

***Annotated Code of Maryland***  
**HEALTH OCCUPATIONS ARTICLE**  
***Title 17. Professional Counselors and Therapists***

**Subtitle 1: Definitions; General Provisions**

§ 17-101. Definitions

(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 non-standardized 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.

(d) License. -- "License" means, unless the context requires otherwise, a license issued by the Board to practice psychology.

(f) Certified professional counselor. -- "Certified professional counselor" means a professional counselor who is certified by the Board.

(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 title.

(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 title.

(v) Practice graduate professional counseling. -- "Practice graduate professional counseling" means to practice clinical professional counseling:

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

(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.

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

#### § 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.

§ 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.

§ 17-104. Scope of certificates

Repealed by Acts 2008, ch. 505, § 2, effective October 1, 2008.

## **Subtitle 2: State Board of Professionals Counselors and Therapists**

§ 17-201. Established

There is a State Board of Professional Counselors and Therapists.

§ 17-202. Membership

(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;
  - (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) Oath. -- Before taking office, each appointee to the Board shall take the oath required by Article I, § 9 of the Maryland Constitution.

(d) Terms. --

(1) The term of a member is 4 years.

(2) The terms of the members of the Board are staggered as required by the terms of the members of the Board serving on July 1, 1988.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member may not serve more than 2 consecutive full terms.

(5) To the extent practicable, the Governor shall fill any vacancy on the Board within 60 days of the date of the vacancy.

(e) Removal. --

(1) The Governor may remove a member for in competency, misconduct, or neglect of duty.

(2) Upon the recommendation of the Secretary, the Governor may remove a member whom the Secretary finds to have been absent from 2 successive Board meetings without adequate reason.

#### § 17-203. Officers

(a) Chairperson, vice chairperson and secretary. -- From among its members, the Board annually shall elect:

(1) A chairperson;

(2) The manner of election of officers; and

(3) A secretary.

(b) Election; terms; duties. -- The Board shall determine:

(1) The manner of election of officers;

(2) The term of office of each officer; and

(3) The duties of each officer.

#### § 17-204. Meetings, reimbursement and staff

(a) Quorum. -- A majority of the full authorized membership of the Board is a quorum.

(b) Time and place of meetings. -- The Board shall meet at least once a year, at the times and places that it determines.

(c) Reimbursement for expenses. -- Each member of the Board is entitled to reimbursement for expenses at a rate determined by the Board.

(d) Staff. -- The Board may employ a staff in accordance with the budget of the Board.

#### § 17-205. Powers and duties

(a) Rules and regulations. -- 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) Additional duties. -- 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.

§ 17-206. State Board of Professional Counselors and Therapists Fund -- Establishment of fees; disposition of funds

(a) Fund established. -- There is a State Board of Professional Counselors and Therapists Fund.

(b) Fees. --

(1) The Board may set reasonable fees for the issuance and renewal of licenses or certificates and its other services.

(2) The fees charged shall be set to produce funds so as to approximate the cost of maintaining the Board.

(3) Funds to cover the expenses of the Board members shall be generated by fees set under this section.

(c) Fees -- Payment and distribution. --

(1) The Board shall pay all fees collected under this title to the Comptroller of the State.

(2) The Comptroller shall distribute the fees to the Fund.

(d) Use. --

(1) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this article.

(2) The Fund is a continuing, non-lapsing fund, not subject to § 7-302 of the State Finance and Procurement Article.

(3) Any unspent portions of the Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Fund to be used for the purposes specified in this article.

(4) No other State money may be used to support the Fund.

(e) Administration. --

(1) A designee of the Board shall administer the Fund.

(2) Moneys in the Fund may be expended only for any lawful purpose authorized under the provisions of this article.

(f) The Legislative Auditor shall audit the accounts and transactions of the Fund as provided in § 2-1220 of the State Government Article.

### **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.

§ 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 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.



§§ 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. Repealed by Acts 2008, ch. 505, § 1, effective October 1, 2008.

§ 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 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 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 subsection.

(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.

§ 17-304. Qualifications -- Clinical professional counselors.

(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 educational 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;
6. Lifestyle and career development;
7. Appraisal of individuals;
8. Research and evaluation;
9. Participation in a supervised practicum in professional counseling;
10. Marriage and family therapy; and
11. Alcohol and drug counseling; and

(ii) Not less than 2 years of supervised experience in counseling approved by the Board, 1 year of which shall have been completed after the award of the doctoral degree.

(3) In the case of an applicant holding only a master's degree, the applicant shall have completed:

(i) A minimum of 60 graduate credit hours in counselor training in the areas set forth in paragraph (2) of this subsection; and

(ii) Not less than 3 years, with a minimum of 3,000 hours, of supervised experience in counseling approved by the Board, 2 years of which shall have been completed after the award of the master's degree.

(e) Documentation of graduate course work. -- The applicant shall provide documentation to the Board evidencing the completion of 60 hours of graduate course work in the applicant's respective area of practice from an accredited college or university program approved by the Board, including training in:

- (1) Personality development;
- (2) Diagnosis and treatment of mental and emotional disorders;

- (3) Psychopathology; and
- (4) Psychotherapy.

(f) Supervised clinical experience. -- The applicant shall provide documentation evidencing the completion of 2 years of postgraduate supervised experience as required by the Board.

(g) Examination. -- Except as otherwise provided in this title, the applicant shall pass an examination approved by the Board.

§ 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.

§ 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.

§ 17-306.1. Waiver of requirements for certification -- Professional counselor - alcohol and drug

Repealed by Acts 2008, 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.

§ 17-308. Authority granted by license.

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.

#### § 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

(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.

#### § 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.

§§ 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

§§ 17-3A-01 to 17-3A-13. Licensing.

Repealed by Acts 2008, ch. 505, § 1, effective October 1, 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
- (iii) Represent to the public that the individual is certified as a certified associate counselor-alcohol and drug.

(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.

§ 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;
- (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 27 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.

#### §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 21 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 Accreditation of Healthcare 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.

#### §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 Accreditation of Healthcare 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.

#### §17-405. Waiver of requirements -- Alcohol and drug counselors.

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.

(e) Regulations. -- The Board shall adopt regulations to carry out this section.

#### § 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.

§ 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.

## **Subtitle 5: General Provisions; Disciplinary Actions**

### **§ 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.

§ 17-502. Examinations.

(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.

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.

#### § 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.

#### § 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.

#### § 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.

#### §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.

#### §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.

§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;
- (10)A certified professional counselor-marriage and family therapist; and
- (11)A certified professional counselor.

In general. -- Unless the Board agrees to accept the surrender of a license or certificate, while the licensee or certificate holder is under investigation or while charges are pending against the licensee or certificate holder, a regulated counselor or therapist may not:

- (1)Surrender the license or certificate; or
- (2)Allow the license or certificate to lapse by operation of law.

(c)Conditions for accepting surrender of license or certificate. -- The Board may set conditions on its agreement with the regulated counselor or therapist under investigation or against whom charges are pending to accept surrender of the license or certificate.

§ 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;
- (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.

§ 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.

#### §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.

(e) Subpoenas and oaths. --

(1) Over the signature of an officer or the administrator of the Board, the Board may issue subpoenas and administer oaths in connection with any investigation under this title and any hearings or proceedings before it.

(2) If, without lawful excuse, a person disobeys a subpoena from the Board or an order by the Board to take an oath or to testify or answer a question, then, on petition of the Board, a court of competent jurisdiction may punish the person as for contempt of court.

(f) Failure or refusal to appear. -- If after due notice the individual against whom the action is contemplated fails or refuses to appear, the Board may hear and determine the matter.

#### §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.

#### § 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:

(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 § 17-603 of this title or disciplinary action under § 17-509 of this subtitle.

§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) Reinstatement a license or certificate that has been revoked;

(2) Reduce the period of a suspension or probation; or

(3) Withdraw a reprimand.

#### §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 rehabilitation 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.

## **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.

§ 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.

§ 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.

§ 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.

### **Subtitle 7: Short Title; Termination Of Title.**

§17-701. Short title.

This title may be cited as the "Maryland Professional Counselors and Therapists Act".

§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.