

HOUSE BILL 1318

J2, F2

2lr2461

By: **Delegate Smith**

Introduced and read first time: February 11, 2022

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Mental Health Services – Cultural Competency and**
3 **Diversity**

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

17 BY repealing and reenacting, without amendments,
18 Article – Health Occupations
19 Section 1–101(a), 17–504(a)(1), and 19–308(d)
20 Annotated Code of Maryland
21 (2021 Replacement Volume)

22 BY adding to
23 Article – Health Occupations
24 Section 1–101(l) and 19–308(h)
25 Annotated Code of Maryland
26 (2021 Replacement Volume)

27 BY repealing and reenacting, with amendments,
28 Article – Health Occupations

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 17–202(a), 17–504(d), 18–202(a), 18–309(f), and 19–202(a)
2 Annotated Code of Maryland
3 (2021 Replacement Volume)

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

6 **Article – Health Occupations**

7 1–101.

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

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

10 **(1) REPRESENTS PERSONS OF COLOR; OR**

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

14 17–202.

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

17 (2) Of the 13 Board members:

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

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

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

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

23 (v) Two shall be consumer members.

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

27 **(II) AT LEAST THREE MEMBERS SHALL BE INDIVIDUALS WHO**
28 **ARE MEMBERS OF AN UNDERREPRESENTED COMMUNITY.**

1 (4) The Governor shall appoint the counselors and therapists from a list
2 submitted to the Governor by the Secretary. Any association representing professional
3 counselors, marriage and family therapists, alcohol and drug counselors, or professional art
4 therapists may submit recommendations for Board members to the Secretary.

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

8 17-504.

9 (a) (1) A license or certificate expires on the date set by the Board, unless the
10 license or certificate is renewed for an additional term as provided in this section.

11 (d) Before the license or certificate expires, the licensee or certificate holder
12 periodically may renew it for an additional 2-year term, if the licensee or certificate holder:

13 (1) Otherwise is entitled to be licensed or certified;

14 (2) Pays to the Board the renewal fee set by the Board;

15 (3) Submits to the Board a renewal application on the form that the Board
16 requires; and

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

20 **(I) SUCCESSFUL COMPLETION OF AT LEAST 6 CONTINUING
21 EDUCATION UNIT HOURS THAT INCREASE KNOWLEDGE, UNDERSTANDING,
22 SELF-AWARENESS, AND PRACTICE SKILLS THAT ENABLE A LICENSEE OR
23 CERTIFICATE HOLDER TO SERVE CLIENTS FROM DIVERSE SOCIOECONOMIC AND
24 CULTURAL BACKGROUNDS AND THAT MAY INCLUDE:**

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

27 **2. UNDERSTANDING CLIENTS' CULTURES AND
28 DIFFERENCES AMONG AND BETWEEN CULTURAL GROUPS;**

29 **3. UNDERSTANDING THE NATURE OF SOCIAL DIVERSITY
30 AND OPPRESSION; AND**

31 **4. UNDERSTANDING CULTURAL HUMILITY; AND**

1 **(II) ANY ADDITIONAL REQUIREMENTS ESTABLISHED BY THE**
2 **BOARD.**

3 18–202.

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

5 (2) Of the 9 Board members:

6 (i) 2 shall be consumer members; and

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

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

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

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

14 **[(3)] (4)** The Governor shall appoint the psychologist members, with the
15 advice of the Secretary and the advice and consent of the Senate, from a list of names
16 submitted to the Secretary by the Maryland Psychological Association.

17 **[(4)] (5)** For each vacancy of a psychologist member, the Maryland
18 Psychological Association shall:

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

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

24 **[(5)] (6)** The Governor shall appoint the consumer members with the
25 advice of the Secretary and the advice and consent of the Senate.

26 18–309.

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

29 (2) The requirements established under this subsection shall be set by the
30 Board as to the amount and type of study required.

1 **(3) A LICENSEE OR REGISTRANT SHALL SUBMIT TO THE BOARD**
 2 **SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE FOLLOWING CONTINUING**
 3 **EDUCATION REQUIREMENTS FOR LICENSE OR REGISTRATION RENEWAL:**

4 **(I) SUCCESSFUL COMPLETION OF AT LEAST 6 CONTINUING**
 5 **EDUCATION UNIT HOURS THAT INCREASE KNOWLEDGE, UNDERSTANDING,**
 6 **SELF-AWARENESS, AND PRACTICE SKILLS THAT ENABLE A LICENSEE OR**
 7 **REGISTRANT TO SERVE CLIENTS FROM DIVERSE SOCIOECONOMIC AND CULTURAL**
 8 **BACKGROUNDS AND THAT MAY INCLUDE:**

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

11 **2. UNDERSTANDING CLIENTS' CULTURES AND**
 12 **DIFFERENCES AMONG AND BETWEEN CULTURAL GROUPS;**

13 **3. UNDERSTANDING THE NATURE OF SOCIAL DIVERSITY**
 14 **AND OPPRESSION; AND**

15 **4. UNDERSTANDING CULTURAL HUMILITY; AND**

16 **(II) ANY ADDITIONAL REQUIREMENTS ESTABLISHED BY THE**
 17 **BOARD.**

18 19–202.

19 (a) (1) The Board consists of 12 members.

20 (2) Of the 12 Board members:

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

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

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

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

28 4. Subject to paragraph [(3)] (4) of this subsection, at least 4
 29 are licensed certified social workers—clinical;

1 5. 1 is a licensed social worker employed by the Department
2 of Human Services; and

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

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

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

9 (ii) 2 shall be consumer members.

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

12 ~~[(3)] (4)~~ If a licensed bachelor social worker, a licensed master social
13 worker, a licensed certified social worker, a licensed certified social worker–clinical, or a
14 licensed social worker is not appointed to the Board under paragraph (2)(i) of this
15 subsection within 3 months of a vacancy, a licensee of any license category shall be
16 appointed immediately if that licensee is qualified to be a member of the Board under
17 subsections (b) and (d) of this section.

18 ~~[(4)] (5)~~ The Governor shall appoint all members of the Board with the
19 advice of the Secretary and the advice and consent of the Senate.

20 ~~[(5)] (6)~~ The Governor shall appoint all social work members of the Board
21 from a list of nominees containing names submitted by:

22 (i) Professional social work associations in the State;

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

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

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

29 19–308.

30 (d) Before the license expires, the licensee periodically may renew it for an
31 additional 2–year term, if the licensee:

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

10 **(H) A LICENSEE SHALL SUBMIT TO THE BOARD SATISFACTORY EVIDENCE**
11 **OF COMPLIANCE WITH THE FOLLOWING CONTINUING EDUCATION REQUIREMENTS**
12 **FOR LICENSE RENEWAL:**

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

18 **(I) UNDERSTANDING CULTURE, THE FUNCTIONS OF CULTURE,**
19 **AND THE STRENGTHS THAT EXIST IN VARIED CULTURES;**

20 **(II) UNDERSTANDING CLIENTS' CULTURES AND DIFFERENCES**
21 **AMONG AND BETWEEN CULTURAL GROUPS;**

22 **(III) UNDERSTANDING THE NATURE OF SOCIAL DIVERSITY AND**
23 **OPPRESSION; AND**

24 **(IV) UNDERSTANDING CULTURAL HUMILITY; AND**

25 **(2) ANY ADDITIONAL REQUIREMENTS ESTABLISHED BY THE BOARD.**

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

27 (a) There is a Culturally Informed and Culturally Responsive Mental Health
28 Task Force in the State.

29 (b) The Task Force shall consist of:

- 1 (1) the Secretary of Human Services, or the Secretary's designee;
- 2 (2) the Executive Director of the Behavioral Health Administration;
- 3 (3) one member representing the State Board of Examiners of
4 Psychologists, designated by the Executive Director of the Board;
- 5 (4) one member representing the State Board of Social Work Examiners,
6 designated by the Executive Director of the Board;
- 7 (5) one member representing the State Board of Professional Counselors
8 and Therapists with credentials to practice marriage and family therapy, designated by the
9 Executive Director of the Board; and
- 10 (6) the following members to be appointed by the Governor on or before
11 August 1, 2022:
- 12 (i) three members representing undergraduate and graduate
13 mental health programs;
- 14 (ii) three mental health providers who represent underrepresented
15 communities;
- 16 (iii) two members representing mental health advocacy
17 organizations; and
- 18 (iv) one member who is an expert in providing training and education
19 in cultural competency and cultural responsiveness.
- 20 (c) The Task Force shall:
- 21 (1) make recommendations for the hiring and recruitment of culturally
22 competent mental health providers from diverse racial and ethnic communities;
- 23 (2) make recommendations for the training of all mental health providers
24 on cultural competency and cultural humility;
- 25 (3) assess the extent to which mental health provider organizations
26 embrace diversity and demonstrate proficiency in culturally competent mental health
27 treatment and services; and
- 28 (4) make recommendations for increasing the number of mental health
29 organizations owned, managed, or led by individuals who are Black, indigenous, or people
30 of color.
- 31 (d) The members of the Task Force shall elect two cochairs from its membership.

1 (e) The Department of Human Services shall provide staff for the Task Force.

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

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

8 SECTION 3. AND BE IT FURTHER ENACTED, That:

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

12 (1) the State Board of Examiners of Psychologists;

13 (2) the State Board of Professional Counselors and Therapists;

14 (3) the State Board of Social Work Examiners;

15 (4) mental health providers from diverse cultural communities; and

16 (5) mental health graduate programs.

17 (b) The Workgroup shall:

18 (1) identify barriers to licensure in mental health professions;

19 (2) collect data on the number of individuals graduating from educational
20 programs but not passing examinations required for licensure; and

21 (3) develop recommendations for creating alternative pathways for
22 licensure in mental health professions and for ensuring provider competency and
23 professionalism, while recognizing the limitations of national credentialing examinations.

24 (c) On or before October 1, 2025, the Workgroup shall report its findings and
25 recommendations to the Senate Education, Health, and Environmental Affairs Committee
26 and the House Health and Government Operations Committee in accordance with § 2–1257
27 of the State Government Article.

28 SECTION 4. AND BE IT FURTHER ENACTED, That in each of fiscal years 2024
29 and 2025, the Governor shall include in the annual budget bill an appropriation of \$150,000
30 to staff and develop recommendations for the Culturally Informed and Culturally
31 Responsive Mental Health Task Force.

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

9 SECTION 6. AND BE IT FURTHER ENACTED, That:

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

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

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