

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 982 (Delegate Henson)
Health and Government Operations

Health Occupations - Faith-Based Counseling - Exemption

This bill establishes an exemption for an individual offering faith-based counseling services from the requirement to be licensed by the State Board of Professional Counselors and Therapists. An individual who has received a faith-based counseling services exemption from the Maryland Department of Health (MDH) is exempt from the requirements of Title 17 of the Health Occupations Article. MDH must adopt regulations to establish a simple procedure for an individual offering faith-based counseling services in coordination with a religious organization to apply for an exemption.

Fiscal Summary

State Effect: MDH advises the bill can be implemented with existing budgeted resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: Meaningful.

Analysis

Bill Summary: “Faith-based counseling services” means marriage and family counseling or other counseling services that (1) are conducted in accordance with the practices of a religious organization; (2) are exclusively religious, spiritual, or ecclesiastical in nature; and (3) consist of only nonmedical treatment methods including prayer, moral guidance, spiritual counseling, and scriptural study.

A “faith-based counseling plan” means (1) a detailed description of the faith-based counseling services to be provided by an individual in accordance with the practices of a religious organization; (2) an explanation of the underlying religious principals, practices, and methodologies that will be employed in providing the faith-based counseling services; and (3) a summary of the education and training that the individual has received in the counseling services to be provided and in the underlying religious principals, practices, and methodologies that will be employed.

An application for an exemption to provide faith-based counseling services must include (1) basic contact information; (2) a statement of association from the religious organization, including a statement that the organization will monitor and supervise the individual’s activities; (3) specified documentation of the religious organization’s tax-exempt status; (4) documentation that the religious organization is in good standing with the State Department of Assessments and Taxation; and (5) a faith-based counseling plan.

An individual who receives an exemption may not provide medical services, as specified, and must include in any advertisement or literature a statement that the services provided (1) are exclusively religious in nature and the provider is not subject to licensure or regulation by MDH or the board and (2) the services include only nonmedical treatment methods. An individual receiving faith-based counseling services must sign a declaration that they understand the above statement before services are provided.

MDH may revoke an exemption after notice and hearing if (1) MDH determines any information included in the application was false or intentionally misleading; (2) the individual fails to inform MDH in a timely manner of a material change in the information included in the application; (3) an advertisement or literature does not meet specified requirements; (4) the individual deviates from the submitted faith-based counseling plan; (5) the associated religious organization informs MDH that the organization has ended its association with the individual; or (6) the individual violates the bill or any regulation that MDH adopts.

An individual who receives an exemption for faith-based counseling services is not exempt from any federal or State eligibility requirements for reimbursement (or other funding) for services provided. The bill does not affect the State’s or a local official’s or entity’s authority to inspect a facility used by an individual who receives an exemption under the bill.

Current Law: In general, an individual must be licensed by the State Board of Professional Counselors and Therapists to practice professional counseling in Maryland. An applicant for a professional counseling license must have (1) a master’s or doctoral degree from an accredited educational program approved by the board; (2) completed instruction in specified study areas; (3) completed a specified amount of supervised clinical

experience; (4) passed the National Counselors Examination of the National Board for Certified Counselors and the Maryland Law Assessment; and (5) submit to a criminal history records check. The board may not issue a license if the criminal history record information has not been received. In fiscal 2020, the board regulated approximately 5,701 licensed professional counselors.

State Expenditures: The bill creates an opportunity for a small business to receive an exception to practice faith-based counseling without being subject to licensing and other requirements of Title 17 of the Health Occupations Article.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

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

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Analysis by: Amber R. Gundlach

Direct Inquiries to:
(410) 946-5510
(301) 970-5510