

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 243

(Chair, Finance Committee)(By Request - Departmental -
Health)

Finance

Health and Government Operations

**State Board of Professional Counselors and Therapists - Behavior Analyst
Advisory Committee - Sunset Extension**

This departmental bill extends the termination date for the Behavior Analyst Advisory Committee within the State Board of Professional Counselors and Therapists (and provisions governing behavior analysts) by two years to July 1, 2026, subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act (MPEA). This aligns the termination date for the advisory committee (and provisions governing behavior analysts) with the termination date for the board (and provisions governing all other professions regulated by the board). **The bill takes effect June 1, 2024.**

Fiscal Summary

State Effect: Special fund revenues and expenditures for the Behavior Analyst Advisory Committee and board regulatory duties associated with behavior analysts are maintained through FY 2026.

Local Effect: None.

Small Business Effect: The Maryland Department of Health has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services (DLS) concurs with this assessment.

Analysis

Current Law/Background: The State Board of Professional Counselors and Therapists licenses and certifies professional counselors, alcohol and drug counselors, marriage and family therapists, professional art therapists, and behavior analysts; receives and resolves

complaints; and sets standards for the practice of counseling and therapy. The board's current termination date is July 1, 2026.

The Behavior Analyst Advisory Committee is charged with developing and recommending to the board regulations, a code of ethics, requirements for licensure as a behavior analyst, and continuing education requirements for license renewal as well as providing the board with recommendations concerning the practice of behavior analysis. The committee has five members appointed by the board, four of whom must be behavior analysts certified by the Behavior Analyst Certification Board and have at least five years of clinical experience. The fifth must be a consumer.

Both the board and the Behavior Analyst Advisory Committee are among approximately 60 regulatory entities and activities subject to termination unless reauthorized periodically through statute. Under MPEA, these entities may also be subject to an evaluation by the Office of Program Evaluation and Government Accountability (OPEGA) within DLS prior to their termination. However, OPEGA may conduct an evaluation only if directed by specified entities or by legislation.

The Behavior Analyst Advisory Committee (and provisions governing behavior analysts) is scheduled to terminate July 1, 2024; OPEGA was not asked to conduct an evaluation of the advisory committee prior to its termination. Accordingly, the board has requested reauthorizing legislation for the Behavior Analyst Advisory Committee that aligns with the current termination date of the board.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

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

Fiscal Note History: First Reader - January 12, 2024
rh/jc Third Reader - February 7, 2024

Analysis by: Michael E. Sousane

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

ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES
Maryland Department of Health
Session 2024

BILL TITLE: **State Board of Professional Counselors and Therapists – Behavior
Analyst Advisory Committee – Sunset Extension**

PREPARED

BY:

(Program\Unit): Health Occupations Boards & Commissions/Professional Counselors and
Therapists Board

Bill number: SB0243

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL
BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL
BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposal has no economic impact.