

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 1201 (Delegate Hayes, *et al.*)
Rules and Executive Nominations

Health Occupations - Professional Counselors and Therapists - Provisional
Licenses

This bill authorizes the State Board of Professional Counselors and Therapists to issue a one-year provisional license to a qualified applicant to allow an individual to practice clinical alcohol and drug counseling, clinical marriage and family therapy, clinical professional art therapy, or clinical professional counseling while the individual is completing the requirements for full licensure.

Fiscal Summary

State Effect: The board can likely handle the bill's licensing requirements with existing budgeted resources. Minimal increase in special fund revenues from new licensing fees beginning in FY 2016.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: To qualify for a provisional license, an applicant must be of good moral character and at least 18 years old, submit an application, and pay an application fee.

To qualify for provisional licensure, the applicant must hold a valid license in another state and it must have been held for at least two years immediately preceding the date of application. An applicant must also demonstrate progress toward full licensure in Maryland by meeting one of the following requirements: (1) be enrolled in a regionally accredited college or university in a program of study that completes requirements for full

licensure in Maryland; (2) be registered to take the national-level examination and State law test required for full licensure; (3) have already taken the required national-level examination and State law test and be awaiting results; or (4) have already passed the national-level examination and be registered to take the State law test.

An applicant must submit two letters of recommendation from a clinical alcohol and drug counselor, clinical marriage and family therapist, clinical professional art therapist, or clinical professional counselor who is either licensed in Maryland or holds an equivalent national credential recognized by the board. The letters of recommendation must be from individuals in the field in which the applicant wishes to receive a provisional license.

The board must issue a provisional license to a qualified applicant. The provisional license expires after one year and may not be renewed.

Current Law:

Clinical Licenses: With the exception of specified students and trainees working under supervision, an individual may not practice, attempt to practice, or offer to practice clinical alcohol and drug counseling, clinical marriage and family therapy, clinical professional art therapy, or clinical professional counseling in the State unless licensed by the board. If unlicensed, an individual is also prohibited from (1) representing to the public by title, description of services, methods, or procedures that the individual is licensed; (2) using any title, abbreviation, sign, card, or other representation that the individual is licensed; or (3) using the title “L.C.A.D.C.,” “L.C.M.F.T.,” “L.C.P.C.,” or “L.C.P.A.T.” or the words “licensed clinical alcohol and drug counselor,” “licensed clinical marriage and family therapist,” “licensed clinical professional counselor,” or “licensed clinical professional art therapist” with the intent to represent that the individual practices such a profession.

Graduate Licenses: Unless an individual has been approved by the board to practice as a licensed graduate alcohol and drug counselor, a licensed graduate professional counselor, a licensed graduate marriage and family therapist, or a licensed graduate professional art therapist, the individual may not (1) use the title “licensed graduate alcohol and drug counselor,” “licensed graduate professional counselor,” “licensed graduate marriage and family therapist,” or “licensed graduate professional art therapist”; (2) use the initials “L.G.A.D.C.,” “L.G.P.C.,” “L.G.M.F.T.,” or “L.G.P.A.T.”; (3) represent to the public that the individual is approved by the board to practice; or (4) use any title, abbreviation, sign, card, or other representation that the individual is licensed to practice such a profession.

Certified Counselors and Therapists: 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, description of services, methods, or procedures, or otherwise, that the individual is certified by the board; (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,” “certified professional counselor-marriage and family therapist,” “certified counselor,” “certified marriage and family therapist,” “certified professional counselor-alcohol and drug,” “certified associate counselor-alcohol and drug,” or “certified supervised counselor-alcohol and drug” with the intent to represent that the individual practices such a profession.

State Fiscal Effect: The board currently regulates 5,740 professional counselors and therapists. The board estimates that 50 individuals will apply annually for a provisional license. The board advises that it must hire one permanent full-time employee to review and approve applications and establish a provisional licensure program. However, the Department of Legislative Services (DLS) disagrees given the low number of estimated applicants, the fact that these are one-time nonrenewable licenses, and the relatively simple requirements for provisional licensure. Thus, DLS advises that the board can accomplish the bill’s requirements with existing budgeted resources. To the extent that the board receives a significantly higher number of applicants annually, the board may need an additional part-time employee.

Board special fund revenues increase by a minimal amount beginning in fiscal 2016 from the provisional license fee.

Additional Information

Prior Introductions: None.

Cross File: SB 830 (Senator Conway) - Education, Health, and Environmental Affairs.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

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min/jc

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