HEALTH OCCUPATIONS

TITLE 17.

PROFESSIONAL COUNSELORS AND THERAPISTS.

Subtitle 1. Definitions; General Provisions.

Sec.
(a) In general.
(b) Alcohol and drug counseling.
(c) Appraisal.
(d) Board.
(e) Certificate.
(f) Certified professional counselor.
(g) Certified professional counselor—marriage and family therapist.
(h) Certified supervised counselor—alcohol and drug; certified associate counselor—alcohol and drug; certified professional counselor—alcohol and drug.
(i) Counseling.
(j) Fund.
(k) License.
(l) Licensed graduate alcohol and drug counselor.
(m) Licensed graduate marriage and family therapist.
(n) Licensed graduate professional counselor.
(o) Marriage and family therapy.
(p) Practice alcohol and drug counseling.
(q) Practice clinical alcohol and drug counseling.
(r) Practice clinical marriage and family therapy.
(s) Practice clinical professional counseling.
(t) Practice graduate alcohol and drug counseling.
(u) Practice graduate marriage and family therapy.
(v) Practice graduate professional counseling.
(w) Practice marriage and family therapy.
(x) Practice professional counseling.

Subtitle 2. State Board of Professional Counselors and Therapists.

17-302. Membership.
17-305. Powers and duties.

Subtitle 3. Licensing.

17-301. Required licensing by Board.
17-302. Qualifications — Clinical alcohol and drug counselors.
17-302.1 to 17-302.5. [Repealed].
17-303. Qualifications — Clinical marriage and family therapists.
17-304. Qualifications — Clinical professional counselors.
17-305. Waiver of requirements — Clinical alcohol and drug counselors.
17-306. Waiver of requirements — Clinical marriage and family therapists.
17-306.1. [Repealed].
17-307. Waiver of requirements — Clinical professional counselors.
17-308. Authority granted by license.
17-309. Supervised clinical practice.
17-310. Appraisal activities; training requirements.
17-311 to 17-317. Display of certificate or license; change in address; professional disclosure statement; denial, probation, suspension or revocation of certificate applicant or holder; penalty; administrative hearing; administrative and judicial review; injunction; reinstatement of revoked certificate, reduction of suspension or probation period, or withdrawal of reprimand; professional counselor rehabilitation committees.

Subtitle 3A. Licensing.


Subtitle 4. Certification.

17-401. Certification required; representations to public.
17-402. Requirements for certified professional counselor — Alcohol and drug.
17-403. Requirements for certified associate counselor — Alcohol and drug.
17-404. Requirements for certified supervised counselor — Alcohol and drug.
17-405. Waiver of requirements — Alcohol and drug counselors.
17-405.1. Waiver of licensing requirements [Section subject to abrogation].
17-406. Practicing without license or certification — Alcohol and drug counselors.
17-407. Waiver of clinical experience requirement.

Subtitle 5. General Provisions; Disciplinary Actions.

17-501. Application for license or certificate.
17-503. License or certificate.
17-504. Expiration and renewal.
17-505. Inactive status; reinstatement.

314

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

(b) Alcohol and drug counseling. — “Alcohol and drug counseling” means assisting an individual, family, or group through the client-counselor relationship:

(1) To develop understanding of intrapersonal and interpersonal substance abuse problems;
(2) To define goals relating to substance abuse;
(3) To make decisions relating to substance abuse;
(4) To plan a course of action reflecting the needs, interests, and abilities of the individual, family, or group relating to substance abuse; and
(5) To use informational and community substance abuse resources relating to personal, social, emotional, educational, and vocational development and adjustment.

(c) Appraisal. — (1) “Appraisal” means:

(i) Selecting, administering, scoring, and interpreting instruments designed to assess an individual’s aptitudes, attitudes, abilities, achievements, interests, and personal characteristics; and

(ii) Using nonstandardized methods and techniques for understanding human behavior in relation to coping with, adapting to, or changing life situations.

(2) “Appraisal” does not include instruments which require specialized psychological training for administration and interpretation unless the licensed counselor or therapist has completed the training required under § 17-310 of this title.

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

(e) Certificate. — “Certificate” means a certificate issued by the Board to practice professional counseling.

(f) Certified professional counselor. — “Certified professional counselor” means a professional counselor who is certified by the Board.
§ 17-101

HEALTH OCCUPATIONS

(g) Certified professional counselor-marriage and family therapist. — “Certified professional counselor-marriage and family therapist” means an individual who is certified by the Board to practice marriage and family therapy in the State.

(h) Certified supervised counselor-alcohol and drug; certified associate counselor-alcohol and drug; certified professional counselor-alcohol and drug. — (1) “Certified supervised counselor-alcohol and drug” means an individual who is certified by the Board to practice alcohol and drug counseling in the State pursuant to the limitations in § 17-404 of this title.

(2) “Certified associate counselor-alcohol and drug” means an individual who is certified by the Board to practice alcohol and drug counseling in the State pursuant to the limitations in § 17-403 of this title.

(3) “Certified professional counselor-alcohol and drug” means an individual who is certified by the Board to practice alcohol and drug counseling in the State.

(i) Counseling. — “Counseling” means assisting an individual, family, or group through the client-counselor relationship:

(1) To develop understanding of intrapersonal and interpersonal problems;

(2) To define goals;

(3) To make decisions;

(4) To plan a course of action reflecting the needs, interests, and abilities of the individual, family, or group; and

(5) To use informational and community resources, as these procedures are related to personal, social, emotional, educational, and vocational development and adjustment.

(j) Fund. — “Fund” means the State Board of Professional Counselors and Therapists Fund.

(k) License. — “License” means, unless the context requires otherwise, one of six types of licenses issued by the Board authorizing an individual to practice:

(1) Clinical alcohol and drug counseling;

(2) Clinical marriage and family therapy;

(3) Clinical professional counseling;

(4) Graduate alcohol and drug counseling;

(5) Graduate marriage and family therapy; or

(6) Graduate professional counseling.

(l) Licensed graduate alcohol and drug counselor. — “Licensed graduate alcohol and drug counselor” means an individual approved by the Board to practice graduate alcohol and drug counseling.

(m) Licensed graduate marriage and family therapist. — “Licensed graduate marriage and family therapist” means an individual approved by the Board to practice graduate marriage and family therapy.

(n) Licensed graduate professional counselor. — “Licensed graduate professional counselor” means an individual approved by the Board to practice graduate professional counseling.

(o) Marriage and family therapy. — “Marriage and family therapy” means
applying marriage and family systems theory, principles, methods, therapeutic techniques, and research in:

(1) Resolving emotional conflict and modifying perception and behavior in the context of marriage and family life; and

(2) The identification and assessment of client needs and the implementation of therapeutic intervention.

(p) Practice alcohol and drug counseling. — “Practice alcohol and drug counseling” means to engage professionally and for compensation in alcohol and drug counseling activities while representing oneself to be a certified professional counselor-alcohol and drug, a certified supervised counselor-alcohol and drug, or a certified associate counselor-alcohol and drug.

(q) Practice clinical alcohol and drug counseling. — “Practice clinical alcohol and drug counseling” means to engage professionally and for compensation in alcohol and drug counseling and appraisal activities by providing services involving the application of counseling principles and methods in the diagnosis, prevention, treatment, and amelioration of psychological problems and emotional or mental conditions of individuals or groups.

(r) Practice clinical marriage and family therapy. — “Practice clinical marriage and family therapy” means to engage professionally and for compensation in marriage and family therapy and appraisal activities by providing services involving the application of therapy principles and methods in the diagnosis, prevention, treatment, and amelioration of psychological problems and emotional or mental conditions of individuals or groups.

(s) Practice clinical professional counseling. — “Practice clinical professional counseling” means to engage professionally and for compensation in counseling and appraisal activities by providing services involving the application of counseling principles and methods in the diagnosis, prevention, treatment, and amelioration of psychological problems and emotional or mental conditions of individuals or groups.

(t) Practice graduate alcohol and drug counseling. — “Practice graduate alcohol and drug counseling” means to practice clinical alcohol and drug counseling:

(1) Under the supervision of a licensed clinical alcohol and drug counselor or another health care provider licensed under this article, as approved by the Board; and

(2) While fulfilling the requirements for supervised experience under § 17-302 of this subtitle.

(u) Practice graduate marriage and family therapy. — “Practice graduate marriage and family therapy” means to practice clinical marriage and family therapy:

(1) Under the supervision of a licensed clinical marriage and family therapist or another health care provider licensed under this article, as approved by the Board; and

(2) While fulfilling the requirements for supervised experience under § 17-303 of this subtitle.

(v) Practice graduate professional counseling. — “Practice graduate professional counseling” means to practice clinical professional counseling:

(1) Under the supervision of a licensed clinical professional counselor or
§ 17-102  HEALTH OCCUPATIONS

another health care provider licensed under this article, as approved by the Board; and

(2) While fulfilling the requirements for supervised experience under § 17-304 of this subtitle.

(w) Practice marriage and family therapy. — "Practice marriage and family therapy" means to engage professionally and for compensation in marriage and family therapy activities while representing oneself to be a certified professional counselor-marriage and family therapist.

(x) Practice professional counseling. — "Practice professional counseling" means to engage professionally and for compensation in counseling and appraisal activities while representing oneself to be a certified professional counselor. (1985, ch. 734; 1990, ch. 6, § 11; 1994, ch. 721; 1996, ch. 576, § 1; ch. 577, § 1; 1997, ch. 14, § 1; 1998, chs. 131, 132; 2000, ch. 358; 2005, ch. 25, § 13; 2008, ch. 36, § 5; ch. 505, § 2; ch. 508.)

Effect of amendments. — Section 2, ch. 505, Acts 2008, effective October 1, 2008, substituted "§ 17-404" for "§ 17-302.4" in (h)(1) and "§ 17-405" for "§ 17-302.5" in (h)(2); added (k) through (m) and (q) through (y) and redesignated accordingly; and added "certified" in (x).

Chapter 508, Acts 2008, effective October 1, 2003, reenacted (a) without change and rewrote (c)(2).

Editor's note.

This section was amended by two 2008 acts, neither of which gave effect to the other; both have been given effect in the section as set forth above.

Section 5, ch. 38, Acts 2008, approved April 8, 2008, and effective from date of enactment, provides that "any reference in the Annotated Code of Maryland rendered incorrect or obsolete by an Act of the General Assembly of 2008 shall be corrected by the publisher of the Annotated Code, in consultation with and subject to the approval of the Department of Legislative Services, with no further action required by the General Assembly. The publishers shall adequately describe any such correction in an editor's note following the section affected." Pursuant to § 5 of ch. 36, "§ 17-310" was substituted for "§ 17-3A-03.1", following the amendments by ch. 505, Acts 2008.

Bill review letter. — Chapter 505, Acts 2008, (House Bill 459) was approved for constitutionality and legal sufficiency, and reorganized and rewrote large portions of the Professional Counselors Title of this article. The requirements were made clearer, certification of marriage and family therapists was eliminated, and the makeup of the board was changed. It repealed and reenacted §§ 17-501 through 17-317 and repealed §§ 17-3A-01 through 17-3A-13 of this article. This bill has sunset provisions that interact with and interfere with other provisions of the multiple bills submitted under this subject matter. It is recommended that SB 882 and HB 494 be signed after SB 502 and HB 469 in order to preserve their provisions. Senate Bill 502 was not signed; and SB 882 and HB 494 were signed as Chapters 630 and 508, after HB 469, Chapter 508. (Letter of the Attorney General dated April 23, 2008.)

Chapter 508, Acts 2008, (House Bill 494) was approved for constitutionality and legal sufficiency, and provided that a licensed counselor or therapist may engage in appraisal activities if they meet certain requirements. This bill has sunset provisions that interact with and interfere with other provisions of the multiple bills submitted under this subject matter. It is recommended that SB 882 and HB 494 be signed after SB 502 and HB 469 in order to preserve their provisions. Senate Bill 502 was not signed; and SB 882 and HB 494 were signed as Chapters 630 and 508, after HB 459, Chapter 508. (Letter of the Attorney General dated April 23, 2008.)

§ 17-102. Legislative findings; purpose of title.

(a) Legislative findings. — The General Assembly finds that the profession of counseling and therapy profoundly affects the lives and health of the people of this State.

(b) Purpose of title. — The purpose of this title is to protect the public by:

(1) Setting qualifications, education, training, and experience standards for counselors and therapists; and
(2) Promoting high professional standards for the practice of counseling and therapy. (1985, ch. 734; 1990, ch. 6, § 11; 2008, ch. 505, § 2.)

Effect of amendments. — Section 2, ch. 505, Acts 2008, effective October 1, 2008, added "and therapy" in (a); and deleted "professional" and added "and therapists" in (b)(1) and "and therapy" in (b)(2).

Bill review letter. — Chapter 505, Acts 2008, (House Bill 459) was approved for constitutionality and legal sufficiency, and reorganized and rewrote large portions of the Professional Counselors Title of this article. The requirements were made clearer, certification of marriage and family therapists was eliminated, and the make-up of the board was changed. It repealed and reenacted §§ 17-301 through 17-317 and repealed §§ 17-3A-01 through 17-3A-13 of this article. This bill has sunset provisions that interact with and interfere with other provisions of the multiple bills submitted under this subject matter. It is recommended that SB 882 and HB 494 be signed after SB 502 and HB 459 in order to preserve their provisions. Senate Bill 502 was not signed; and SB 882 and HB 494 were signed as Chapters 630 and 508, after HB 459, Chapter 505. (Letter of the Attorney General dated April 23, 2008.)

§ 17-103. Practices not affected by title.

This title does not limit the right of an individual to practice a health occupation that the individual is authorized to practice under this article. (1985, ch. 734; 1990, ch. 6, § 11; 1996, ch. 422; 2008, ch. 505, § 2.)


Bill review letter. — Chapter 505, Acts 2008, (House Bill 459) was approved for constitutionality and legal sufficiency, and reorganized and rewrote large portions of the Professional Counselors Title of this article. The requirements were made clearer, certification of marriage and family therapists was eliminated, and the make-up of the board was changed. It repealed and reenacted §§ 17-301 through 17-317 and repealed §§ 17-3A-01 through 17-3A-13 of this article. This bill has sunset provisions that interact with and interfere with other provisions of the multiple bills submitted under this subject matter. It is recommended that SB 882 and HB 494 be signed after SB 502 and HB 459 in order to preserve their provisions. Senate Bill 502 was not signed; and SB 882 and HB 494 were signed as Chapters 630 and 508, after HB 459, Chapter 505. (Letter of the Attorney General dated April 23, 2008.)

§ 17-104. Scope of certificates.


Bill review letter. — Chapter 505, Acts 2008, (House Bill 459) was approved for constitutionality and legal sufficiency, and reorganized and rewrote large portions of the Professional Counselors Title of this article. The requirements were made clearer, certification of marriage and family therapists was eliminated, and the make-up of the board was changed. It repealed and reenacted §§ 17-301 through 17-317 and repealed §§ 17-3A-01 through 17-3A-13 of this article. This bill has sunset provisions that interact with and interfere with other provisions of the multiple bills submitted under this subject matter. It is recommended that SB 882 and HB 494 be signed after SB 502 and HB 459 in order to preserve their provisions. Senate Bill 502 was not signed; and SB 882 and HB 494 were signed as Chapters 630 and 508, after HB 459, Chapter 505. (Letter of the Attorney General dated April 23, 2008.)

Subtitle 2. State Board of Professional Counselors and Therapists.

§ 17-201. Established.


Bill review letter. — Chapter 505, Acts 2008, (House Bill 459) was approved for constitutionality and legal sufficiency, and reorga-
§ 17-202

HEALTH OCCUPATIONS

nized and rewrote large portions of the Professional Counselors Title of this article. The requirements were made clearer, certification of marriage and family therapists was eliminated, and the make-up of the board was changed. It repealed and reenacted §§ 17-301 through 17-317 and repealed §§ 17-3A-01 through 17-3A-13 of this article. This bill has sunset provisions that interact with and interfere with other provisions of the multiple bills submitted under this subject matter. It is recommended that SB 882 and HB 494 be signed after SB 602 and HB 469 in order to preserve their provisions. Senate Bill 502 was not signed; and SB 882 and HB 494 were signed as Chapters 639 and 508, after HB 459, Chapter 505. (Letter of the Attorney General dated April 23, 2005.)


(a) Composition; appointment and qualifications of members. — (1) The Board consists of 13 members appointed by the Governor with the advice of the Secretary.

(2) Of the 13 Board members:

(i) Five shall be licensed as clinical professional counselors under Subtitle 3 of this title;

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

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

(iv) Two shall be consumer members.

(3) The composition of the Board as to the race and sex of its members shall reflect the composition of the population of the State.

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

(b) Qualifications of consumer member. — The consumer members of the Board:

(1) Shall be members of the general public;

(2) May not be or ever have been certified or licensed as a counselor or therapist or in training to become certified or licensed as a counselor or therapist;

(3) May not have a household member who is certified or licensed as a counselor or therapist or in training to become certified or licensed as a counselor or therapist;

(4) May not participate or ever have participated in a commercial or professional field related to professional counseling, marriage and family therapy, or alcohol and drug counseling;

(5) May not have a household member who participates in a commercial or professional field related to professional counseling, marriage and family therapy, or alcohol and drug counseling;

(6) May not have had within 2 years before appointment a substantial financial interest in a person regulated by the Board; and

(7) While members of the Board, may not have a substantial financial interest in a person regulated by the Board.

(c) Qualifications of licensed clinical marriage and family therapy member. — The licensed clinical marriage and family therapy members of the Board shall:

(1) Hold a master’s or doctoral degree in a marriage and family therapy field; and
§ 17-203. Officers.


Bill review letter. — Chapter 505, Acts 2008, (House Bill 459) was approved for constitutionality and legal sufficiency, and reorganized and rewrote large portions of the Professional Counselors Title of this article. The requirements were made clearer, certification of marriage and family therapists was eliminated, and the make-up of the board was changed. It repealed and reenacted §§ 17-301 through 17-317 and repealed §§ 17-3A-01 through 17-3A-18 of this article. This bill has sunset provisions that interact with and interfere with other provisions of the multiple bills submitted under this subject matter. It is recommended that SB 882 and HB 494 be signed after SB 502 and HB 459 in order to preserve their provisions. Senate Bill 502 was not signed; and SB 882 and HB 494 were signed as Chapters 630 and 568, after HB 459, Chapter 505. (Letter of the Attorney General dated April 29, 2008.)
§ 17-204. Meetings, reimbursement and staff.


Bill review letter. — Chapter 505, Acts 2008, (House Bill 459) was approved for constitutionality and legal sufficiency, and reorganized and rewrote large portions of the Professional Counselors Title of this article. The requirements were made clearer, certification of marriage and family therapists was eliminated, and the make-up of the board was changed. It repealed and reenacted §§ 17-301 through 17-317 and repealed §§ 17-3A-01 through 17-3A-13 of this article. This bill has sunset provisions that interact with and interfere with other provisions of the multiple bills submitted under this subject matter. It is recommended that SB 882 and HB 494 be signed after SB 502 and HB 459 in order to preserve their provisions. Senate Bill 502 was not signed; and SB 882 and HB 494 were signed as Chapters 630 and 508, after HB 459, Chapter 505. (Letter of the Attorney General dated April 23, 2008.)

§ 17-205. Powers and duties.

(a) In addition to the powers set forth elsewhere in this title, the Board may adopt rules and regulations to carry out the provisions of this title.

(b) In addition to the duties set forth elsewhere in this title, the Board shall:

(1) Maintain a registry of all counselors or therapists currently licensed or certified by the Board;

(2) Submit an annual report to the Governor and the Secretary;

(3) Adopt a code of ethics that the Board considers to be appropriate and applicable to the counselors or therapists currently certified or licensed by the Board;

(4) Establish continuing education requirements for the counselors or therapists currently certified or licensed by the Board;

(5) Adopt an official seal; and

(6) Create committees as it deems appropriate to advise the Board on special issues.

(c) Actions of Board. — (1) The Board may take action against a marriage and family therapist only if:

(i) Before taking action against the marriage and family therapist, the Board discusses the proposed action with a Board member who is a licensed clinical marriage and family therapist; and

(ii) A Board member who is a licensed clinical marriage and family therapist votes, either in the affirmative or in the negative, on the proposed action.

(2) The Board may take action against an alcohol and drug counselor only if:

(i) Before taking action against the alcohol and drug counselor, the Board discusses the proposed action with a Board member who is a licensed clinical alcohol and drug counselor; and
(ii) A Board member who is a licensed clinical alcohol and drug counselor votes, either in the affirmative or in the negative, on the proposed action.

(3) The Board shall investigate all complaints filed against licensed counselors and therapists if, at the time of the violation, the licensed counselor or therapist has also registered and qualified for psychology associate status by virtue of holding a master's degree under Title 18 (Maryland Psychologists Act) of this article.

(4) The Board shall notify the Board of Examiners of Psychologists of the complaint in writing within 60 days of receipt of the complaint if an investigation of the supervising licensed psychologists is warranted.

(5) The Board shall initiate disciplinary action against any licensed counselor or therapist who also registers as a psychology associate and violates any portion of this statute.

(d) Establishment or selection of examination. — The Board shall establish or select examinations that the Board considers appropriate to determine the ability of an applicant to be licensed or certified by the Board. (1985, ch. 734; 1990, ch. 6, § 11; 1991, ch. 374; 1994, ch. 721; 1996, ch. 576, § 1; 1997, ch. 14, § 1; 1998, chs. 131, 132; 1999, ch. 437; 2008, ch. 505, § 2.)

Effect of amendments. — Section 2, ch. 505, Acts 2008, effective October 1, 2008, in (c) deleted “certified professional counselor-marriage and family therapist or a licensed clinical” in (c)(1) and (c)(3) of former § 17-206-1, “certified professional counselor-alcohol and drug or” in (c)(2)(i) and (c)(2)(ii), and “professional” twice in (c)(3), added “or therapist” or variants in (c)(3) and (c)(5) and made minor stylistic changes.

Editor's note. — Section 4, ch. 505, Acts 2008, provides that:

“(a) The Governor shall appoint two alcohol and drug counselor members and two marriage and family therapist members in accordance with § 17-202 of the Health Occupations Article, as enacted by Section 5 of this Act. These members shall serve a term of 4 years which shall begin on July 1, 2009, and the members shall serve until a successor is appointed and qualifies.

(b) Notwithstanding the provisions of § 17-202 of the Health Occupations Article, as enacted by Section 2 of this Act, the term of the certified associate counselor-alcohol and drug or certified supervised counselor-alcohol and drug advisor to the Board appointed by the Governor on or before October 1, 2008, shall terminate at the end of June 30, 2009.”

Section 5, ch. 505, Acts 2008, provides that:

“(a) On or before October 1, 2010, the State Board of Professional Counselors and Therapists shall submit, in accordance with § 2-1246.1 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee an interim report on Board's actions concerning the recommendations contained in the sunset review report of the State Board of Professional Counselors and Therapists published by the Department of Legislative Services in October 2007.

“(b) The interim report shall include an explanation of:

"(1) the results of the Board's review of the certification structure for alcohol and drug counselors to determine whether the current three-tiered structure is of continued benefit to the profession and the public, including any proposed alternatives to the current structure;

"(2) the results of the Board's evaluation of the current revenue structure to determine levels necessary to reach a reasonable fund balance by the end of fiscal year 2011; and

"(3) the implementation of any other recommendations contained in the report referenced in subsection (a) of this section.”

Bill review letter. — Chapter 505, Acts 2008 (House Bill 459) was approved for constitutionality and legal sufficiency, and reorganized and rewrote large portions of the Professional Counselors Title of this article. The requirements were made clearer, certification of marriage and family therapists was eliminated, and the make-up of the board was changed. It repealed and reenacted §§ 17-301 through 17-317 and repealed §§ 17-3A-01 through 17-3A-13 of this article. This bill has sunset provisions that interact with and interfere with other provisions of the multiple bills submitted under this subject matter. It is recommended that SB 882 and HB 494 be signed after SB 502 and HB 459 in order to preserve
Subtitle 3. Licensing.

§ 17-301. Required licensing by Board.

(a) In general. — 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, or clinical professional counseling in the State unless licensed by the Board.

(b) Exclusions. — 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 § 17-402, § 17-403, or § 17-404 of this title.

(c) Construction. — This subtitle may not be construed to limit the scope of practice of any individual who is duly licensed under this article. (2008, ch. 506, §§ 1, 2.)

Editor's note. — Section 6, ch. 505, Acts 2008, provides the act shall take effect October 1, 2008.

Section 1, ch. 505, Acts 2008, repealed former Subtitle 17 of this title and enacted a new Subtitle 17 of this title in lieu thereof. Section 1, ch. 505, Acts 2008, also repealed the Subtitle 3 heading "Certification."

Bill review letter. — Chapter 505, Acts 2008, (House Bill 459) was approved for constitutionality and legal sufficiency, and reorganized and rewrote large portions of the Professional Counselors Title of this article. The requirements were made clearer, certification of marriage and family therapists was eliminated, and the make-up of the board was changed. It repealed and reenacted §§ 17-301 through 17-317 and repealed §§ 17-3A-01 through 17-3A-13 of this article. This bill has sunset provisions that interact with and interfere with other provisions of the multiple bills submitted under this subject matter. It is rec

324
§ 17-302. Qualifications — Clinical alcohol and drug counselors.

(a) In general. — To qualify for a license to practice clinical alcohol and drug counseling, an applicant shall be an individual who meets the requirements of this section.

(b) Good moral character. — The applicant shall be of good moral character.

(c) Minimum age. — The applicant shall be at least 18 years old.

(d) Educational requirements. — (1) Except as provided in § 17-305 of this subtitle, the applicant shall:

(i) Hold a master's or doctoral degree in a health and human services counseling field from an accredited educational institution that is approved by the Board; or

(ii) Have completed a program of studies judged by the Board to be substantially equivalent in subject matter and extent of training as required under this section.

(2) (i) In the case of an applicant holding a doctoral degree, the applicant shall have completed a minimum of 90 graduate credit hours approved by the Board.

(ii) In the case of an applicant holding only a master’s degree, the applicant shall have completed a minimum of 60 graduate credit hours approved by the Board.

(3) The applicant shall have completed a minimum of 26 credit hours in alcohol and drug counselor training, including:

(i) Medical aspects of chemical dependency;

(ii) Group counseling;

(iii) Individual counseling;

(iv) Family counseling;

(v) Assessment and treatment planning;

(vi) Ethics for alcohol and drug counselors;

(vii) Human development;

(viii) Abnormal psychology; and

(ix) Courses pertaining to counselor core functions of screening, intake, orientation, case management, crisis intervention, education and prevention, referral, consultation, reports and record keeping, and special alcohol and drug dependency topics.

(e) Supervised clinical experience. — The applicant shall have completed not less than 3 years with a minimum of 2,000 hours of supervised experience in alcohol and drug counseling approved by the Board, 2 years of which shall have been completed after the award of the master’s or doctoral degree or its substantial equivalent.

(f) Documentation of graduate work. — The applicant shall provide documentation to the Board evidencing the completion of 60 hours of graduate work.
§ 17-302.1 HEALTH OCCUPATIONS

course work, completed at an accredited college or university approved by the Board that included training in:
(1) Personality development;
(2) Diagnosis and treatment of mental and emotional disorders;
(3) Psychopathology; and
(4) Psychotherapy in alcohol and drug disorders.
(g) Documentation of supervised clinical experience. — The applicant shall provide documentation evidencing the completion of 2 years of postgraduate supervised clinical experience as required by the Board.
(h) Examination. — Except as otherwise provided in this title, the applicant shall pass an examination approved by the Board. (2008, ch. 505, §§ 1, 2.)

§§ 17-302.1 to 17-302.5. Qualifications for certified professional counselor-marriage and family therapists; counseling under supervision of certified professional counselor or certified professional counselor-marriage and family therapist; qualifications for certified professional counselor-alcohol and drug; qualifications for certified associate counselor-alcohol and drug; qualifications for certified supervised counselor-alcohol and drug.


Editor's note. — Chapter 630, Acts 2008, effective October 1, 2008, amended §§ 17-302.3, 17-302.4, and 17-302.5 of this article and added § 17-302.6 of this article. These amendments have been incorporated into Subtitle 4 of Title 17, as enacted by Acts 2008, ch. 505.

§ 17-303. Qualifications — Clinical marriage and family therapists.

(a) In general. — To qualify for a license to practice clinical marriage and family therapy, an applicant shall be an individual who meets the requirements of this section.
(b) Good moral character. — The applicant shall be of good moral character.
(c) Minimum age. — The applicant shall be at least 18 years old.
(d) Educational requirements. — (1) Except as provided in § 17-306 of this subtitle, the applicant shall hold a master's or doctoral degree in a marriage and family field or have completed a program of studies judged by the Board to be substantially equivalent in subject matter and extent of training as required under this section.
(2) In the case of an applicant holding a doctoral degree, the applicant shall have completed a minimum of 90 graduate credit hours in training in marriage and family therapy approved by the Board that includes instruction in the following specialized areas:
(i) Analysis of family systems;
(ii) Family therapy, theory, and techniques;
(iii) Couples therapy, theory, and techniques;
(iv) Gender and ethnicity in marriage and family therapy; and
(v) Sexual issues in marriage and family therapy.

(3) In the case of an applicant holding only a master's degree, the
applicant shall have completed a minimum of 60 graduate credit hours in
training in marriage and family therapy approved by the Board that includes
instruction in the specialized areas set forth in paragraph (2) of this subsec-
tion.

(e) Supervised clinical experience. — The applicant shall have completed not
less than 2 years with a minimum of 2,000 hours of supervised experience in
marriage and family therapy approved by the Board, 2 years of which shall
have been completed after the award of the master's or doctoral degree or its
substantial equivalent.

(f) Documentation of graduate course work. — The applicant shall provide
documentation to the Board evidencing the completion of 60 hours of graduate
course work completed at an accredited college or university approved by the
Board, that included training in:

1. Personality development;
2. Diagnosis and treatment of mental and emotional disorders;
3. Psychopathology;
4. Family therapy; and
5. Psychotherapy.

(g) Documentation of supervised clinical experience. — The applicant shall
provide documentation evidencing the completion of 2 years of postgraduate
supervised clinical experience as required by the Board.

(h) Examination. — Except as otherwise provided in this title, the applicant
shall pass an examination approved by the Board. (2008, ch. 505, §§ 1, 2.)

§ 17-304. Qualifications — Clinical professional counse-
lors.

(a) In general. — Except as provided in § 17-307 of this subtitle, to qualify
for a license to practice clinical professional counseling, an applicant shall be
an individual who meets the requirements of this section.

(b) Good moral character. — The applicant shall be of good moral character.

(c) Minimum age. — The applicant shall be at least 18 years old.

(d) Educational requirements. — (1) The applicant shall hold a master's or
doctoral degree in a professional counseling field from an accredited educa-
tional institution that is approved by the Board.

(2) In the case of an applicant holding a doctoral degree, the applicant
shall have completed:

i. A minimum of 90 graduate credit hours in counselor training
approved by the Board, including instruction in:
   1. Counseling theory and ethics;
   2. Counseling techniques;
   3. Human growth and development and maladaptive behaviors;
   4. Group dynamics, processing, and counseling;
   5. Social and cultural foundations;
§ 17-305. Waiver of requirements — Clinical alcohol and drug counselors.

(a) In general. — The Board shall waive the requirements for licensure for an applicant to practice clinical alcohol and drug counseling if the applicant:

(1) Is licensed or certified as a clinical alcohol and drug counselor in another state, territory, or jurisdiction that has requirements that are equivalent to or exceed the requirements of § 17-302 of this subtitle;

(2) Submits an application to the Board on a form that the Board requires; and

(3) Pays to the Board an application fee set by the Board.

(b) Regulations. — The Board shall adopt regulations to implement this section. (2008, ch. 505, §§ 1, 2.)

§ 17-306. Waiver of requirements — Clinical marriage and family therapists.

(a) In general. — The Board shall waive the requirements for licensure for an applicant to practice clinical marriage and family therapy if the applicant:
(1) Is licensed or certified as a clinical marriage and family therapist in another state, territory, or jurisdiction that has requirements that are equivalent to or exceed the requirements of § 17-303 of this subtitle;
(2) Submits an application on the form that the Board requires; and
(3) Pays to the Board the application fee set by the Board.
(b) Regulations. — The Board shall adopt regulations to implement this section. (2008, ch. 505, §§ 1, 2.)

§ 17-306.1. Waiver of requirements for certification — Professional counselor - alcohol and drug.
Repealed by Acts 2003, ch. 505, § 1, effective October 1, 2008.

§ 17-307. Waiver of requirements — Clinical professional counselors.
(a) In general. — The Board shall waive the requirements for licensure for an applicant to practice clinical professional counseling if the applicant:
   (1) Is licensed or certified as a clinical professional counselor in another state, territory, or jurisdiction that has requirements that are equivalent to or exceed the requirements of § 17-304 of this subtitle;
   (2) Submits an application to the Board on a form that the Board requires; and
   (3) Pays to the Board an application fee set by the Board.
(b) Regulations. — The Board shall adopt regulations to implement this section. (2008, ch. 505, §§ 1, 2.)

§ 17-308. Authority granted by license.
(a) In general. — A license authorizes the licensee to practice clinical alcohol and drug counseling, clinical marriage and family therapy, or clinical professional counseling while the license is effective.
(b) Services. — An individual licensed under this subtitle may provide services involving the application of counseling principles and methods in the diagnosis, prevention, treatment, and amelioration of psychological problems, emotional conditions, or mental conditions of individuals or groups. (2008, ch. 505, §§ 1, 2.)

§ 17-309. Supervised clinical practice.
(a) Regulations. — The Board may adopt regulations to allow an individual to practice under supervision as a licensed graduate alcohol and drug counselor, a licensed graduate marriage and family therapist, or a licensed graduate professional counselor.
(b) Qualifications — In general. — To qualify to practice as a licensed graduate alcohol and drug counselor, a licensed graduate marriage and family therapist, or a licensed graduate professional counselor, an individual shall be:
   (1) Of good moral character; and
§ 17-310 Health Occupations

(2) At least 18 years old.

(c) Educational requirements — Graduate alcohol and drug counseling. — An individual may practice graduate alcohol and drug counseling under supervision for a limited period of time if the individual has:

(1) A master’s or doctoral degree in a health and human services counseling field that meets the educational requirements of § 17-302 of this subtitle; and

(2) Passed the National Alcohol and Drug Counselor Examination approved by the Board.

(d) Educational requirements — Marriage and family therapists. — An individual may practice graduate marriage and family therapy under supervision for a limited period of time if the individual has:

(1) A master’s or doctoral degree in a marriage and family field that meets the educational requirements of § 17-303 of this subtitle; and

(2) Passed the National Marriage and Family Therapy Examination approved by the Board.

(e) Educational requirements — Professional counselors. — An individual may practice graduate professional counseling under supervision for a limited period of time if the individual has:

(1) A master’s or doctoral degree in a professional counseling field that meets the educational requirements of § 17-304 of this subtitle; and

(2) Passed the National Professional Counselor Examination approved by the Board.

(f) Approval by Board required. — An individual may not practice without approval by the Board. (2008, ch. 505, §§ 1, 2.)

§ 17-310. Appraisal activities; training requirements.

A licensed counselor or therapist may engage in appraisal activities that include instruments that require specialized psychological training for administration and interpretation if the licensed counselor or therapist has completed training that includes:

(1) Possession of a doctoral or master’s degree in counseling or a related field that includes a minimum of nine graduate courses of at least 3 semester hours in each of the following courses:
   (i) Psychopathology;
   (ii) Biological bases of behavior;
   (iii) Research methods;
   (iv) Advanced statistics;
   (v) Tests and measures;
   (vi) Intellectual assessment;
   (vii) Personality assessment;
   (viii) Ethics; and
   (ix) Practicum in advanced assessment;

(2) Completion of 500 hours of supervised, direct, client-related, advanced assessment testing that is completed not less than 2 years following the completion of the master’s degree, of which a minimum of 100 hours shall include face-to-face supervision by a supervisor who is:
(i) A licensed mental health professional;
(ii) Proficient in the use of advanced assessment tests; and
(iii) Approved by the Board; and

(3) Passage of a national examination that includes items on advanced assessment that evaluate knowledge of advanced assessment procedures.

Editor's note. — Section 6, ch. 36, Acts 2008, approved April 8, 2008, and effective from date of enactment, provides that "the publishers of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, at the time of publication of a new supplement, new volume, or replacement volume of the Annotated Code, shall make nonsubstantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any reference rendered incorrect or obsolete by an Act of the General Assembly, with no further action required by the General Assembly. The publishers shall adequately describe any such correction in an editor's note following the section affected." Pursuant to § 6 of ch. 36, § 17-3A-03.1 of this title as enacted by ch. 508, Acts 2008, has been redesignated as § 17-310 of this subtitle following the repeal of Subtitle 3A of this title by ch. 505, Acts 2008.

Chapter 508, Acts 2008, purported to enact § 17-3A-03.1 of this article. However, ch. 505, Acts 2006, repealed Subtitles 3 and 3A of Title 17 and enacted new Subtitles 3 through 7 in lieu thereof. By direction of the Department of Legislative Services, § 17-3A-03.1 of this article as enacted by ch. 508 has been redesignated as § 17-310 of this article.

Section 2, ch. 508, Acts 2008, provides that the act shall take effect October 1, 2008.

Bill review letter. — Chapter 508, Acts 2008, (House Bill 494) was approved for constitutionality and legal sufficiency, and provided that a licensed counselor or therapist may engage in appraisal activities if they meet certain requirements. This bill has sunset provisions that interact with and interfere with other provisions of the multiple bills submitted under this subject matter. It is recommended that SB 882 and HB 494 be signed after SB 502 and HB 459 in order to preserve their provisions. Senate Bill 502 was not signed; and SB 882 and HB 494 were signed as Chapters 630 and 508, after HB 459, Chapter 505. (Letter of the Attorney General dated April 23, 2008.)

§§ 17-311 to 17-317. Display of certificate or license; change in address; professional disclosure statement; denial, probation, suspension or revocation of certificate applicant or holder; penalty; administrative hearing; administrative and judicial review; injunction; reinstatement of revoked certificate, reduction of suspension or probation period, or withdrawal of reprimand; professional counselor rehabilitation committees.


Subtitle 3A. Licensing.


Editor's note. — Section 1, ch. 505, Acts 2008, also repealed the Subtitle 3A heading "Licensing."

Bill review letter. — Chapter 505, Acts 2008, (House Bill 459) was approved for constitutionality and legal sufficiency, and reorga-
§ 17-401  HEALTH OCCUPATIONS

nized and rewrote large portions of the Professional Counselors Title of this article. The requirements were made clearer, certification of marriage and family therapists was eliminated, and the make-up of the board was changed. It repealed and reenacted §§ 17-301 through 17-317 and §§ 17-3A-01 through 17-3A-13 of this article. This bill has sunset provisions that interact with and interfere with other provisions of the multiple bills submitted under this subject matter. It is recommended that SB 882 and HB 494 be signed after SB 502 and HB 459 in order to preserve their provisions. Senate Bill 502 was not signed; and SB 882 and HB 494 were signed as Chapters 630 and 508, after HB 459, Chapter 505. (Letter of the Attorney General dated April 23, 2008.)

Subtitle 4. Certification.

§ 17-401. Certification required; representations to public.

(a) Certified professional counselors or certified professional counselor — marriage and family therapists. — (1) This subsection only applies to individuals certified by the Board as a certified professional counselor or certified professional counselor-marriage and family therapist on or before September 30, 2008.

(2) (i) An individual shall be certified as a professional counselor by the Board before the individual may:

1. Use the title “certified professional counselor”;
2. Use the initials “C.P.C.” after the name of the individual; or
3. Represent to the public that the individual is certified as a professional counselor.

(ii) A certificate to practice professional counseling issued by the Board authorizes the certificate holder to practice professional counseling while the certificate is effective.

(3) (i) An individual shall be certified as a professional counselor-marriage and family therapist by the Board before the individual may:

1. Use the title “certified professional counselor-marriage and family therapist”;
2. Use the initials “C.P.C.-M.F.T.” after the name of the individual; or
3. Represent to the public that the individual is certified as a certified professional counselor-marriage and family therapist.

(ii) A certificate to practice marriage and family therapy issued by the Board authorizes the certificate holder to practice marriage and family therapy while the certificate is effective.

(b) Certified professional counselors and certified associate counselors — Alcohol and drug. — (1) An individual shall be certified as a certified professional counselor-alcohol and drug by the Board before the individual may:

(i) Use the title “certified professional counselor-alcohol and drug”;
(ii) Use the initials “C.P.C.-A.D.” after the name of the individual; or
(iii) Represent to the public that the individual is certified as a certified professional counselor-alcohol and drug.

(2) An individual shall be certified as a certified associate counselor-alcohol and drug by the Board before the individual may:

(i) Use the title “certified associate counselor-alcohol and drug”;
(ii) Use the initials “C.A.C.-A.D.” after the name of the individual; or
(3) An individual shall be certified as a certified supervised counselor-alcohol and drug by the Board before the individual may:
   (i) Use the title “certified supervised counselor-alcohol and drug”;
   (ii) Use the initials “C.S.C.-A.D.” after the name of the individual; or
   (iii) Represent to the public that the individual is certified as a certified supervised counselor-alcohol and drug.

(4) A certificate to practice alcohol and drug counseling issued by the Board authorizes the certificate holder to practice alcohol and drug counseling while the certificate is effective. (2008, ch. 505, §§ 1, 2.)

Editor’s note. — Section 6, ch. 505, Acts 2008, provides that the act shall take effect October 1, 2008.

Section 1, ch. 505, Acts 2008, repealed former Subtitle 4 of this title and enacted a new Subtitle 4 of this title in lieu thereof. Section 1, ch. 505, Acts 2008, also repealed the Subtitle 4 heading “Precluded Acts; Penalties.”

Bill review letter. — Chapter 505, Acts 2008, (House Bill 459) was approved for constitutionality and legal sufficiency, and reorganized and rewrote large portions of the Professional Counselors Title of this article. The requirements were made clearer, certification of marriage and family therapists was eliminated, and the make-up of the board was changed. It repealed and reenacted §§ 17-301 through 17-317 and repealed §§ 17-3A-01 through 17-3A-13 of this article. This bill has sunset provisions that interact with and interfere with other provisions of the multiple bills submitted under this subject matter. It is recommended that SB 882 and HB 494 be signed after SB 502 and HB 459 in order to preserve their provisions. Senate Bill 502 was not signed; and SB 882 and HB 494 were signed as Chapters 630 and 508, after HB 459, Chapter 505. (Letter of the Attorney General dated April 23, 2008.)

§ 17-402. Requirements for certified professional counselor — Alcohol and drug.

(a) In general. — Except as provided in § 17-405 of this subtitle, to qualify as a certified professional counselor-alcohol and drug, an applicant shall meet the requirements of this section.

(b) Good moral character. — The applicant shall be of good moral character.

(c) Minimum age. — The applicant shall be at least 18 years old.

(d) Educational requirements. — (1) The applicant shall hold a master’s or doctoral degree in a health and human services counseling field from an accredited educational institution that is approved by the Board or have completed a program of studies judged by the Board to be substantially equivalent in subject matter and extent of training as required under this section.

(2) In the case of an applicant holding a doctoral degree, the applicant shall have completed a minimum of 90 graduate credit hours in counselor training approved by the Board, including instruction in the following areas:
   (i) Counseling theory and ethics;
   (ii) Counseling techniques;
   (iii) Human growth and development and maladaptive behaviors;
   (iv) Group dynamics, processing, and counseling;
   (v) Social and cultural foundations;
   (vi) Lifestyle and career development;
   (vii) Appraisal of individuals;
§ 17-402  HEALTH OCCUPATIONS

(viii) Research and evaluation;
(ix) Participation in a supervised practicum in professional counseling;
(x) Marriage and family therapy; and
(xi) Alcohol and drug counseling.

(3) In the case of an applicant holding only a master’s degree, the applicant shall have completed a minimum of 60 graduate credit hours in counselor training approved by the Board including instruction in the areas set forth in paragraph (2) of this subsection.

(4) The applicant shall have completed a minimum of 26 credit hours in alcohol and drug counselor training, including instruction in:
(i) Medical aspects of chemical dependency;
(ii) Group counseling;
(iii) Individual counseling;
(iv) Family counseling;
(v) Assessment and treatment planning;
(vi) Ethics for alcohol and drug counselors;
(vii) Human development;
(viii) Abnormal psychology; and
(ix) Courses pertaining to counselor core functions of screening, intake, orientation, case management, crisis intervention, education and prevention, referral, consultation, reports and record keeping, and special alcohol and drug dependency topics.

(e) Supervised clinical experience. — The applicant shall have completed not less than 3 years with a minimum of 2,000 hours of clinically supervised experience in alcohol and drug counseling approved by the Board, 2 years of which shall have been completed after the award of the master’s or doctoral degree or its substantial equivalent, as determined by the Board.

(f) Examination. — Except as otherwise provided in this title, the applicant shall pass an examination approved by the Board under this title. (2008, ch. 36, § 6; ch. 505, §§ 1, 2; ch. 630.)

Editor’s note. — Section 6, ch. 36, Acts 2008, approved April 8, 2008, and effective from date of enactment, provides that “the publishers of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, at the time of publication of a new supplement, new volume, or replacement volume of the Annotated Code, shall make nonsubstantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any reference rendered incorrect or obsolete by an Act of the General Assembly, with no further action required by the General Assembly. The publishers shall adequately describe any such correction in an editor’s note following the section affected.” Pursuant to § 6 of ch. 36, “clinically” was inserted after “hours of” and “as determined by the Board” after “equivalent” in (e), following the amendment by ch. 630, Acts 2008.

Bill review letter. — Chapter 506, Acts 2008, (House Bill 459) was approved for constitutionality and legal sufficiency, and reorganized and rewrote large portions of the Professional Counselors Title of the Health Occupations Article. The requirements were made clearer, certification of marriage and family therapists was eliminated, and the make-up of the board was changed. It repealed and reenacted §§ 17-301 through 17-317 and repealed §§ 17-3A-01 through 17-3A-13 of this article. This bill has sunset provisions that interact with and interfere with other provisions of the multiple bills submitted under this subject matter. It is recommended that SB 682 and HB 494 be signed after SB 502 and HB 459 in order to preserve their provisions. Senate Bill 502 was not signed; and SB 882 and HB 494 were signed as Chapters 630 and 508, after HB 459, Chapter 506. (Letter of the Attorney General dated April 23, 2008.)
§ 17-403. Requirements for certified associate counselor — Alcohol and drug.

(a) In general. — Except as provided in § 17-405 of this subtitle, to qualify as a certified associate counselor-alcohol and drug, an applicant shall:

(1) Hold a bachelor's degree from an accredited educational institution approved by the Board in a health and human services counseling field or have completed a program of studies judged by the Board to be substantially equivalent in subject matter and extent of training to such a program of studies;

(2) Have completed not less than 3 years, with a minimum of 2,000 hours of clinically supervised experience in alcohol and drug counseling approved by the Board, 2 years of which shall have been completed after the award of the bachelor's degree;

(3) Have a minimum of 20 credit hours in alcohol and drug counselor training, including instruction in:
   (i) Medical aspects of chemical dependency;
   (ii) Group counseling;
   (iii) Individual counseling;
   (iv) Family counseling;
   (v) Assessment and treatment planning;
   (vi) Ethics for alcohol and drug counselors;
   (vii) Human development;
   (viii) Abnormal psychology; and
   (ix) Courses pertaining to counselor core functions of screening, intake, orientation, case management, crisis intervention, education and prevention, referral, consultation, reports and record keeping, and special alcohol and drug dependency topics; and

(4) (i) Practice alcohol and drug counseling under the supervision of a certified professional counselor-alcohol and drug or another health care provider approved by the Board; or
   (ii) Provide alcohol and drug counseling as an employee of an agency or facility that is accredited by the Joint Commission on the Accreditation of Health Care Organizations or that is certified under Title 8, Subtitle 4 of the Health - General Article.

(b) Examination. — Except as otherwise provided in this title, the applicant shall pass an examination approved by the Board under this title. (2008, ch. 36, § 6; ch. 505, § 2; ch. 630.)
§ 17-404. Requirements for certified supervised counselor — Alcohol and drug.

(a) **In general.** — To qualify as a certified supervised counselor-alcohol and drug, an applicant shall:

1. Hold an associate's degree in a health and human services counseling field or have completed a program of studies judged by the Board to be substantially equivalent in subject matter to such a program of studies;

2. Have completed not less than 2 years, with a minimum of 2,000 hours of clinically supervised experience in alcohol and drug counseling approved by the Board, 1 year of which shall have been completed after the award of the associate's degree;

3. Have a minimum of 15 credit hours in alcohol and drug counselor training, including instruction in:
   i. Medical aspects of chemical dependency;
   ii. Group counseling;
   iii. Individual counseling;
   iv. Family counseling;
   v. Assessment and treatment planning;
   vi. Ethics for alcohol and drug counselors;
   vii. Human development;
   viii. Abnormal psychology; and
   ix. Courses pertaining to counselor core functions of screening, intake, orientation, case management, crisis intervention, education and prevention, referral, consultation, reports and record keeping, and special alcohol and drug dependency topics; and

4. Practice alcohol and drug counseling under the supervision of a certified professional counselor-alcohol and drug or another health care provider approved by the Board and provide alcohol and drug counseling as an employee of an agency or facility that is accredited by the Joint Commission on the Accreditation of Health Care Organizations or that is certified under Title 8, Subtitle 4 of the Health - General Article.

(b) **Examination.** — Except as otherwise provided in this title, the applicant shall pass an examination approved by the Board under this title. (2008, ch. 36, § 6; ch. 505, § 2; ch. 630.)
§ 17-405. Waiver of requirements — Alcohol and drug counselors.

(a) In general. — The Board shall waive the requirements for certification for an applicant to practice alcohol and drug counseling if the applicant meets the requirements of this section.

(b) Conditions for waiver for professional alcohol and drug counselors. — If the applicant is licensed or certified to practice as a professional counselor-alcohol and drug, the Board shall grant a waiver under this section only if the applicant:

(1) Is licensed or certified in another state, territory, or jurisdiction that has requirements that are equivalent to or exceed the requirements of § 17-402 of this subtitle;

(2) Submits an application to the Board on a form that the Board requires; and

(3) Pays to the Board an application fee set by the Board.

(c) Conditions for waiver for associate alcohol and drug counselors. — If the applicant is licensed or certified to practice as an associate counselor-alcohol and drug, the Board shall grant a waiver under this section only if the applicant:

(1) Is licensed or certified in another state, territory, or jurisdiction that has requirements that are equivalent to or exceed the requirements of § 17-403 of this subtitle;

(2) Submits an application to the Board on a form that the Board requires; and

(3) Pays to the Board an application fee set by the Board.

(d) Conditions for waiver for supervised alcohol and drug counselors. — If the applicant is licensed or certified to practice as a supervised counselor-alcohol and drug, the Board shall grant a waiver under this section only if the applicant:

(1) Is licensed or certified in another state, territory, or jurisdiction that has requirements that are equivalent to or exceed the requirements of § 17-404 of this subtitle;

(2) Submits an application to the Board on a form that the Board requires; and

(3) Pays to the Board an application fee set by the Board.
§ 17-405.1 Health Occupations

(e) Regulations. — The Board shall adopt regulations to carry out this section. (2008, ch. 505, § 2.)

Bill review letter. — Chapter 505, Acts 2008, (House Bill 459) was approved for constitutionality and legal sufficiency, and reorganized and rewrote large portions of the Professional Counselors Title of this article. The requirements were made clearer, certification of marriage and family therapists was eliminated, and the make-up of the board was changed. It repealed and reenacted §§ 17-301 through 17-317 and §§ 17-3A-1 through 17-3A-13 of this article. This bill has sunset provisions that interact with and interfere with other provisions of the multiple bills submitted under this subject matter. It is recommended that SB 882 and HB 494 be signed after SB 502 and HB 459 in order to preserve their provisions. Senate Bill 502 was not signed; and SB 882 and HB 494 were signed as Chapters 630 and 508, after HB 459, Chapter 505. (Letter of the Attorney General dated April 23, 2008.)

§ 17-405.1. Waiver of licensing requirements [Section subject to abrogation].

(a) The Board shall waive the requirements for certification as a certified professional counselor-alcohol and drug under § 17-402 of this subtitle for any individual who:

1. Had filed a letter of intent with the Board by October 1, 2001;

2. Files an application for certification as a certified professional counselor-alcohol and drug on or before May 1, 2009;

3. Holds a master's or doctoral degree in a health and human services counseling field or has completed a program that the Board determines to be substantially equivalent in subject matter and extent of training as a master's or doctoral degree in a health and human services counseling field;

4. As of July 1, 2001, was certified as a certified chemical dependency counselor, its equivalent, or higher by the Maryland Addiction Counselor Certification Board, another state, the Certification Commission of the National Association of Alcoholism and Drug Abuse Counselors, or the International Certification Reciprocity Consortium, or was employed in the capacity of a Program Specialist I, II, III, or its equivalent, or higher, in an agency or facility accredited by the Joint Commission on the Accreditation of Health Care Organizations or certified under Title 8, Subtitle 4 of the Health - General Article;

5. Has completed not less than 3 years with a minimum of 3,000 hours of supervised experience in alcohol and drug abuse counseling approved by the Board, 2 years of which shall have been completed after the award of the master's or doctoral degree; and

6. Had, by October 1, 2001, successfully passed an examination approved by the Board.

(b) The Board shall waive the requirements for certification as a certified associate counselor-alcohol and drug for any individual who:

1. Had filed a letter of intent with the Board by October 1, 2001;

2. Files an application for certification as a certified associate counselor-alcohol and drug on or before May 1, 2009;

3. Holds a bachelor's degree in a health and human services counseling field or has completed a program that the Board determines to be substantially equivalent in subject matter and extent of training to a bachelor's degree in a health and human services counseling field.
(4) As of July 1, 2001, was certified as a certified chemical dependency counselor, its equivalent, or higher, by the Maryland Addiction Counselor Certification Board, another state, the Certification Commission of the National Association of Alcoholism and Drug Abuse Counselors, or the International Certification Reciprocity Consortium, or was employed in the capacity of a Program Specialist I, II, III, or its equivalent, or higher, in an agency or facility accredited by the Joint Commission on the Accreditation of Health Care Organizations or certified under Title 8, Subtitle 4 of the Health - General Article; and

(5) Has completed not less than 3 years with a minimum of 3,000 hours of supervised experience in alcohol and drug abuse counseling approved by the Board, 2 years of which shall have been completed after the award of the bachelor's degree or a program that the Board determines to be substantially equivalent in subject matter and extent of training.

(c) The Board shall waive the requirements for certification as a certified supervised counselor-alcohol and drug for any individual who:

(1) Had filed a letter of intent with the Board by October 1, 2001;

(2) Files an application for certification as a certified supervised counselor-alcohol and drug on or before May 1, 2009;

(3) Holds an associate's degree in health and human services counseling or has completed a program that the Board determines to be substantially equivalent in subject matter and extent of training to an associate's degree in health and human services counseling; or

(4) As of July 1, 2001, was certified as a certified alcoholism counselor, certified drug counselor, or higher, by the Maryland Addiction Counselor Certification Board, another state, the Certification Commission of the National Association of Alcoholism and Drug Abuse Counselors, or the International Certification Reciprocity Consortium, or was employed in the capacity of an Addiction Counselor II or III, or its equivalent, or higher, in an agency or facility accredited by the Joint Commission on the Accreditation of Health Care Organizations or certified under Title 8, Subtitle 4 of the Health - General Article. (2008, ch. 36, § 6; ch. 505, § 3.)
§ 17-405.1  HEALTH OCCUPATIONS

changed. It repealed and reenacted §§ 17-301 through 17-317 and repealed §§ 17-3A-01 through 17-3A-13 of this article. This bill has sunset provisions that interact with and interfere with other provisions of the multiple bills submitted under this subject matter. It is recommended that SB 882 and HB 494 be signed after SB 502 and HB 459 in order to preserve their provisions. Senate Bill 502 was not signed; and SB 882 and HB 494 were signed as Chapters 630 and 508, after HB 459, Chapter 505. (Letter of the Attorney General dated April 23, 2008.)

(Abrogation of section effective September 30, 2009.)

§ 17-405.1. Waiver of licensing requirements.

Abrogated.

Editor's note. — Section 6, ch. 505, Acts 2008, provides that “this Act shall take effect October 1, 2008. Section 3 of this Act shall remain effective for a period of 1 year and, at the end of September 30, 2009, with no further action required by the General Assembly, Section 3 of this Act shall be abrogated and of no further force and effect.” This section is set out above as it will appear after September 30, 2008, unless further action is taken by the General Assembly.

§ 17-406. Practicing without license or certification — Alcohol and drug counselors.

(a) Definitions. — (1) In this section the following words have the meanings indicated.

(2) “Approved alcohol and drug supervisor” means:

(i) A certified professional counselor-alcohol and drug;

(ii) A licensed clinical alcohol and drug counselor; or

(iii) A health care provider licensed or certified under this article with documented expertise in alcohol and drug counseling, as approved by the Board.

(3) “Under the supervision of an approved alcohol and drug supervisor” means engaging in an ongoing process that includes direct, on-site, face-to-face, individual or group meetings with an approved alcohol and drug supervisor focused on quality of delivery of alcohol and drug counseling services and improvement of counseling skills for a minimum of 1 documented hour for each 40-hour workweek but not less than 2 documented hours per month for less than a 40-hour workweek.

(b) Permitted under certain conditions. — (1) An individual may practice clinical alcohol and drug counseling without a license for a limited period of time, as determined by the Board, if the individual is working as a trainee under the supervision of an approved alcohol and drug supervisor while fulfilling the experiential or course of study requirements under § 17-302 of this title or § 17-402, § 17-403, or § 17-404 of this subtitle.

(2) An individual may practice alcohol and drug counseling without certification for a limited period of time, as determined by the Board, if the individual is working as a trainee under the supervision of an approved alcohol and drug supervisor while fulfilling the experiential or course of study requirements under § 17-302 of this title or § 17-402, § 17-403, or § 17-404 of this subtitle. (2008, ch. 505, § 2.)
§ 17-501. Application for license or certificate.

To apply for a license or certificate, an applicant shall:

1. Submit an application on the form that the Board requires; and
2. Pay to the Board the application fee set by the Board. (2008, ch. 505, §§ 1, 2.)

Editor's note. — Section 6, ch. 505, Acts 2008, provides the act shall take effect October 1, 2008.

Section 1, ch. 505, Acts 2008, repealed former Subtitle 5 of this title and enacted a new Subtitle 5 of this title in lieu thereof. Section 1, ch. 505, Acts 2008, also repealed the Subtitle 5 heading "Short Title; Termination of Title."

Bill review letter. — Chapter 505, Acts 2008, (House Bill 469) was approved for constitutionality and legal sufficiency, and reorganized and rewrote large portions of the Professional Counselors Title of this article. The requirements were made clearer, certification of marriage and family therapists was eliminated, and the make-up of the board was changed. It repealed and reenacted §§ 17-301 through 17-317 and repealed §§ 17-3A-01 through 17-3A-13 of this article. This bill has rendered incorrect or obsolete by an Act of the General Assembly, with no further action required by the General Assembly. The publishers shall adequately describe any such correction in an editor's note following the section affected. Pursuant to § 6 of ch. 36, § 17-302.3 of this article as enacted by ch. 630, Acts 2008, has been renumbered as § 17-407, and internal references renumbered accordingly.

Section 2, ch. 630, Acts 2008, provides that the act shall take effect October 1, 2008.

Subtitle 5. General Provisions; Disciplinary Actions.

§ 17-407. Waiver of clinical experience requirement.

The Board may waive the requirement that an applicant under § 17-402, § 17-403, or § 17-404 of this subtitle complete the requisite amount of clinically supervised experience in alcohol and drug counseling after the award of the applicant's required degree if the applicant, prior to the award of the required degree, obtained a minimum of 5 years of clinically supervised experience in alcohol and drug counseling approved by the Board. (2008, ch. 36, § 6; ch. 630.)

(a) In general. — An applicant who otherwise qualifies for a license or certificate is entitled to be examined as provided in this section.

(b) Time and place of twice-yearly examinations. — The Board shall give examinations to applicants at least twice a year, at the times and places that the Board determines.

(c) Notification of time and place. — The Board shall notify each qualified applicant of the time and place of examination.

(d) Number of times of taking examination not limited. — (1) The Board may not limit the number of times an applicant may take an examination required under this title.

(2) The applicant shall pay to the Board a reexamination fee set by the Board for each reexamination.

(e) Testing of knowledge of Maryland Professional Counselors and Therapists Act. — The examination shall include a portion that tests an applicant's knowledge of the Maryland Professional Counselors and Therapists Act. (2008, ch. 505, §§ 1, 2.)

§ 17-503. License or certificate.

(a) Issuance to applicant meeting requirements. — The Board shall issue a license or certificate to any applicant who meets the requirements of this title.

(b) Information to be included on license or certificate. — The Board shall include on each license and certificate that the Board issues:

(1) The kind of license or certificate;

(2) The full name of the licensee or certificate holder;

(3) A serial number;

(4) The signatures of the chairman and the secretary of the Board; and

(5) The seal of the Board.

(c) Replacement of license or certificate. — The Board may issue a license or certificate to replace a lost, destroyed, or mutilated license or certificate if the licensee or certificate holder pays the replacement fee set by the Board. (2008, ch. 505, § 2.)

§ 17-504. Expiration and renewal.

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

(2) A license or certificate may not be renewed for a term longer than 2 years.

(b) Renewal notice. — At least 1 month before the license or certificate expires, the Board shall send to the licensee or certificate holder, by first-class mail to the last known address of the licensee or certificate holder, a renewal notice that states:

(1) The date on which the current license or certificate expires;
(2) The date by which the renewal application must be received by the Board for the renewal to be issued and mailed before the license or certificate expires; and

(3) The amount of the renewal fee.

(c) Notification to Board of change in address of licensee or certificate holder. — Each licensee or certificate holder shall notify the Board of any change in the address of the licensee or certificate holder.

(d) Requirements for renewal for two-year term. — Before the license or certificate expires, the licensee or certificate holder periodically may renew it for an additional 2-year term, if the licensee or certificate holder:

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

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

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

(4) Submits satisfactory evidence of compliance with any continuing education requirements as required by the Board for license or certificate renewal.

(e) Home study not permitted. — The Board may not authorize home study towards the completion of the continuing education requirements.

(f) Renewal when requirements met. — (1) The Board shall renew the license or certificate of and issue a renewal license or certificate to each licensee or certificate holder who meets the requirements of this section.

(2) The Board shall include the term of the renewal on each renewal license or certificate that the Board issues. (2008, ch. 505, § 2.)

§ 17-505. Inactive status; reinstatement.

(a) Inactive status. — (1) Except as provided in paragraph (3) of this subsection, the Board shall place a licensee or certificate holder on inactive status, if the licensee or certificate holder:

(i) Submits to the Board an application for inactive status on the form required by the Board; and

(ii) Pays the inactive status fee set by the Board.

(2) The Board shall issue a license or certificate to an individual who is on inactive status if the individual complies with the renewal requirements that are in effect when the individual requests the renewal of the license or certificate.

(3) The Board may not place a certified professional counselor-marriage and family therapist or a certified professional counselor on inactive status.

(b) Reinstatement. — (1) Except as provided in paragraph (2) of this subsection, the Board, in accordance with its regulations, may reinstate the license of a licensee or the certificate of a certificate holder who has failed to renew the license or certificate for any reason.

(2) The Board may not reinstate the certificate of a certified professional counselor-marriage and family therapist or certified professional counselor who has failed to renew the certificate for any reason. (2008, ch. 505, § 2.)
§ 17-506. Display of license or certificate.

Each licensee or certificate holder shall display the license or certificate conspicuously in the licensee's or certificate holder's office or place of employment. (2008, ch. 505, § 2.)

§ 17-507. Professional disclosure statement.

(a) Display. — Any individual who is licensed under Subtitle 3 of this title or certified under Subtitle 4 of this title may not charge a client or receive remuneration for counseling or therapy services unless:

   (1) Before the performance of those services, the client is furnished a copy of a professional disclosure statement; or

   (2) (i) This professional disclosure statement is displayed in a conspicuous location at the place where the services are performed; and

       (ii) A copy of the statement is provided to the client on request.

(b) Contents. — The professional disclosure statement shall contain:

   (1) The name, title, business address, and business telephone number of the licensee or certificate holder performing the services;

   (2) The formal professional education of the licensee or certificate holder, including the institutions attended and the degrees received from them;

   (3) The areas of specialization of the licensee or certificate holder and the services provided;

   (4) In the case of an individual licensed under Subtitle 3 of this title or certified under Subtitle 4 of this title who is engaged in a private individual practice, partnership, or group practice, the individual's fee schedule listed by type of service or hourly rate;

   (5) At the bottom of the first page of the disclosure statement, the words, "This information is required by the Board of Professional Counselors and Therapists, which regulates all licensed and certified counselors and therapists."; and

   (6) Immediately beneath the statement required by item (5) of this subsection, the name, address, and telephone number of the Board. (2008, ch. 505, § 2.)

§ 17-508. Surrender of license or certificate.

(a) "Regulated counselor or therapist" defined. — In this section, "regulated counselor or therapist" means:

   (1) A licensed clinical alcohol and drug counselor;

   (2) A licensed clinical marriage and family therapist;

   (3) A licensed clinical professional counselor;

   (4) A licensed graduate alcohol and drug counselor;

   (5) A licensed graduate marriage and family therapist;

   (6) A licensed graduate professional counselor;

   (7) A certified professional counselor-alcohol and drug counselor;

   (8) A certified associate counselor-alcohol and drug counselor;

   (9) A certified supervised counselor-alcohol and drug counselor;
§ 17-509. Denial, probation, suspension or revocation of certificate applicant or holder.

Subject to the hearing provisions of § 17-511 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license or certificate to any applicant, place any licensee or certificate holder on probation, reprimand any licensee or certificate holder, or suspend or revoke a license of any licensee or a certificate of any certificate holder if the applicant, licensee, or certificate holder:

(1) Fraudulently or deceptively obtains or attempts to obtain a license or certificate for the applicant, licensee, or certificate holder or for another;
(2) Habitually is intoxicated;
(3) Provides professional services:
   (i) While under the influence of alcohol; or
   (ii) While using any narcotic or controlled, dangerous substance, as defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication;
(4) Aids or abets an unauthorized individual in practicing clinical or nonclinical counseling or therapy or representing to be an alcohol and drug counselor, marriage and family therapist, or professional counselor;
(5) Promotes the sale of drugs, devices, appliances, or goods to a patient so as to exploit the patient for financial gain;
(6) Willfully makes or files a false report or record in the practice of counseling or therapy;
(7) Makes a willful misrepresentation while counseling or providing therapy;
(8) Violates the code of ethics adopted by the Board;
(9) Knowingly violates any provision of this title;
(10) Is convicted of or pleads guilty or nolo contendere to a felony or a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;
(11) Is professionally, physically, or mentally incompetent;
(12) Submits a false statement to collect a fee;
(13) Violates any rule or regulation adopted by the Board;
§ 17-510.  

Health Occupations

(14) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;
(15) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified or the certificate holder is certified and qualified to render because the individual is HIV positive;
(16) Commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy;
(17) Knowingly fails to report suspected child abuse in violation of § 5-704 of the Family Law Article; or
(18) Fails to cooperate with a lawful investigation conducted by the Board. (2008, ch. 505, § 2.)

§ 17-510. Penalty.

(a) In general. — If after a hearing under § 17-511 of this subtitle the Board finds that there are grounds under § 17-509 of this subtitle to place any licensee or certificate holder on probation, reprimand any licensee or certificate holder, or suspend or revoke a license or certificate, the Board may impose a penalty not exceeding $5,000:
(1) Instead of placing the licensee or certificate holder on probation, reprimanding the licensee or certificate holder, or suspending or revoking the license or certificate; or
(2) In addition to placing the licensee or certificate holder on probation, reprimanding the licensee or certificate holder, or suspending or revoking the license or certificate.
(b) Regulations. — The Board shall adopt regulations to set standards for the imposition of penalties under this section.
(c) Money collected paid into General Fund. — The Board shall pay any money collected under this section into the General Fund of the State. (2008, ch. 505, § 2.)

§ 17-511. Administrative hearing.

(a) Opportunity for hearing. — Except as otherwise provided in Title 10, Subtitle 2 of the State Government Article, before the Board takes any action under § 17-509 of this subtitle, it shall give the individual against whom the action is contemplated an opportunity for a hearing before the Board.
(b) Notice and procedure. — The Board shall give notice and hold the hearing in accordance with Title 10, Subtitle 2 of the State Government Article.
(c) Service of notice. — The hearing notice to be given to the individual shall be served personally or by registered mail to the last known address of the individual at least 30 days before the hearing.
(d) Individual representation. — The individual may be represented at the hearing by counsel.
§ 17-512. Administrative and judicial review.

(a) Person aggrieved by final decision of Board in contested case. — Except as provided in this section for an action under § 17-409 of this title, any person aggrieved by a final decision of the Board in a contested case, as defined in § 10-201 of the State Government Article, may:

1. Appeal that decision to the Board of Review; and
2. Then take any further appeal allowed by Title 10, Subtitle 2 of the State Government Article.

(b) Person aggrieved by final decision of Board denying, suspending or revoking license or certificate. — Any person aggrieved by a final decision of the Board under § 17-509 of this subtitle:

1. May not appeal to the Board of Review; but
2. May take a direct judicial appeal as provided in Title 10, Subtitle 2 of the State Government Article.

(c) Stay pending judicial review not permitted. — An order of the Board may not be stayed pending judicial review.

(d) Appeal by Board. — The Board may appeal from any decision that reverses or modifies its order. (2008, ch. 505, § 2.)

§ 17-513. Injunction.

(a) In general. — An action may be maintained in the name of the State or the Board to enjoin:

1. The unauthorized practice of alcohol and drug counseling and clinical alcohol and drug counseling, marriage and family therapy and clinical marriage and family therapy, or professional counseling and clinical professional counseling; or
2. Conduct that is a ground for disciplinary action under § 17-509 of this subtitle.

(b) Who may bring action. — An action under this section may be brought by:

1. The Board, in its own name;
2. The Attorney General, in the name of the State; or
3. A State's Attorney, in the name of the State.

(c) Venue. — An action under this section shall be brought in the county where the defendant:
§ 17-514. Health Occupations

(1) Resides; or
(2) Engages in the acts sought to be enjoined.
(d) Proof of damage. — Proof of actual damages or that any person will sustain any damages if an injunction is not granted is not required for an action under this section.
(e) Other actions permitted. — An action under this section is in addition to and not instead of criminal prosecution for the unauthorized practice of alcohol and drug counseling and clinical alcohol and drug counseling, marriage and family therapy and clinical marriage and family therapy, or professional counseling and clinical professional counseling, under § 17-301, § 17-601, § 17-602, or § 17-608 of this title or disciplinary action under § 17-509 of this subtitle. (2008, ch. 505, § 2.)

§ 17-514. Reinstatement of revoked license or certificate, reduction of suspension or probation period, or withdrawal of reprimand.

For reasons the Board considers sufficient, and on the affirmative vote of a majority of its members then serving, the Board may:
(1) Reinvest a license or certificate that has been revoked;
(2) Reduce the period of a suspension or probation; or
(3) Withdraw a reprimand. (2008, ch. 505, § 2.)

§ 17-515. Counselor and therapist rehabilitation committees.

(a) "Counselor and therapist rehabilitation committee" defined. — In this section, "counselor and therapist rehabilitation committee" means a committee that:
(1) Is described in subsection (b) of this section; and
(2) Performs any of the functions listed in subsection (d) of this section.
(b) In general. — For purposes of this section, a counselor and therapist rehabilitation committee is a committee of the Board or a committee of any association or associations representing alcohol and drug counselors, marriage and family therapists, or professional counselors that:
(1) Is recognized by the Board; and
(2) Includes but is not limited to alcohol and drug counselors, marriage and family therapists, and professional counselors.
(c) Scope of authority. — A rehabilitation committee of the Board or recognized by the Board may function:
(1) Solely for the Board; or
(2) Jointly with a rehabilitation committee representing another board or boards.
(d) Duties. — For purposes of this section, a counselor and therapist rehabilitation committee evaluates and provides assistance to any alcohol and drug counselor, marriage and family therapist, professional counselor, and any other individual regulated by the Board, in need of treatment and rehabilita-
tion for alcoholism, drug abuse, chemical dependency, or other physical, emotional, or mental condition.

(e) Discoverability and admissibility of proceedings, records and files. —

(1) Except as otherwise provided in this subsection, the proceedings, records, and files of the counselor and therapist rehabilitation committee are not discoverable and are not admissible in evidence in any civil action arising out of the matters that are being or have been reviewed and evaluated by the counselor and therapist rehabilitation committee.

(2) Paragraph (1) of this subsection does not apply to any record or document that is considered by the counselor and therapist rehabilitation committee and that otherwise would be subject to discovery or introduction into evidence in a civil action.

(3) For purposes of this subsection, civil action does not include a proceeding before the Board or judicial review of a proceeding before the Board.

(f) Good faith exemption from civil liability. — A person who acts in good faith and within the scope of jurisdiction of a counselor and therapist rehabilitation committee is not civilly liable for any action as a member of the counselor and therapist rehabilitation committee or for giving information to, participating in, or contributing to the function of the counselor and therapist rehabilitation committee. (2008, ch. 505, § 2.)

Editor’s note. — See note to § 17-501 of this subtitle.

Subtitle 6. Prohibited Acts; Penalties.

§ 17-601. Prohibited acts.

Unless an individual is licensed to practice clinical alcohol and drug counseling, clinical marriage and family therapy, or clinical professional counseling, an individual may not:

(1) Represent to the public by title, by description of services, methods, or procedures, or otherwise, that the individual is licensed by the Board to provide clinical alcohol and drug counseling services, clinical marriage and family therapy services, or clinical professional counseling services in the State;

(2) Use any title, abbreviation, sign, card, or other representation that the individual is a licensed clinical alcohol and drug counselor, licensed clinical marriage and family therapist, or licensed clinical professional counselor; or

(3) Use the title “L.C.A.D.C.”, “L.C.M.F.T.”, or “L.C.P.C.” or the words “licensed clinical alcohol and drug counselor”, “licensed clinical marriage and family therapist”, or “licensed clinical professional counselor” with the intent to represent that the individual practices clinical alcohol and drug counseling, clinical marriage and family therapy, or clinical professional counseling. (2008, ch. 505, § 2.)

Editor’s note. — Section 6, ch. 505, Acts 2008, provides that the act shall take effect October 1, 2008.

Bill review letter. — Chapter 505, Acts 2008, (House Bill 469) was approved for constitutionality and legal sufficiency, and reorga-
§ 17-602. Prohibited acts — Alcohol and drug counselor, professional counselor, marriage and family therapist.

Except as otherwise provided in this title, unless an individual has been approved by the Board to practice as a licensed graduate alcohol and drug counselor, a licensed graduate professional counselor, or a licensed graduate marriage and family therapist the individual may not:

1. Use the title "licensed graduate alcohol and drug counselor", "licensed graduate professional counselor", or "licensed graduate marriage and family therapist";

2. Use the initials "L.G.A.D.C.", "L.G.P.C.", or "L.G.M.F.T." after the name of the individual;

3. Represent to the public that the individual is approved by the Board to practice alcohol and drug counseling, professional counseling, or marriage and family therapy; or

4. Use any title, abbreviation, sign, card, or other representation that the individual is a licensed graduate alcohol and drug counselor, a licensed graduate professional counselor, or a licensed graduate marriage and family therapist. (2008, ch. 505, § 2.)

§ 17-603. Prohibited acts — Certified alcohol and drug counseling, professional counseling, marriage and family counseling.

Except as otherwise provided in this title, unless an individual is certified to practice alcohol and drug counseling, marriage and family therapy, or professional counseling, the individual may not:

1. Represent to the public by title, by description of services, methods, or procedures, or otherwise, that the individual is certified by the Board to provide counseling or therapy services in this State;

2. Use any title, abbreviation, sign, card, or other representation that the individual is a certified professional counselor, certified professional counselor-marriage and family therapist, certified professional counselor-alcohol and drug, certified associate counselor-alcohol and drug, or certified supervised counselor-alcohol and drug; or

3. Use the title "C.P.C.", "C.P.C.-M.F.T.", "C.P.C.-A.D.", "C.A.C.-A.D.", or "C.S.C.-A.D.", the words "certified professional counselor" or "certified professional counselor-marriage and family therapist", or the words "certified counselor" or "certified marriage and family therapist" with the intent to represent
that the individual practices professional counseling or marriage and family therapy, or the words "certified professional counselor-alcohol and drug", "certified associate counselor-alcohol and drug", "certified supervised counselor-alcohol and drug" with the intent to represent that the individual practices alcohol and drug counseling. (2008, ch. 505, § 2.)

§ 17-604. Violations and penalties.

(a) Fine and punishment. — Any person who violates any provision of this subtitle or § 17-301 of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $2,000 or imprisonment not exceeding 1 year or both.

(b) Separate violations. — Each violation of this subtitle is a separate offense. (2008, ch. 505, § 2.)

Editor's note. — See note to § 17-601 of this subtitle.

Subtitle 7. Short Title; Termination of Title.

§ 17-701. Short title.

This title may be cited as the "Maryland Professional Counselors and Therapists Act". (2008, ch. 505, § 2.)

Editor's note. — Section 6, ch. 505, Acts 2008, provides that the act shall take effect October 1, 2008.

Bill review letter. — Chapter 505, Acts 2008, (House Bill 459) was approved for constitutionality and legal sufficiency, and reorganized and rewrote large portions of the Professional Counselors Title of this article. The requirements were made clearer, certification of marriage and family therapists was eliminated, and the make-up of the board was changed. It repealed and reenacted §§ 17-301 through 17-317 and repealed §§ 17-3A-01 through 17-3A-13 of this article. This bill has sunset provisions that interact with and interfere with other provisions of the multiple bills submitted under this subject matter. It is recommended that SB 882 and HB 494 be signed after SB 502 and HB 459 in order to preserve their provisions. Senate Bill 502 was not signed; and SB 882 and HB 494 were signed as Chapters 630 and 508, after HB 469, Chapter 505. (Letter of the Attorney General dated April 23, 2008.)

§ 17-702. Termination of title.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, this title and all rules or regulations adopted under this title shall terminate and be of no effect after July 1, 2019. (2008, ch. 505, § 2.)

Editor's note. — See note to § 17-701 of this subtitle.
Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 58 BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS

Chapter 02 Fees

Authority: Health Occupations Article, §§17-205, 17-206, and 17-310, Annotated Code of Maryland
Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE
Subtitle 58 BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS

Chapter 02 Fees

Authority: Health Occupations Article §§17-205, 17-206, and 17-310,
Annotated Code of Maryland

.01 General.

A. A person shall pay a fee as set forth in Regulation .02 by certified check or money
order.
B. The Board shall provide a copy of this chapter:
   (1) Along with any application form or renewal form; and
   (2) To any other person upon request.
C. The Board may not refund a fee.

.02 Fee Schedule.

A. Application processing fee.................................$75;
(All applicants must submit this fee with the Application)
B. Subsequent application review fee.......................$25;
C. Preapplication credentials evaluation fee..............$25;
D. Certification and licensure fee.........................$100;
(All applicants must submit this fee upon receiving notification of eligibility)
E. Certification Renewal Fee..............................$150;
F. Licensure renewal fee..................................$200;
G. Late renewal fee (in addition to §§F and G)..........$50;
H. Certification and licensure verification...............$20;
I. Duplicate certificate or license.........................$15;
J. Replacement certificate or license.....................$15;
K. Endorsement to another jurisdiction...............$10;
L. Name or address change................................No fee;
M. Inactive status (annual).................................$25;
N. Reinstatement...........................................$100;
O. Maintenance of letters of intent.......................$15;
P. 2-year sponsorship of continuing education programs..$100;
Q. Review for non-preapproved CEUs for individuals (per occurrence) $15;
R. Drug and alcohol certification upgrade fee...........$25;
S. Returned check fee.......................................$25;
T. Failure to notify of change of address................$25;
Code of Ethics

10.58.03.01 – Code of Ethics

.01 Scope.

This chapter applies to an individual certified or licensed by the Board of Professional Counselors and Therapists.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Board" means the State Board of Professional Counselors and Therapists.

(2) Client.

(a) "Client" means an individual, couple, family, group, business, agency, school, organization, or association to whom a counselor is rendering professional service.

(b) "Client" includes the term and concept of "patient".

(3) "Counselor" means a counselor or therapist either certified or licensed by the Board.

(4) "Dual relationship" means a relationship in which a counselor is simultaneously involved in more than one type of relationship with a client.

(5) "Impaired counselor" means a counselor who cannot perform the counselor's job due to substance abuse, or psychological or physical illness.

(6) "Inappropriate sexual language" means:

http://www.dhmh.state.md.us/bopc/bopcweb/html/ethics.htm
(a) A sexualized harassment comment;

(b) An eroticized or sexually provocative comment not reasonably associated with a health care matter; or

(c) An inappropriate discussion of a sexually related matter.

(7) "Public statements" include, but are not limited to, communications or public announcements by a newspaper, magazine, book list, directory, television, radio, motion picture, advertisement, or any other electronic means.

(8) "Sexual behavior" means:

(a) A "sexual act" as defined in Criminal Law Article, §3-301, Annotated Code of Maryland;

(b) "Sexual contact" as defined in Criminal Law Article, §3-301, Annotated Code of Maryland; and

(c) "Vaginal intercourse" as defined in Criminal Law Article, §3-301, Annotated Code of Maryland.

(9) "Sexual exploitation" means a counselor taking advantage of an unequal relationship between a counselor and a client, student, or supervisee, and not permitting the autonomy of a client, student, or supervisee.

(10) "Sexual harassment" means a deliberate or repeated comment, advance, gesture, solicitation, request, or physical contact of a sexual nature.

(11) "Supervisee" means an individual to whom a counselor provides professional, educational, or administrative supervision or direction.

(12) "Therapeutic deception" means a representation by a counselor that sexual contact or sexual activity by or with a client is consistent with or part of a client’s treatment.

.03 Professional Competence.

A. A counselor shall:

(1) Practice only within the boundaries of a counselor's competence, based on education, training, supervised experience, and professional credentials;

(2) When developing competence in a new service or technique, or both, engage in ongoing consultation with other counselors or relevant professionals and acquire appropriate additional education or training, or both, in the new area; and

(3) Maintain qualifications to practice counseling, including meeting the continuing education requirements established by the Board.

B. An impaired counselor shall:

(1) Suspend, terminate, or limit professional activities if the counselor determines that he or she is unable to continue professional activities; or

(2) Seek competent professional assistance to determine whether to suspend, terminate, or limit the scope of professional or scientific activities if a counselor becomes or is made aware that personal problems interfere with providing or conducting counseling or therapy services.

.04 Ethical Responsibility.

A. A counselor shall:

(1) Consult with other counselors or other relevant professionals regarding questions related to ethical obligations or professional practice;

(2) Take credit only for professional work actually performed;

(3) Notify the Board if the counselor’s license, or certificate, or both, has been limited, restricted, suspended, revoked, or subject to disciplinary action by any other state, federal agency, or the District of Columbia;

(4) Disclose, to all involved, conflicts of interest regarding confidentiality requirements;

(5) Receive appropriate written authorization to provide counseling services for minors or other clients unable to give informed consent;

(6) Protect the interests of minors or other clients unable to give informed consent;

(7) Maintain accurate records;

(8) Provide supervision to supervisees as required under COMAR 10.58.01, 10.58.07, and 10.58.08;

(9) Make arrangements for another appropriate professional to act in the event of an absence of the counselor;

(10) Provide lawfully requested treatment reports or evaluations, or both, to a client, insurance carriers, courts systems, institutions, or other authorized persons;

(11) Be familiar with and adhere to this chapter;

(12) Report suspected violations of Health Occupations Article, Title 17, Annotated Code of Maryland, to the Board;

(13) Cooperate with investigations, proceedings, and other requirements of the Board; and

(14) Take reasonable precautions to protect clients from physical or psychological trauma.

B. A counselor may not:

(1) Knowingly associate with, or permit the use of the professional counselor’s name or firm name in a business venture by any person or firm which the professional counselor knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature;

(2) Participate in dishonest, fraudulent, or deceitful activity in the capacity of a counselor; or

(3) Enter into relationships that could compromise a counselor’s objectivity or create a conflict of interest.

C. A counselor involved in research shall:

(1) Respect and protect the dignity, privacy, and welfare of research subjects;
(2) Comply with existing federal and State laws and regulations concerning treatment of research subjects;

(3) Take responsibility for the ethical treatment of research participants by others directly and reasonably related to the research; and

(4) Clearly indicate to prospective recipients treatment given as part of a research study and obtain written permission in advance of treatment.

.05 The Counseling Relationship.

A. Client Welfare and Rights.

(1) A counselor shall:

(a) Inform clients of the purposes, goals, techniques, procedures, limitations, potential risks, and benefits of services to be performed;

(b) Explain to clients the implications of diagnosis, the intended use of tests and reports, fees, and billing arrangements;

(c) Document attempts to inform other professional persons concurrently providing mental health services to a client;

(d) Assist clients in making appropriate arrangements for the continuation of treatment due to interruptions including but not limited to vacations and extended illness; and

(e) Make appropriate referrals.

(2) A counselor may not:

(a) Place or participate in placing clients in positions that may result in damaging the interests and the welfare of clients, employees, employers, or the public;

(b) Condone or engage in discrimination based on age, color, culture, disability, ethnic group, gender, race, religion, sexual orientation, marital status, or socioeconomic status;

(c) Abandon or neglect clients in counseling; or

(d) Foster dependent counseling relationships.

B. Dual Relationships.

(1) A counselor shall:

(a) Avoid dual relationships with clients; and

(b) Take appropriate measures, including but not limited to, informed consent, consultation, supervision, and documentation to ensure that judgment is not impaired and no exploitation occurs if a dual relationship cannot be avoided.

(2) A counselor may not:

(a) Exploit trust and dependency in relationships with supervisees, employees, research participants, students, or volunteers; or

(b) Accept as clients superiors or subordinates with whom a counselor has administrative, supervisory, or evaluative relationships.

C. Multiple Clients.
(1) A counselor shall clarify the unit of treatment in a counselor's written records as:

(a) Individual;

(b) Couple;

(c) Family;

(d) Group; or

(e) Any combination of §C(1)(a)–(d) of this regulation.

(2) A counselor shall identify in the written records individuals present in sessions, but not a part of the unit of treatment.

(3) A counselor shall communicate limitations on confidentiality to all clients.

D. Termination and Referral.

(1) Termination may occur if:

(a) Services are no longer requested by a client;

(b) Counseling no longer serves a client's needs or interests;

(c) A counselor is unable to competently and ethically perform duties;

(d) A client does not pay the fees charged; or

(e) Agency or institution limits do not allow further counseling services.

(2) A counselor may terminate a counseling relationship only after:

(a) Securing a client's agreement; or

(b) If a client does not agree to termination, offering an appropriate referral.

06 Fees and Bartering.

A. A counselor shall explain to a client, before entering the counseling relationship, all financial arrangements related to professional services including the use of collection agencies or legal measures for nonpayment.

B. Except as provided in §C of this regulation, a counselor may not accept goods or services instead of monetary payment.

C. A counselor may accept goods or services instead of monetary payment only if:

(1) The relationship is not exploitative;

(2) The client requests it;

(3) A clear written contract is established; and

(4) The arrangements are an accepted practice among professionals in the community.

D. A counselor may not accept or give anything of value for receiving or
making a referral.

.07 Advertising, Public Statements, and Media Presentations.

A. Advertising.

(1) A counselor may place advertisements with directories, newspapers, periodicals, radio or television stations, or on the internet.

(2) In placing advertisements or making other types of public statements, a counselor shall identify a counselor's credentials in a manner that is accurate and not false, misleading, deceptive, or fraudulent.

(3) A counselor may not place advertisements or make public statements that:

(a) Contain false, fraudulent, misleading, deceptive, or unfair statements or information;

(b) Contain partial disclosures of relevant facts that misrepresent, mislead, or deceive;

(c) Contain information or facts intended or likely to create false or unjustified expectations of favorable results;

(d) Misrepresent, either directly or by implication, a counselor's professional qualifications such as education, experience, or areas of competence;

(e) Misrepresent, either directly or by implication, a counselor's affiliations or the purposes or characteristics of institutions or organizations with which a counselor is affiliated;

(f) Contain representations or implications that in reasonable probability can be expected to cause an ordinary prudent person to misunderstand or be deceived; or

(g) Contain representations that a counselor is willing to perform any procedure that is illegal under federal or State laws or regulations.

(4) If advertising on the internet, a counselor shall ensure that the advertisement contains the counselor's name, credentials, and certificate or license number.

(5) In advertising products, workshops, or training events, a counselor shall:

(a) Comply with this section; and

(b) Ensure that the information disclosed is adequate for consumers to make informed choices.

(6) A counselor holding a doctoral degree in a field other than counseling may not represent that doctoral degree as relating to status or practice as a counselor.

B. Public Statements.

(1) A counselor shall:

(a) Correct others who misrepresent a counselor's professional qualifications or affiliations;

(b) Abstain from soliciting testimonial endorsements from current clients
or other persons who, because of particular circumstances, are
vulnerable to undue influence;

(c) Abstain from engaging in uninvited, in-person solicitation of business
from actual or potential clients or others who, because of particular
circumstances, are vulnerable to undue influence; and

(d) In the capacity of teacher, ensure that statements in course outlines
are accurate and not misleading, false, or deceptive, including statements
regarding subject matter to be covered, the basis for evaluating progress,
and the nature of the course experience.

(2) A counselor may not:

(a) Use the counselor's place of employment or institutional affiliation to
solicit or recruit clients, supervisees, or consultees for a counselor's
private practice;

(b) Use counseling, teaching, training, or supervisory relationships:

(i) To promote a counselor's product or training events in a deceptive
manner; or

(ii) On persons who, because of circumstances, may be vulnerable; or

(c) Claim organizational membership in a manner that suggests
specialized competence, training, or qualifications that a counselor does
not have.

C. Media Presentations. A counselor providing commentary or advice in a
public lecture, presentation, demonstration, radio or television program,
prerecorded electronic medium, printed article, mailed material, internet,
or other medium, shall ensure that:

(1) Statements made are based on current and appropriate professional
counseling literature and methodology;

(2) Recipients of the information are not misled or encouraged to infer
that a professional counseling relationship has been established; and

(3) Statements are in conformance with this chapter.

.08 Records, Confidentiality, and Informed Consent.

A. A counselor shall:

(1) Maintain the privacy and confidentiality of a client and a client's
records;

(2) Release mental health records or information about a client only with
a client's consent, or as permitted by Health-General Article, Title 4,
Subtitle 3, Annotated Code of Maryland;

(3) Release alcohol and substance abuse records or information about a
client only with a client's consent, or as permitted by State and federal
law;

(4) Dispose of records in accordance with Health-General Article, Title 4,
Annotated Code of Maryland;

(5) Provide sufficient information to a client to allow a client to make an
informed decision regarding treatment, including the following:

(a) The purpose and nature of an evaluation or treatment process;
(b) Additional options to the proposed treatment;

(c) Potential reactions to the proposed treatment;

(d) The estimated cost of treatment;

(e) The right of a client to withdraw from treatment at any time, including the possible risks that may be associated with withdrawal; and

(f) The right of a client to decline treatment, if part or all of the treatment is to be recorded for research or review by another person;

(g) Obtain full informed consent of a client participating in a human research program; and

(7) Protect a client's autonomy and dignity to decide whether to participate in a human research program.

B. A counselor may not imply that a penalty may result if a client refuses to participate in a human research program.

.09 Sexual Misconduct.

A. A counselor may not engage in sexual misconduct with a client or supervisee. Sexual misconduct includes but is not limited to:

(1) Inappropriate sexual language;

(2) Sexual exploitation;

(3) Sexual harassment;

(4) Sexual behavior; and

(5) Therapeutic deception.

B. Concurrent Sexual Relationships. A counselor may not engage in either consensual or forced sexual behavior with:

(1) A client;

(2) A student or supervisee over whom the counselor exercises professional authority, or with whom the counselor maintains evaluative responsibility, supervision, or education, while the professional relationship continues to exist; or

(3) An individual with whom the client has a close personal relationship, including but not limited to a relative or significant individual in the client's life, if there is a risk of exploitation or potential harm to the client.

C. Relationship with Former Clients.

(1) Except as set forth in §C(3) of this regulation, a counselor may not engage in sexual behavior with a former client.

(2) A counselor may not terminate professional services or a professional relationship with a client in order to enter into a nonprofessional, social, or sexual relationship with a client or an individual with whom a client has a close personal relationship.

(3) A counselor may enter into a relationship with an individual with whom a counselor's prior professional contact was brief, peripheral, consultative, or indirect, and did not constitute a therapeutic relationship.
D. Prior Sexual Relationships. A counselor may not provide professional services to an individual with whom a counselor has previously engaged in sexual behavior.

E. Sexual Harassment.

(1) A counselor may not sexually harass a:

(a) Client;
(b) Student;
(c) Supervisee; or
(d) Supervisor.

(2) If sexually harassed by a client, a counselor shall:

(a) Seek professional consultation with another licensed health care professional;
(b) Redefine the professional plan of action in writing in a client's record, documenting all action taken in a client's treatment plan; and
(c) Terminate the relationship with the client and assist in a referral to another health care provider.

F. Therapeutic Deception. A counselor may not:

(1) Engage in sexual activity with a client or an individual in a close personal relationship with a client, on the pretense of therapeutic intent or benefit;

(2) Represent to a client or individual in close personal contact with a client that sexual contact or activity by or with a counselor is consistent with or part of a client's therapy; or

(3) Suggest, recommend, or encourage a client to engage in a sexually provocative act, including but not limited to:

(a) Sexual contact with a counselor;
(b) Genital stimulation by or of a client or counselor;
(c) Undressing, by or of a counselor in the presence of a client, or of a client in the presence of a counselor; and
(d) Discussion or disclosure of a sexually provocative or erotic nature, not necessitated by treatment or treatment protocol.

10 Physical Contact.

A. A counselor engaging in nontraditional treatment modalities using physical contact with a client shall document in a client's record:

(1) An assessment of a client;

(2) A written rationale for the use of the physical contact treatment modality for a client; and

(3) A copy of the informed consent, signed and dated by the client and the counselor which addresses:
(a) The risks and benefits of the physical contact treatment modality;

(b) The objective or objectives and intended outcome or outcomes of the proposed treatment;

(c) Available alternative interventions; and

(d) A description of the physical contact which may be reasonably anticipated by a client in the course of the proposed treatment.

B. A counselor may not engage in a treatment modality involving physical contact if the risk of psychological harm to a client, as a result of the physical contact, has been assessed by a counselor to outweigh the possible benefits of the treatment, independent of a client's wishes.

.11 Sanctions.

A. A counselor who engages in sexual misconduct with a client or supervisee is subject to sanctions by the Board.

B. A sanction constitutes the minimum disciplinary measure and does not preclude the Board from imposing additional penalties as it considers appropriate to an individual case.

C. The Board shall advise professional associations of a reprimand, suspension, or revocation of a license or certificate on the grounds of sexual misconduct.

D. A counselor may not prohibit a client from reporting sexual misconduct as a condition of settlement of a legal cause of action.

E. A counselor who does not comply with this chapter shall be in violation of Health Occupations Article, §17-313, Annotated Code of Maryland, and subject to disciplinary actions.

F. A lack of knowledge, or misunderstanding of an ethical responsibility, is not a defense against a charge of unethical conduct.
Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 58 BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS

Chapter 04 Hearing Procedures

Authority: Health Occupations Article, §17-314; State Government Article, §10-206; Annotated Code of Maryland
Title 10
Department of Health and Mental Hygiene
Subtitle 58 Board of Examiners of Professional Counselors

Chapter 04 Hearing Procedures

Authority: Health Occupations Article, §17-314, Annotated Code of Maryland

.01 Scope.

These regulations apply to all formal hearings before the Board of Examiners of Professional Counselors. They do not apply to conferences or other informal investigations or proceedings where no formal ruling or decision is made.

.02 Notice of Hearing.

A. Written notice of a hearing shall be sent by the Board to all interested parties at least 30 days before the hearing. The notice shall state the:

1. Date, time, and place of the hearing; and

2. Issues or charges involved in the proceeding, provided, however, that if by reason of the nature of the proceeding, the issues cannot be stated in advance of the hearing, or if subsequent amendment of the issues is necessary, they shall be fully stated as soon as practicable.

B. Service upon a party shall be by delivery of the charging document and copy of the complaint to the party in person. Instead of personal service, the Board may serve the charging document and a copy of the complaint by registered or certified mail, restricted delivery, return receipt requested.

.03 Representation of Parties.

Each party appearing at a formal hearing shall have the right to appear in proper person, or by or with counsel.

.04 Prehearing Procedures.

A. At least 2 weeks before the hearing, the parties shall exchange a list of their witnesses and documentary evidence to be introduced.
B. Prehearing Conferences. The Board may set prehearing conferences as it deems appropriate.

C. Oaths and Subpoenas.

(1) The Board may administer oaths and compel the attendance of witnesses and the production of physical evidence before it from witnesses upon whom process is served anywhere within the State, as in civil cases in the circuit court of the county or of Baltimore City, by subpoena issued over the signature of the Chairman or Secretary and the seal of the Board.

(2) Upon a request by a party and statement under oath that the testimony or evidence is necessary to the party's defense, the Board shall issue a subpoena in the party's behalf.

D. Motions filed by a party shall be accompanied by a memorandum of points and authorities, and shall be filed with the Board at least 10 working days before the hearing, and a copy served on the opposing party. Any response shall be filed with the Board at least 5 working days before the hearing and a copy shall be served on the opposing party.

.05 Conduct of the Hearing.

A. Board Majority. Each hearing shall be held before not less than a quorum of the Board unless the hearing authority is delegated pursuant to State Government Article, §10-207, Annotated Code of Maryland. A delegation of authority shall be subject to the provisions of State Government Article, §10-212. If hearing authority is not delegated, Board action shall be by a majority vote of those Board members then serving on the Board.

B. Duties of Presiding Officer.

(1) The Chairman, or in the Chairman's absence a member designated by the Chairman, shall be the presiding officer, or if in a delegated hearing, an administrative law judge under State Government Article, §§9-1601—9-1610, Annotated Code of Maryland, shall be the presiding officer.

(2) The presiding officer shall:

(a) Have complete charge of the hearing;
(b) Permit the examination of witnesses;
(c) Admit evidence;
(d) Rule on the admissibility of evidence; and
(e) Adjourn or recess the hearing from time to time.

(3) The presiding officer may set reasonable time limits on arguments and presentation of evidence.

(4) The presiding officer shall be responsible for decorum in hearings and can suspend the proceedings as necessary to maintain decorum.

C. Legal Advisor and Counsel for the Board.

(1) The Board may request the Office of the Attorney General to participate in any hearing to present the case on behalf of the Board.

(2) The member of the Office of the Attorney General presenting the case on behalf of the Board shall have all the following rights:

(a) The submission of evidence;

(b) Examination and cross-examination of witnesses;

(c) Presentation of summation and argument; and

(d) Filing of objections, exceptions, and motions.

(3) The Board may also request a representative of the Office of the Attorney General to act as legal advisor to the Board as to questions of evidence and law.

D. Order of Procedure. The State shall present its case first. Then the respondent shall present his case. After this the State may present rebuttal.

E. Examination of Witnesses and Introduction of Evidence.

(1) The rules of evidence in all hearings under these regulations shall be as set forth in State Government Article, §§10-208 and 10-209, Annotated Code of Maryland.

(2) Each party has the right to:

(a) Call witnesses and present evidence;

(b) Cross-examine witnesses called by the Board or other party;

(c) Present summation and argument and file objections, exceptions, and motions.

(3) If a party is represented by counsel, the submission of evidence, examination and cross-examination of witnesses, and filing of objections, exceptions, and motions shall be done and presented solely by counsel.
(4) Witnesses.

(a) The presiding officer, or any person designated by the presiding officer for the purpose, may examine any witness called to testify.

(b) The presiding officer may call as witness any person in attendance at the hearing.

(c) Any member of the Board may examine any witness called to testify.

(5) If an accused or complainant fails to appear at a hearing after due notice, the Board or its designee may reschedule the hearing, or may proceed upon the available investigation, report, documents, witnesses, and records.

.06 Records and Transcript.

A. The Board shall prepare an official record which shall include all pleadings, testimony, exhibits, and other memoranda or material filed in the proceeding.

B. A stenographic record of the proceedings shall be made at the expense of the Board. This record need not be transcribed, however, unless requested by a party, or by the Board. The cost of any typewritten transcripts of any proceedings, or part of them, shall be paid by the party requesting the transcript.

.07 Decision and Order.

A. Each decision and order rendered by the Board shall be in writing and shall be accompanied by findings of fact and conclusions of law.

B. A copy of the decision and order and accompanying findings and conclusions shall be delivered or mailed promptly to each party or attorney of record.

.08 Rehearings.

A. A party aggrieved by the decision and order rendered may apply for rehearing within 10 days after service on the party of the decision and order. Action on an application shall lie in the discretion of the Board.

B. Unless otherwise ordered, neither the rehearing nor the application for it shall stay the enforcement of the order, or excuse the person affected for failure to comply with its terms.
C. The Board may consider facts not presented in the original hearing, including facts arising after the date of the original hearing, and may by new order abrogate, change, or modify its original order.

.09 Appeals.

A person whose certificate has been revoked or suspended by the Board, or a person placed on probation or reprimand under the regulations in this chapter, may appeal the Board's decision as provided by the law.

Administrative History

Effective date: April 2, 1990 (17:6 Md. R. 742)

CHANGES TO REGULATIONS

Changes frequently occur to regulations published in the Code of Maryland Regulations (COMAR). These changes are always printed in the Maryland Register, COMAR's bi-weekly supplement. Consult the "Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed" in the most recent issue of the Maryland Register.
Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE
Subtitle 58 BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS
Chapter 05 Continuing Education
Authority: Health Occupations Article, §17-205,

Annotated Code of Maryland

10.58.05.01

.01 Scope.

This chapter applies to all professional counselors and therapists who wish to renew or reinstate their licensure or certification in the State.

10.58.05.02

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Accredited institution of higher education" means a college or university accredited by a national or regional accrediting body recognized by the Council on Post-Secondary Accreditation.

(2) "Activity" means any program, publication, course, institute, seminar, lecture, conference, workshop, symposium, or professional meeting that meets the criteria and objectives of continuing education.

(3) "Approved program" means an activity that has been reviewed and approved by the Board for Category A credit.

(4) "Authorized sponsor" means an organization or individual reviewed and authorized by the Board, or automatically eligible, to present Category A programs.

(5) "Board" means the State Board of Examiners of Professional Counselors and Therapists.

(6) "Committee" means the Advisory Committee for Continuing
Education, appointed by the Board, consisting of at least one member of the Board.

(7) "Continuing education" means additional professional activities beyond that required for certification or licensure.

(8) "Continuing education unit (CEU)" means 60 minutes of activity that is approved by the Board to fulfill the continuing education requirements.

(9) "Course" means a series of meetings with defined content and systematic presentation with an instructor, as an expert, who imparts information to the participants.

(10) "Home study" means independent study that:

(a) Is not evaluated by a formal process documenting a minimum mastery of materials; and

(b) Does not issue a verification of program completion.

(11) "Renewal date" means the date upon which a certificate or license expires, as specified in the notice sent to the certified or licensed professional counselor by the Board in accordance with Health Occupations Article, §§17-309(b) and 17-3A-08(b), Annotated Code of Maryland.

(12) "Renewal period" means the 2-year period immediately before the renewal date.

(13) "Seminar" means a meeting or meetings of highly experienced participants or experts with an expert leader who conducts a discussion on a specific topic.

(14) "Symposium" means a presentation or presentations by two or more speakers with different views on a specific topic and with a discussant who summarizes the issues.

(15) "Workshop" means a meeting or meetings of general sessions and face-to-face groups with a leader, an expert in the defined content area, who imparts information to participants who have ample opportunity to interact.

10.58.05.03

03 Requirements.

A. CEU Requirements. The certificate or license holder shall complete a minimum of 40 CEUs in each renewal period, as follows:

(1) At least 30 CEUs shall be in Category A activities and not more than 10 CEUs may be in Category B activities; or

(2) All 40 CEUs may be in Category A activities.

B. CEUs that are in excess of requirements may not be carried over to the next renewal period.
C. A certificate or license holder who has a renewal period of less than 2 years shall complete a minimum of 20 Category A CEUs for that renewal period.

D. Proof of Completion.

(1) A license or certificate holder shall attest to completion of required CEUs at the time of renewal or reinstatement, on a form supplied by the Board.

(2) The license or certificate holder shall obtain the requisite documentation of CEU attendance and retain this documentation for the succeeding 4 years for possible inspection by the Board.

(3) Required Documentation of Category A and Category B Activities.

(a) The required documentation of Category A activities as defined in Regulations .04 and .05 of this chapter include:

(i) Certificates of participation;

(ii) Transcripts;

(iii) Reprints of publications;

(iv) Proof of presentations; or

(v) Any other information necessary to verify compliance with the requirements of Regulations .04 and .05 of this chapter.

(b) The required documentation of Category B activities as defined in Regulations .04 and .06 of this chapter, include:

(i) Dates;

(ii) Names of presenters;

(iii) Outlines of presentations;

(iv) Topics of meetings; or

(v) Any other information necessary to verify compliance with the requirements of Regulations .04 and .06 of this chapter.

(4) The license or certificate holder shall demonstrate that the CEU activity fell within the renewal period.

10.58.05.04

.04 Continuing Education Qualifications.

A. To qualify for approval by the Board, continuing education activities shall employ didactic and experiential methods to meet one of the following objectives:

(1) Maintain professional competency;
(2) Increase professional skills and knowledge;

(3) Prepare for new roles or responsibilities in the practice of counseling or therapy; or

(4) Expand the science of counseling and therapy theory, method, or practice.

B. The following activities are specifically excluded from continuing education credit and do not meet any required objective:

(1) Business meetings, professional committee meetings, and meetings concerned with the management of a professional practice;

(2) Presentations and publications intended for a lay audience; and

(3) Home study.

10.58.05.05

.05 Categories of Continuing Education—Category A.

A. The Board may approve the following activities for CEUs in Category A:

(1) Attending formally organized Category A programs as follows:

(a) The programs shall meet the following criteria:

(i) The program is offered by a sponsor approved by the Board to present Category A programs,

(ii) The program is intended for a professional mental health audience,

(iii) The program has a stated purpose and defined content area,

(iv) Presenters are professionals qualified in the defined content area,

(v) The program's time period is clearly stated,

(vi) Registration and attendance is recorded by the program's sponsor,

(vii) Documentation of completion is provided, and

(viii) Participants are required to complete an evaluation of the program; and

(b) The program may be formally organized and classified as a course, workshop, seminar, or symposium;

(2) Developing and presenting a Category A program which is credited as follows:

(a) Up to 3 hours of CEU credit may be claimed by the presenter for each hour of presentation of the program with a maximum of 20 CEUs;
(b) Up to 3 hours of CEU credit may be claimed for each hour of presentation, at a professional or scientific organization, of a professional or scientific paper prepared by the licensee or certificate holder, with a maximum of 6 CEUs per paper; and

(c) Each program may be credited only once in each renewal period; or

(3) Authoring, editing, or reviewing a juried publication with CEUs earned only in the year of publication, and only to the following extent:

(a) Author of a book—maximum of 40 CEUs;

(b) Author of a book chapter or journal article—maximum of 15 CEUs;

(c) Editor of a book—maximum of 30 CEUs;

(d) Editor of a scientific or professional journal recognized by the Board—maximum of 30 CEUs for each year of service; or

(e) Reviewer of a professional book, scientific journal, or professional journal recognized by the Board—maximum of 10 CEUs for each year of service.

B. When a certificate holder or licensee, after meeting the education requirements for certification or licensure at the degree level at which the licensee or certificate holder became certified or licensed, completes for credit semester hours of qualifying graduate-level or undergraduate-level course work at an accredited institution of higher education, each semester hour is considered the equivalent of 15 hours of CEUs.

10.58.05.06

.06 Categories of Continuing Education—Category B.

A. The Board may approve the following activities for CEUs in Category B:

(1) Attendance at or presentation of informal courses, in-house colloquia, invited speaker sessions, in-house seminars, and case conferences which are specifically designed for training, teaching, or both;

(2) Attendance at or presentation of informal non-publicized programs offered at professional or scientific meetings of local, state, regional, national, and international professional or scientific organizations; or

(3) Individualized learning, such as receiving formal professional supervision (except administrative supervision), participation in peer case conference or peer supervision groups, and participation in distance learning programs with evidence of appropriateness, minimum mastery of materials, and completion.

B. Programs that do not meet the criteria for Category A may be

http://www.dhmh.state.md.us/bopc/bopcweb/html/conteducationchart5.htm
eligible for Category B if the programs meet the objectives of this chapter.

10.58.05.07

.07 Authorization of Sponsored Continuing Education Programs.

A. Authorizing Sponsored Programs.

(1) The Board shall establish a committee to advise the Board on continuing education.

(2) The committee shall evaluate and the Board may authorize applicants to sponsor Category A programs.

(3) The committee may recommend Board approval of programs by authorized sponsors for Category A according to the objectives stated in Regulations .04A and .05 of this chapter.

B. Criteria for Program Eligibility.

(1) The Board shall evaluate each continuing education program submitted on the basis of the following criteria:

(a) Relevance of the subject matter to increase or support the development of skill and competence in counseling or therapy;

(b) Objectives of specific information or skill to be learned;

(c) Program content, educational methods, materials, and facilities used, including the frequency and duration of sessions and the adequacy to implement objectives; and

(d) Sponsorship and leadership of programs, including:

(i) The qualifications of the sponsoring individual or organization,

(ii) Program leaders if different from sponsors, and

(iii) The contact person if different from those in §B(1)(d)(i) or (ii) of this regulation.

(2) A program sponsored by the American Counseling Association, the National Board for Certified Counselors, the American Association for Marriage and Family Therapy, the National Association of Alcohol and Drug Abuse Counselors, or their regional or state affiliates is automatically approved by the Board for Category A, unless otherwise excluded.

(3) A program sponsored by an accredited institution of higher education and state departments of health and mental hygiene is automatically approved by the Board for Category A, unless otherwise excluded.

(4) The following may be authorized to sponsor Category A programs upon application and approval by the Board:
(a) National, state, or local professional, scientific, or mental health organizations;

(b) Those individuals certified or licensed by the Board; and

(c) Other agencies, institutions, or organizations providing continuing education programs in the interest of carrying out the intent of Health Occupations Article, §§17-309 and 17-3A-08, Annotated Code of Maryland, and Regulations .04 and .05 of this chapter.

C. Procedures for Pre-approval.

(1) An application, on a form provided by the Board, shall be made and fee submitted to the Board for authorization of programs of sponsoring agencies meeting the requirements of these regulations.

(2) The application shall be submitted to the committee at least 10 weeks before the scheduling of each continuing education program.

(3) Authorized sponsors shall state in the continuing education program description the following:

(a) "A certificate for (number of hours) CEUs of Category A will be awarded upon completion of this (type of program)";

(b) "(Name of organization) has been approved by the Maryland State Board of Examiners as an authorized sponsor who may provide Category A CEUs for certified or licensed professional counselors, marriage and family therapists, and alcohol and drug counselors"; and

(c) "(Name of organization) maintains responsibility for the program".

(4) Authorized sponsors shall maintain documentation of registration and attendance records, stated purpose, content and presentation, time and length of the activity, and participant evaluations for a 4-year period following the program that may be audited by the Board.

(5) Approved sponsors' programs shall be approved for a 2-year period except as otherwise provided in §D of this regulation.

(6) Certificate holders and licensees may request, upon payment of a fee, that the Board review programs that do not have pre-approval for awarding CEU units.

D. Withdrawal of Approval. Authorization may be withdrawn when, in the judgment of the Board, the intent of Health Occupations Article, §§17-309 and 17-3A-08, Annotated Code of Maryland, and Regulations .04, .05, and .06 of this chapter are no longer served.

10.58.05.08

.08 Failure to Meet Continuing Education Requirements.

A. Reporting Requirements.

(1) The certificate holder or licensee shall complete and submit a form attesting to satisfactory completion of the continuing education
requirements for each renewal.

(2) The certificate holder or licensee who is audited shall provide full documentation of CEUs as set forth in Regulation .03D of this chapter on a completed form provided by the Board.

(3) The Board shall audit a percentage of certificate holders and licensees to be determined by the Board each renewal period.

(4) A certificate holder or licensee who fails to renew by the renewal date shall provide full documentation as set forth in Regulation .03D of this chapter on a completed form provided by the Board.

B. Extension of Time to Meet CEU Requirements.

(1) A written request for an extension of time in which to complete CEU requirements shall be submitted by the certificate holder's or licensee's renewal date.

(2) The Board may grant an extension and renew a certificate or license if the Board determines that:

(a) Failure to fulfill the requirements is clearly a result of a significant illness, a procedural or technical difficulty, or other circumstances beyond the control of the certificate holder or licensee; and

(b) The certificate holder or licensee readily and appropriately attempted to fulfill the CEU requirements.

(3) The Board may deny the request for an extension, deny renewal of the certificate or license, or issue any other order the Board finds appropriate.

(4) CEUs which are acquired in order to fulfill the conditions of an extension may be credited only for the previous renewal period.

10.58.05.09

.09 Reinstatement.

A. Within 1 calendar year after the certificate or license renewal date, the Board may reinstate the certificate or license of a certificate holder or licensee otherwise entitled to reinstatement under Health Occupations Article, §§17-310(b) and 17-3A-09(b), Annotated Code of Maryland, whose certificate or license was not renewed due to failure to complete continuing education requirements for renewal if the certificate holder or licensee:

(1) Completed within that year the minimum of 40 CEUs required during the prior renewal period as set forth in Regulation .03A of this chapter; and

(2) Pays to the Board a reinstatement fee set by the Board.

B. CEUs which are acquired in order to reinstate under §A(1) of this regulation may be credited only once and may not be credited for any future renewals.
10.58.05.10

.10 Inactive Status.

A. In accordance with Health Occupations Article, §§17-310 and 17-3A-09, Annotated Code of Maryland, a request to transfer a certificate or license to inactive status shall be granted on written request and payment of the fee set forth in COMAR 10.58.02.

B. The procedure as shown in §A of this regulation may occur only if the certificate or license is still active at the time application for inactive status is made.

C. A certificate holder or licensee on inactive status seeking to be reinstated to active status shall be required, as a condition of reinstatement, to submit proof of having completed:

(1) 40 Category A CEUs for 2 or less years of inactive status; or

(2) 80 Category A CEUs for 3 or more years of inactive status, at least 40 of which shall have been obtained within the 2-year period immediately preceding the application for reinstatement.

10.58.05.9999

Administrative History

Effective date: May 13, 1991 (18:9 Md. R. 1009)

Regulation .09 adopted effective August 3, 1992 (19:15 Md. R. 1391)

Regulations .01—.09 repealed and new Regulations .01—.10 adopted effective September 4, 2000 (27:17 Md. R. 1521)
Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 58 BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS

Chapter 09 Monetary Penalties

Authority: Health Occupations Article, §17-313.1, Annotated Code of Maryland
01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Board" means the State Board of Professional Counselors and Therapists.

(2) "License" means a license issued by the Board to practice clinical professional counseling and therapy.

(3) "Licensee" means an individual licensed by the Board as a:

(a) Clinical professional counselor;
(b) Clinical marriage and family therapist; or
(c) Clinical alcohol and drug counselor.

(4) "Certificate" means a certificate issued by the Board to practice professional counseling or therapy.

(5) "Certificate holder" means a:

(a) Certified professional counselor;
(b) Certified alcohol and drug counselor;
(c) Certified supervised alcohol and drug counselor;
(d) Certified associate alcohol and drug counselor; or
(e) Certified professional counselor—marriage and family therapist.

(6) "Penalty" means a monetary penalty.
.02 Imposition of a Penalty.

A. Imposition of a Penalty After a Hearing. If, after a hearing under Health Occupations Article, §17-314, Annotated Code of Maryland, the Board finds that there are grounds under Health Occupations Article, §17-313, Annotated Code of Maryland, to place any licensee or certificate holder on probation, reprimand any licensee or certificate holder, or suspend or revoke a license or certificate, the Board may impose a penalty not exceeding $5,000 instead of or in addition to:

1. Placing the licensee or certificate holder on probation;

2. Reprimanding the licensee or certificate holder; or

3. Suspending or revoking the license or certificate.

B. Imposition of a Penalty Without a Hearing. If, after disciplinary procedures have been brought against a licensee or certificate holder and the licensee or certificate holder waives the right to a hearing required under State Government Article, Title 10, Annotated Code of Maryland, and if the Board finds that there are grounds under Health Occupations Article, §17-313, Annotated Code of Maryland, to place the licensee or certificate holder on probation, reprimand the licensee or certificate holder, or suspend or revoke the license or certificate, the Board may impose a penalty not exceeding $5,000 for each violation in addition to:

1. Placing the licensee or certificate holder on probation;

2. Reprimanding the licensee or certificate holder; or

3. Suspending or revoking the license or certificate.
.03 Factors Considered in the Assessment of a Penalty.

If the Board determines that the imposition of a penalty is appropriate, the Board shall consider the following factors, without limitations, in determining the amount of penalty:

A. The extent to which the licensee or certificate holder derived any financial benefit from the unprofessional or improper conduct;

B. The willfulness of the unprofessional or improper conduct;

C. The extent of actual or potential harm caused by the unprofessional or improper conduct; and

D. The cost of investigating and prosecuting the case against the licensee or certificate holder.
.04 Payment of Penalties.

A. A licensee or certificate holder shall pay to the Board a penalty imposed under this chapter as of the date the Board's order is issued, unless the Board's order specifies otherwise.

B. Filing an appeal under State Government Article, §10-222, Annotated Code of Maryland, or Health Occupations Article, §17-315, Annotated Code of Maryland, does not automatically stay payment of a penalty imposed by the Board under this chapter.

C. If a licensee or certificate holder fails to pay in whole or in part, a penalty imposed by the Board under this chapter, the Board may not restore, reinstate, or renew a license or certificate until the penalty has been paid in full.

D. The Board may refer all cases of delinquent payment to the Central Collection Unit of the Department of Budget and Management to institute and maintain proceedings to ensure prompt payment.

E. The Board shall pay all monies collected under this chapter into the State's General Fund.
Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 58 BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS

Chapter 10 Compelling Purpose Disclosure

Authority: Health Occupations Article, §17-205; State Government Article, §10-617(h)(3); Annotated Code of Maryland
.01 Disclosure for Compelling Public Purpose.

The Board may find that a compelling public purpose warrants disclosure of information in a certification, licensing, or investigative file, regardless of whether there has been a request for the information, and may disclose the information under the following circumstances:

A. The information concerns possible criminal activity and is disclosed to a federal, state, or local law enforcement or prosecutorial official or authority;

B. The information concerns a possible violation of law and is disclosed to a federal, state, or local authority that has jurisdiction over the individual whose conduct may be a violation and the information disclosed is limited to information relevant to the possible violation by that individual; or

C. The information concerns conduct by an individual which the Board reasonably believes may pose a risk to the public health, safety, or welfare and is disclosed to a law enforcement authority, administrative official, or agency that regulates the individual, or to a hospital or other health care facility where the individual has privileges.
.02 Other Disclosures.

This chapter does not prevent or limit the ability of the Board to disclose general licensing information as provided in State Government Article, §10-617(h), Annotated Code of Maryland, or any information which the Board may otherwise disclose by law.
Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE
Subtitle 31 HEALTH OCCUPATION BOARDS

Chapter 02 Tax Compliance Regulations

Authority: Health Occupations Article, §§ 1-218, 1A-205, 2-205, 3-205, 4-205, 7-205, 9-205, 10-205, 11-205, 12-205, 13-205, 14-205, 16-205, 17-205, 18-205, and 19-205, Annotated Code of Maryland

.01 Definitions.
A. In this chapter, the following terms have the meaning indicated.
B. Terms Defined.
   (1) “Board” means a health occupation board regulated under the Health Occupations Article, Annotated Code of Maryland, with the exception of the boards of:
      (a) Dietetic Practice; and
      (b) Nursing.
   (2) “Delinquent” means the failure by a certificate holder, licensee, registration holder, or permit holder, to pay all undisputed taxes and unemployment insurance contributions, as determined by the Office of the Comptroller or the Secretary of Labor, Licensing, and Regulation, that are payable to the Office of the Comptroller or the Secretary of Labor, Licensing, and Regulation, in a manner satisfactory to the unit of the State responsible for collection of the payment.
   (3) “Renewal license” means any license, permit, certification, or registration granted by the Board for the period immediately following a period for which the person previously possessed the same or a substantially similar license, permit, certification, or registration.
   (4) “Verification” means a written or electronic notification created by the unit of the State responsible for collection of taxes or unemployment insurance contributions attesting that the renewal applicant is no longer delinquent.

.02 Outstanding Taxes or Unemployment Insurance Contributions.
A. If a renewal applicant has been identified as delinquent by the Office of the Comptroller or the Department of Labor, Licensing, and Regulation, the Board shall issue a written notice to the renewal applicant stating that:
   (1) The renewal applicant has been identified by the Office of the Comptroller or the Department of Labor, Licensing, and Regulation as delinquent in the payment of taxes or unemployment insurance contributions as applicable; and
   (2) The renewal license will be denied if a verification is not submitted to the Board within 30 days after the notice is issued or before the expiration date of the current certificate, license, registration, or permit, whichever is later.
B. If the Board does not receive a verification within 30 days after the Board issued the notice or before the expiration date of the current certificate, license, registration, or permit, whichever is later, the Board shall:
   (1) Deny the renewal license; and
   (2) Inform the renewal applicant in writing that the renewal license has been denied.
Administrative History

Effective date:
Regulations .01 -- .02 adopted as an emergency provision effective July 1, 2003 (30:15 Md. R. 1327); adopted permanently effective December 11, 2003 (30:24 Md. R. 1741).
Regulation .01 amended effective March 15, 2004 (31:5 Md. R. 449)
MARYLAND FAMILY LAW ARTICLE

§§5-701, 5-702, 5-704, 5-711

Complete Family Law Article is online

Go to www.dhmh.state.md.us/bopc
Maryland Family Law Section 5-701

Article - Family Law

§ 5-701.

CAUTION: READ FULL TEXT OF SECTION FOR SPECIAL NOTE

(a) Except as otherwise provided in § 5-705.1 of this subtitle, in this subtitle the following words have the meanings indicated.

(b) "Abuse" means:

(1) the physical or mental injury of a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member, under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed; or

(2) sexual abuse of a child, whether physical injuries are sustained or not.

(c) "Administration" means the Social Services Administration of the Department.

(d) (1) Except as provided in paragraph (2) of this subsection, "central registry" means any component of the Department's confidential computerized database that contains information regarding child abuse and neglect investigations.

(2) "Central registry" does not include a local department case file.

(e) "Child" means any individual under the age of 18 years.

(f) "Court" means the circuit court for a county sitting as a juvenile court.

(g) (1) "Educator or human service worker" means any professional employee of any correctional, public, parochial or private educational, health, juvenile service, social or social service agency, institution, or licensed facility.

(2) "Educator or human service worker" includes:

(i) any teacher;

(ii) any counselor;

(iii) any social worker;

(iv) any caseworker; and

(v) any probation or parole officer.

(h) "Family member" means a relative by blood, adoption, or marriage of a child.

(i) "Identifying information" means the name of:

(1) the child who is alleged to have been abused or neglected;

(2) a member of the household of the child;

(3) a parent or legal guardian of the child; or

(4) an individual suspected of being responsible for abuse or neglect of the child.

(j) (1) "Health practitioner" includes any person who is authorized to practice healing under the Health Occupations Article or § 13-516 of the Education Article.
(2) "Health practitioner" does not include an emergency medical dispatcher.

(k) "Household" means the location:

(1) in which the child resides;
(2) where the abuse or neglect is alleged to have taken place; or
(3) where the person suspected of abuse or neglect resides.

(l) "Household member" means a person who lives with, or is a regular presence in, a home of a child at the time of the alleged abuse or neglect.

(m) "Indicated" means a finding that there is credible evidence, which has not been satisfactorily refuted, that abuse, neglect, or sexual abuse did occur.

(n)(1) "Law enforcement agency" means a State, county, or municipal police department, bureau, or agency.
(2) "Law enforcement agency" includes:
   (i) a State, county, or municipal police department or agency;
   (ii) a sheriff's office;
   (iii) a State's Attorney's office; and
   (iv) the Attorney General's office.

(o) "Local department" means the department of social services that has jurisdiction in the county:

(1) where the allegedly abused or neglected child lives; or
(2) if different, where the abuse or neglect is alleged to have taken place.

(o-1) "Local department case file" means that component of the Department's confidential computerized database that contains information regarding child abuse and neglect investigations to which access is limited to the local department staff responsible for the investigation.

(p) "Local State's Attorney" means the State's Attorney for the county:

(1) where the allegedly abused or neglected child lives; or
(2) if different, where the abuse or neglect is alleged to have taken place.

(q) "Mental injury" means the observable, identifiable, and substantial impairment of a child's mental or psychological ability to function.

(r) "Neglect" means the leaving of a child unattended or other failure to give proper care and attention to a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances that indicate:

(1) that the child's health or welfare is harmed or placed at substantial risk of harm; or
(2) mental injury to the child or a substantial risk of mental injury.

(s) "Police officer" means any State or local officer who is authorized to make arrests as part of the officer's official duty.

(t) "Record" means the original or any copy of any documentary material, in any form, including a report of suspected child abuse or neglect, that is made by, received by, or received from the State, a county, or a municipal corporation in the State, or any subdivision or agency concerning a case of alleged child abuse or neglect.

(u) "Report" means an allegation of abuse or neglect, made or received under this subtitle.

(v) "Ruled out" means a finding that abuse, neglect, or sexual abuse did not occur.

(w)(1) "Sexual abuse" means any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member.
(2) "Sexual abuse" includes:
(i) incest, rape, or sexual offense in any degree;
(ii) sodomy; and
(iii) unnatural or perverted sexual practices.

(x) "Unsubstantiated" means a finding that there is an insufficient amount of evidence to support a finding of indicated or ruled out.

** SPECIAL NOTE: EFFECTIVE - JANUARY 1, 2006 - CHAPTER 464 - 2005 **

(a) Except as otherwise provided in § 5-705.1 of this subtitle, in this subtitle the following words have the meanings indicated.
(b) "Abuse" means:

(1) the physical or mental injury of a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member, under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed; or

(2) sexual abuse of a child, whether physical injuries are sustained or not.
(c) "Administration" means the Social Services Administration of the Department.

(d) (1) Except as provided in paragraph (2) of this subsection, "central registry" means any component of the Department's confidential computerized database that contains information regarding child abuse and neglect investigations.

(2) "Central registry" does not include a local department case file.
(e) "Child" means any individual under the age of 18 years.
(f) Repealed.

(g) (1) "Educator or human service worker" means any professional employee of any correctional, public, parochial or private educational, health, juvenile service, social or social service agency, institution, or licensed facility.

(2) "Educator or human service worker" includes:

(i) any teacher;
(ii) any counselor;
(iii) any social worker;
(iv) any caseworker; and
(v) any probation or parole officer.

(h) "Family member" means a relative by blood, adoption, or marriage of a child.
(i) "Identifying information" means the name of:

(1) the child who is alleged to have been abused or neglected;
(2) a member of the household of the child;
(3) a parent or legal guardian of the child; or
(4) an individual suspected of being responsible for abuse or neglect of the child.

(j) (1) "Health practitioner" includes any person who is authorized to practice healing under the Health Occupations Article or § 13-516 of the Education Article.

(2) "Health practitioner" does not include an emergency medical dispatcher.

(k) "Household" means the location:

(1) in which the child resides;
(2) where the abuse or neglect is alleged to have taken place; or
(3) where the person suspected of abuse or neglect resides.
(l) "Household member" means a person who lives with, or is a regular presence in, a home of a child at the time of the alleged abuse or neglect.

(m) "Indicated" means a finding that there is credible evidence, which has not been satisfactorily refuted, that abuse, neglect, or sexual abuse did occur.

(n) (1) "Law enforcement agency" means a State, county, or municipal police department, bureau, or agency.

(2) "Law enforcement agency" includes:
   (i) a State, county, or municipal police department or agency;
   (ii) a sheriff's office;
   (iii) a State's Attorney's office; and
   (iv) the Attorney General's office.

(o) Except as provided in §§ 5-705.1 and 5-714 of this subtitle, "local department" means the local department that has jurisdiction in the county:

   (1) where the allegedly abused or neglected child lives; or
   (2) if different, where the abuse or neglect is alleged to have taken place.

(o-1) "Local department case file" means that component of the Department's confidential computerized database that contains information regarding child abuse and neglect investigations to which access is limited to the local department staff responsible for the investigation.

(p) "Local State's Attorney" means the State's Attorney for the county:

   (1) where the allegedly abused or neglected child lives; or
   (2) if different, where the abuse or neglect is alleged to have taken place.

(q) "Mental injury" means the observable, identifiable, and substantial impairment of a child's mental or psychological ability to function.

(r) "Neglect" means the leaving of a child unattended or other failure to give proper care and attention to a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances that indicate:

   (1) that the child's health or welfare is harmed or placed at substantial risk of harm; or
   (2) mental injury to the child or a substantial risk of mental injury.

(s) "Police officer" means any State or local officer who is authorized to make arrests as part of the officer's official duty.

(t) "Record" means the original or any copy of any documentary material, in any form, including a report of suspected child abuse or neglect, that is made by, received by, or received from the State, a county, or a municipal corporation in the State, or any subdivision or agency concerning a case of alleged child abuse or neglect.

(u) "Report" means an allegation of abuse or neglect, made or received under this subtitle.

(v) "Ruled out" means a finding that abuse, neglect, or sexual abuse did not occur.

(w) (1) "Sexual abuse" means any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member.

   (2) "Sexual abuse" includes:
      (i) incest, rape, or sexual offense in any degree;
      (ii) sodomy; and
      (iii) unnatural or perverted sexual practices.

(x) "Unsubstantiated" means a finding that there is an insufficient amount of evidence to support a finding of indicated or ruled out.
Maryland Family Law Section 5-702

§ 5-702.

The purpose of this subtitle is to protect children who have been the subject of abuse or neglect by:

1. mandating the reporting of any suspected abuse or neglect;
2. giving immunity to any individual who reports, in good faith, a suspected incident of abuse or neglect;
3. requiring prompt investigation of each reported suspected incident of abuse or neglect;
4. causing immediate, cooperative efforts by the responsible agencies on behalf of children who have been the subject of reports of abuse or neglect; and
5. requiring each local department to give the appropriate service in the best interest of the abused or neglected child.
§ 5-704.

(a) Notwithstanding any other provision of law, including any law on privileged communications, each health practitioner, police officer, educator, or human service worker, acting in a professional capacity in this State:

(1) (i) who has reason to believe that a child has been subjected to abuse, shall notify the local department or the appropriate law enforcement agency; or

(ii) who has reason to believe that a child has been subjected to neglect, shall notify the local department; and

(2) if acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution, shall immediately notify and give all information required by this section to the head of the institution or the designee of the head.

(b) (1) An individual who notifies the appropriate authorities under subsection (a) of this section shall make:

(i) an oral report, by telephone or direct communication, as soon as possible:

1. to the local department or appropriate law enforcement agency if the person has reason to believe that the child has been subjected to abuse; or

2. to the local department if the person has reason to believe that the child has been subjected to neglect; and

(ii) a written report:

1. to the local department not later than 48 hours after the contact, examination, attention, or treatment that caused the individual to believe that the child had been subjected to abuse or neglect; and

2. with a copy to the local State's Attorney if the individual has reason to believe that the child has been subjected to abuse.

(2) (i) An agency to which an oral report of suspected abuse is made under paragraph (1) of this subsection shall immediately notify the other agency.

(ii) This paragraph does not prohibit a local department and an appropriate law enforcement agency from agreeing to cooperative arrangements.

(c) Insofar as is reasonably possible, an individual who makes a report under this section shall include in the report the following information:

(1) the name, age, and home address of the child;

(2) the name and home address of the child's parent or other person who is responsible for the child's care;

(3) the whereabouts of the child;

(4) the nature and extent of the abuse or neglect of the child, including any evidence or information available to the reporter concerning possible previous instances of abuse or neglect; and

(5) any other information that would help to determine:

(i) the cause of the suspected abuse or neglect; and
(ii) the identity of any individual responsible for the abuse or neglect.
Maryland Family Law Section 5-711

§ 5-711.

As needed by the local department as part of its investigation under this subtitle or to provide appropriate services in the best interests of the child who is the subject of a report of child abuse or neglect, upon request, the local department shall receive copies of a child's medical records from any provider of medical care.