 2024 and 2025, the Governor shall include in the annual budget bill an appropriation of $150,000 to staff and develop recommendations for the Culturally Informed and Culturally Responsive Mental Health Task Force.
SECTION 5. AND BE IT FURTHER ENACTED, That, in each of fiscal years 2024 and 2025, the Governor shall include in the annual budget bill an appropriation of $500,000 to the Maryland Department of Health to create a grant program to provide for the continuing education necessary for social workers, professional counselors and therapists, psychologists, and other mental health providers who are members of underrepresented communities as defined under § 1–101 of the Health Occupations Article, as enacted by Section 1 of this Act to become supervisors for individuals pursuing licensure in mental health professions.

SECTION 6. AND BE IT FURTHER ENACTED, That:

(a) In each of fiscal years 2024 and 2025, the Governor shall include in the annual budget bill an appropriation of $3,000,000 to the Maryland Department of Health to provide loan forgiveness under the Janet L. Hoffman Loan Assistance Repayment Program.

(b) Of the appropriation required under subsection (a) of this section, in each of fiscal years 2024 and 2025, $1,000,000 shall be used for loan repayment for mental health professionals who are Black, indigenous, persons of color, or members of an underrepresented community as defined under § 1–101 of the Health Occupations Article, as enacted by Section 1 of this Act.

SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022. Sections 2 and 3 of this Act shall remain effective for a period of 4 years and at the end of September 30, 2026, Sections 2 and 3 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.