



Board of Professional Counselors and Therapists

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Secretary

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2022 SESSION POSITION PAPER

BILL NO: HB 982
COMMITTEE: Health and Government Operations
POSITION: Oppose

TITLE: Health Occupations - Faith Based Counseling - Exemption

BILL ANALYSIS: House Bill (HB) 982 establishes an exemption from licensure requirements under the Maryland Professional Counselors and Therapists Act for an individual offering faith-based counseling services in coordination with a religious organization. It prohibits, however, an individual who receives an exemption from offering medical care, medical detoxification, or medical withdrawal services.

POSITION AND RATIONALE:

The State Board of Professional Counselors and Therapists (the Board) opposes HB 982 - Health Occupations - Faith Based Counseling - Exemption.

The Board acknowledges and appreciates the ongoing faith-based support that people of various religions receive from their respective places of worship. From the founding of the nation, houses of worship have served as places of comfort and solace for persons who are experiencing difficulties in their lives. This has been particularly true for persons who have not been in a position to seek mental health services because of lack of proximity to those services and/or lack of funds. Too often, however, those who have provided the services have not been academically or experientially equipped to provide such services and have caused harm. Their training as clergy persons has been adequate for religious leadership, but inadequate for those who are experiencing mental health crises.

More to the point, the Board is not authorized to provide exemptions. An exemption for these people will provide them cover when they step out of their role as clergy and harm someone by trying to provide services in which they do not meet the minimum standards for education and training requirements to be certified or licensed.

The Board regularly hears complaints about faith-based counselors who, even if unintentionally, cause harm to persons who seek their services. HB 982 does not provide a course of accountability for faith-based counselors who do harm. The Board has the authority to impose disciplinary sanctions and monetary penalties for the licensees and certificate holders that fall under the Board's statute. This will not be the case for faith-based counselors. The exemption

will remove the Board's ability to deal with faith-based counselors who harm consumers by providing services for which they are not licensed or certified to provide. The Board has had to deal with allegations of inappropriate touching, inappropriate sexual conversations, and inappropriate sexual relationships between client and faith-based counselors. By providing this exemption, the Board will be removed as a place of recourse for those who have been harmed.

Additionally, there is an imbalance of power inherent in the nature of the relationship between any type of counselor and client. The client is in a vulnerable position. The licensing process assures the client that the mental health worker who is providing services has been properly trained, has adequate experience, has had their background checked, and is qualified to provide services at the designated level. The Board is concerned that counselors without the proper education or training will not be able to provide counseling under the umbrella of faith-based counseling without proper vetting. The Board exists to protect the public and this Bill will take away a vital level of that protection.

For these reasons, the Board respectfully requests an unfavorable report on HB 982. If you'd like to discuss this further, please contact Tony W. Torain, J.D., Executive Director, at 410-764-4732 or at tonyw.torain@maryland.gov.

The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.