

HB1474/513225/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1474
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 2 and 3 and substitute “**State Board of Professional Counselors and Therapists – Temporary Telehealth Licenses – Establishment**”; strike beginning with “authorizing” in line 4 down through “telehealth” in line 7 and substitute “establishing a temporary telehealth license to be issued by the State Board of Professional Counselors and Therapists under certain circumstances; and generally relating to temporary licenses issued by the State Board of Professional Counselors and Therapists”; after line 7, insert:

“BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 17–101(a) and (e) and 17–301

Annotated Code of Maryland

(2021 Replacement Volume and 2024 Supplement)”;

in line 10, strike “1-1005” and substitute “17-101(l)”; and in line 15, strike “1-1005.1” and substitute “17-101(cc) and 17-304.2”.

AMENDMENT NO. 2

On page 2, after line 1, insert:

“17–101.

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

(e) “Board” means the State Board of Professional Counselors and Therapists.

(l) (1) “License” means, unless the context requires otherwise, [one of six types of licenses] A LICENSE issued by the Board authorizing an individual to practice:

[(1)] (I) Clinical alcohol and drug counseling;

[(2)] (II) Clinical marriage and family therapy;

[(3)] (III) Clinical professional art therapy;

[(4)] (IV) Clinical professional counseling;

[(5)] (V) Graduate alcohol and drug counseling;

[(6)] (VI) Graduate marriage and family therapy;

[(7)] (VII) Graduate professional art therapy; or

[(8)] (VIII) Graduate professional counseling.

(2) “LICENSE” INCLUDES, UNLESS THE CONTEXT REQUIRES OTHERWISE, A TEMPORARY TELEHEALTH LICENSE.

(CC) “TEMPORARY TELEHEALTH LICENSE” MEANS A LICENSE ISSUED BY THE BOARD UNDER § 17-304.2 OF THIS TITLE.

17-301.

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

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

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

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

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

17-304.2.

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

(2) “INSTITUTION OF HIGHER EDUCATION” HAS THE MEANING STATED IN § 10-101 OF THE EDUCATION ARTICLE.

(3) “STUDENT” MEANS AN OUT-OF-STATE RESIDENT ENROLLED AT AND RESIDING AT OR NEAR AN INSTITUTION OF HIGHER EDUCATION IN THE STATE.

(B) THE BOARD MAY ISSUE A TEMPORARY TELEHEALTH LICENSE TO AN APPLICANT WHO:

(Over)

(1) IS NOT LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED BY LAW TO PRACTICE CLINICAL PROFESSIONAL COUNSELING IN THE STATE UNDER THIS ARTICLE;

(2) IS LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED BY LAW TO PROVIDE CLINICAL PROFESSIONAL COUNSELING OR COUNSELING SERVICES IN ANOTHER STATE;

(3) IS IN GOOD STANDING WITH THE REGULATORY AUTHORITY IN THE OTHER STATE;

(4) MEETS ANY OTHER QUALIFICATIONS SET BY THE BOARD IN REGULATIONS; AND

(5) SUBMITS A TEMPORARY TELEHEALTH LICENSE APPLICATION.

(C) A TEMPORARY TELEHEALTH LICENSE ISSUED UNDER THIS SECTION AUTHORIZES THE HOLDER TO PROVIDE CLINICAL PROFESSIONAL COUNSELING SERVICES THROUGH TELEHEALTH IN THE STATE ONLY TO A STUDENT ATTENDING AN INSTITUTION OF HIGHER EDUCATION IN THE STATE IF THE STUDENT AND THE OUT-OF-STATE LICENSED PROFESSIONAL COUNSELOR HAVE A PREVIOUSLY ESTABLISHED THERAPEUTIC RELATIONSHIP THAT HAS EXISTED FOR AT LEAST 6 MONTHS.

(D) THE TERM OF A TEMPORARY TELEHEALTH LICENSE ISSUED UNDER THIS SECTION IS 6 MONTHS.

(E) A TEMPORARY TELEHEALTH LICENSE ISSUED UNDER THIS SECTION MAY NOT BE RENEWED.

(F) IF THE HOLDER OF A TEMPORARY TELEHEALTH LICENSE VIOLATES THIS TITLE, THE BOARD MAY NOT ISSUE THE INDIVIDUAL A REGULAR LICENSE UNDER THIS TITLE FOR AT LEAST 2 YEARS AFTER THE DATE ON WHICH THE VIOLATION OCCURRED.

(G) THE BOARD SHALL ADOPT REGULATIONS:

(1) TO ESTABLISH QUALIFICATIONS AND APPLICATION FEES FOR A TEMPORARY TELEHEALTH LICENSE ISSUED UNDER THIS SECTION;

(2) TO ESTABLISH ANY CONDITIONS OR LIMITATIONS APPLICABLE TO A TEMPORARY TELEHEALTH LICENSEE; AND

(3) NECESSARY FOR THE IMPLEMENTATION, ADMINISTRATION, AND ENFORCEMENT OF THIS SECTION.”.

On pages 2 through 4, strike in their entirety the lines beginning with line 2 on page 2 through line 4 on page 4, inclusive.

On page 4, strike beginning with “It” in line 6 down through “effect.” in line 8.