

HOUSE BILL 1096

J2, P1

8lr1378

By: Delegates Waldstreicher and Wilson, Wilson, Angel, Barron, Bromwell, Cullison, Hayes, Hill, Kelly, Kipke, Krebs, McDonough, Metzgar, Miele, Morales, Morgan, Pena-Melnyk, Pendergrass, Platt, Rosenberg, Saab, Sample-Hughes, Szeliga, West, and K. Young

Introduced and read first time: February 7, 2018

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2018

CHAPTER _____

1 AN ACT concerning

2 ~~Health Occupations – Mental Health Veteran Employment Pilot Program –~~
3 ~~Establishment~~
4 State Government – Veteran Employment and Transition Success Program

5 FOR the purpose of establishing the ~~Mental Health Veteran Employment Pilot Program~~
6 ~~under the State Board of Physicians, the State Board of Professional Counselors and~~
7 ~~Therapists, and the State Board of Examiners of Psychologists; specifying the~~
8 ~~purposes of the Program; requiring the boards, in consultation with the Department~~
9 ~~of Veterans Affairs, to adopt regulations establishing the requirements for veteran~~
10 ~~mental health specialists, mental health professionals, and employers to participate~~
11 ~~in the Program and listing any mental health occupational specialties that qualify~~
12 ~~an individual to participate in the Program as a veteran mental health specialist;~~
13 ~~requiring the Department and certain boards, on or before a certain date, to report~~
14 ~~certain information to the General Assembly; altering certain definitions to exempt~~
15 ~~performing a delegated mental health act while participating in the Program from~~
16 ~~certain scopes of practice; defining certain terms; providing for the termination of~~
17 ~~this Act; and generally relating to the Mental Health Veteran Employment Pilot~~
18 Program Veteran Employment and Transition Success Program; providing for the
19 purpose of the Program; requiring the Department of Veterans Affairs to adopt
20 certain regulations; establishing the Veteran Employment and Transition Success
21 Fund as a special, nonlapsing fund; providing for the purpose of the Fund; requiring
22 the Secretary of Veterans Affairs to administer the Fund; authorizing the Program

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 to provide certain individuals grants; requiring the State Treasurer to hold the Fund
 2 and the Comptroller to account for the Fund; specifying the contents of the Fund;
 3 providing for the investment of money in and expenditures from the Fund; requiring
 4 interest earnings of the Fund to be credited to the Fund; exempting the Fund from a
 5 certain provision of law requiring interest earnings on State money to accrue to the
 6 General Fund of the State; providing that expenditures from the Fund shall be made
 7 in accordance with the State budget; and generally relating to the Veteran
 8 Employment and Transition Success Program.

9 ~~BY renumbering~~

10 ~~Article – Health Occupations~~

11 ~~Section 1–706~~

12 ~~to be Section 1–707~~

13 ~~Annotated Code of Maryland~~

14 ~~(2014 Replacement Volume and 2017 Supplement)~~

15 BY repealing and reenacting, without amendments,

16 Article – State Finance and Procurement

17 Section 6–226(a)(2)(i)

18 Annotated Code of Maryland

19 (2015 Replacement Volume and 2017 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article – State Finance and Procurement

22 Section 6–226(a)(2)(ii)101. and 102.

23 Annotated Code of Maryland

24 (2015 Replacement Volume and 2017 Supplement)

25 BY adding to

26 Article – State Finance and Procurement

27 Section 6–226(a)(2)(ii)103.

28 Annotated Code of Maryland

29 (2015 Replacement Volume and 2017 Supplement)

30 BY adding to

31 Article – ~~Health Occupations~~ State Government

32 Section ~~1–706~~ 9–960 and 9–961 to be under the amended subtitle “Subtitle 7. Service

33 ~~Members, Veterans, and Military Spouses~~ the new part “Part IX. Veteran
 34 Employment and Transition Success Program”

35 Annotated Code of Maryland

36 (2014 Replacement Volume and 2017 Supplement)

37 ~~BY repealing and reenacting, with amendments,~~

38 ~~Article – Health Occupations~~

39 ~~Section 14–101(e), 17–101(v), and 18–101(f)~~

40 ~~Annotated Code of Maryland~~

41 ~~(2014 Replacement Volume and 2017 Supplement)~~

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 2 That ~~Section(s) 1-706 of Article Health Occupations of the Annotated Code of Maryland~~
 3 ~~be renumbered to be Section(s) 1-707.~~

4 ~~SECTION 2. AND BE IT FURTHER ENACTED, That~~ the Laws of Maryland read
 5 as follows:

6 **Article – State Finance and Procurement**

7 6-226.

8 (a) (2) (i) Notwithstanding any other provision of law, and unless
 9 inconsistent with a federal law, grant agreement, or other federal requirement or with the
 10 terms of a gift or settlement agreement, net interest on all State money allocated by the
 11 State Treasurer under this section to special funds or accounts, and otherwise entitled to
 12 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
 13 Fund of the State.

14 (ii) The provisions of subparagraph (i) of this paragraph do not apply
 15 to the following funds:

16 101. the Advance Directive Program Fund; [and]

17 102. the Make Office Vacancies Extinct Matching Fund;

18 103. THE VETERAN EMPLOYMENT AND TRANSITION
 19 SUCCESS FUND.

20 **Article – ~~Health Occupations~~ State Government**

21 9-958. RESERVED.

22 9-959. RESERVED.

23 **PART IX. VETERAN EMPLOYMENT AND TRANSITION SUCCESS PROGRAM.**

24 9-960.

25 **(A) THERE IS A VETERAN EMPLOYMENT AND TRANSITION SUCCESS**
 26 **PROGRAM IN THE DEPARTMENT.**

27 **(B) THE PURPOSE OF THE PROGRAM IS TO PROVIDE GRANTS TO ASSIST**
 28 **TRANSITIONING VETERANS IN OBTAINING A CERTIFICATION, LICENSE, OR**
 29 **REGISTRATION UNDER THE HEALTH OCCUPATIONS ARTICLE.**

1 (C) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT:

2 (1) ESTABLISH THE ADMINISTRATION OF THE PROGRAM; AND

3 (2) SPECIFY WHICH INDIVIDUALS ARE ELIGIBLE FOR A GRANT UNDER
4 § 9-961 OF THIS SUBTITLE.

5 9-961.

6 (A) THERE IS A VETERAN EMPLOYMENT AND TRANSITION SUCCESS FUND.

7 (B) THE PURPOSE OF THE FUND IS TO PROVIDE GRANTS TO TRANSITIONING
8 VETERANS SEEKING A CERTIFICATION, LICENSE, OR REGISTRATION UNDER THE
9 HEALTH OCCUPATIONS ARTICLE.

10 (C) THE SECRETARY SHALL ADMINISTER THE FUND.

11 (D) SUBJECT TO THE AVAILABILITY OF MONEY IN THE FUND, THE
12 PROGRAM MAY PROVIDE AN ELIGIBLE INDIVIDUAL A GRANT.

13 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
14 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

15 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,
16 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

17 (F) THE FUND CONSISTS OF:

18 (1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND

19 (2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR
20 THE BENEFIT OF THE FUND.

21 (G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND
22 IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

23 (2) INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE
24 FUND.

25 (H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE
26 WITH THE STATE BUDGET.

27 ~~Subtitle 7. Service Members, Veterans, and Military Spouses [Licensing].~~

28 ~~1-706.~~

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

3 (2) ~~“DELEGATED MENTAL HEALTH ACT” MEANS AN ACTIVITY THAT IS~~
4 ~~DELEGATED BY A MENTAL HEALTH PROFESSIONAL TO A VETERAN MENTAL HEALTH~~
5 ~~SPECIALIST UNDER THIS SECTION AND UNDER REGULATIONS ADOPTED BY THE~~
6 ~~HEALTH OCCUPATIONS BOARDS THAT LICENSE OR CERTIFY THE MENTAL HEALTH~~
7 ~~PROFESSIONAL.~~

8 (3) ~~“DIRECT SUPERVISION” MEANS THAT A MENTAL HEALTH~~
9 ~~PROFESSIONAL IS PHYSICALLY AVAILABLE, NOTWITHSTANDING APPROPRIATE~~
10 ~~BREAKS, ON SITE IN THE AREA WHERE MENTAL HEALTH SERVICES ARE PROVIDED,~~
11 ~~TO SUPERVISE DELEGATED MENTAL HEALTH ACTS.~~

12 (4) ~~“MENTAL HEALTH PROFESSIONAL” MEANS AN INDIVIDUAL:~~

13 (i) ~~LICENSED OR CERTIFIED BY THE BOARD OF PHYSICIANS~~
14 ~~UNDER TITLE 14 OF THIS ARTICLE, THE BOARD OF PROFESSIONAL COUNSELORS~~
15 ~~AND THERAPISTS UNDER TITLE 17 OF THIS ARTICLE, OR THE BOARD OF~~
16 ~~EXAMINERS OF PSYCHOLOGISTS UNDER TITLE 18 OF THIS ARTICLE; AND~~

17 (ii) ~~WHO PROVIDES MENTAL HEALTH SERVICES.~~

18 (5) ~~“PROGRAM” MEANS THE MENTAL HEALTH VETERAN~~
19 ~~EMPLOYMENT PILOT PROGRAM ESTABLISHED UNDER SUBSECTION (B) OF THIS~~
20 ~~SECTION.~~

21 (6) ~~“VETERAN MENTAL HEALTH SPECIALIST” MEANS A VETERAN WHO~~
22 ~~SERVED IN THE MILITARY IN A MENTAL HEALTH OCCUPATIONAL SPECIALTY,~~
23 ~~INCLUDING:~~

24 (i) ~~AS A MENTAL HEALTH SPECIALIST IN THE UNITED STATES~~
25 ~~ARMY;~~

26 (ii) ~~AS A PSYCHIATRY TECHNICIAN IN THE UNITED STATES~~
27 ~~NAVY;~~

28 (iii) ~~IN A MENTAL HEALTH SERVICE JOB IN THE UNITED STATES~~
29 ~~AIR FORCE; OR~~

30 (iv) ~~IN ANY OTHER SPECIALTY DESIGNATED UNDER~~
31 ~~REGULATIONS ADOPTED UNDER SUBSECTION (D) OF THIS SECTION.~~

1 ~~(B) THERE IS A MENTAL HEALTH VETERAN EMPLOYMENT PILOT~~
2 ~~PROGRAM.~~

3 ~~(C) THE PURPOSES OF THE PROGRAM ARE TO:~~

4 ~~(1) ALLOW VETERAN MENTAL HEALTH SPECIALISTS TO PRACTICE~~
5 ~~AND PERFORM CERTAIN DELEGATED MENTAL HEALTH ACTS UNDER THE DIRECT~~
6 ~~SUPERVISION OF A MENTAL HEALTH PROFESSIONAL;~~

7 ~~(2) INCREASE CIVILIAN EMPLOYMENT OPPORTUNITIES FOR~~
8 ~~VETERAN MENTAL HEALTH SPECIALISTS; AND~~

9 ~~(3) USE THE TRAINING AND EXPERIENCE OF VETERAN MENTAL~~
10 ~~HEALTH SPECIALISTS TO FILL EMPLOYMENT GAPS IN THE MENTAL HEALTH FIELD.~~

11 ~~(D) IN CONSULTATION WITH THE DEPARTMENT OF VETERANS AFFAIRS,~~
12 ~~THE HEALTH OCCUPATIONS BOARDS THAT LICENSE OR CERTIFY MENTAL HEALTH~~
13 ~~PROFESSIONALS SHALL ADOPT REGULATIONS:~~

14 ~~(1) ESTABLISHING THE REQUIREMENTS FOR VETERAN MENTAL~~
15 ~~HEALTH SPECIALISTS, MENTAL HEALTH PROFESSIONALS, AND EMPLOYERS TO~~
16 ~~PARTICIPATE IN THE PROGRAM; AND~~

17 ~~(2) LISTING ANY MENTAL HEALTH OCCUPATIONAL SPECIALTIES, IN~~
18 ~~ADDITION TO THOSE LISTED UNDER SUBSECTION (A)(6) OF THIS SECTION, THAT~~
19 ~~QUALIFY AN INDIVIDUAL TO PARTICIPATE IN THE PROGRAM AS A VETERAN MENTAL~~
20 ~~HEALTH SPECIALIST.~~

21 ~~14-101.~~

22 ~~(e) (1) "Practice medicine" means to engage, with or without compensation, in~~
23 ~~medical:~~

24 ~~(i) Diagnosis;~~

25 ~~(ii) Healing;~~

26 ~~(iii) Treatment; or~~

27 ~~(iv) Surgery.~~

28 ~~(2) "Practice medicine" includes doing, undertaking, professing to do, and~~
29 ~~attempting any of the following:~~

1 ~~(i) Diagnosing, healing, treating, preventing, prescribing for, or~~
 2 ~~removing any physical, mental, or emotional ailment or supposed ailment of an individual;~~

3 ~~1. By physical, mental, emotional, or other process that is~~
 4 ~~exercised or invoked by the practitioner, the patient, or both; or~~

5 ~~2. By appliance, test, drug, operation, or treatment;~~

6 ~~(ii) Ending of a human pregnancy; and~~

7 ~~(iii) Performing acupuncture as provided under § 14-504 of this title.~~

8 ~~(3) "Practice medicine" does not include:~~

9 ~~(i) Selling any nonprescription drug or medicine;~~

10 ~~(ii) Practicing as an optician; [or]~~

11 ~~(iii) Performing a massage or other manipulation by hand, but by no~~
 12 ~~other means; OR~~

13 ~~(IV) PERFORMING A DELEGATED MENTAL HEALTH ACT WHILE~~
 14 ~~PARTICIPATING IN THE MENTAL HEALTH VETERAN EMPLOYMENT PILOT~~
 15 ~~PROGRAM ESTABLISHED UNDER § 1-706 OF THIS ARTICLE.~~

16 ~~17-101.~~

17 ~~(v) (1) "Practice clinical professional counseling" means to engage~~
 18 ~~professionally and for compensation in counseling and appraisal activities by providing~~
 19 ~~services involving the application of counseling principles and methods in the diagnosis,~~
 20 ~~prevention, treatment, and amelioration of psychological problems and emotional or mental~~
 21 ~~conditions of individuals or groups.~~

22 ~~(2) "PRACTICE CLINICAL PROFESSIONAL COUNSELING" DOES NOT~~
 23 ~~INCLUDE THE PERFORMANCE OF A DELEGATED MENTAL HEALTH ACT WHILE~~
 24 ~~PARTICIPATING IN THE MENTAL HEALTH VETERAN EMPLOYMENT PILOT~~
 25 ~~PROGRAM ESTABLISHED UNDER § 1-706 OF THIS ARTICLE.~~

26 ~~18-101.~~

27 ~~(f) (1) "Practice psychology" means to provide to any person:~~

28 ~~(i) Any service for compensation involving the application of~~
 29 ~~psychological principles, psychological methods, or psychological procedures for~~
 30 ~~understanding, predicting, or influencing behavior, including the principles that relate to~~

~~learning, perception, motivation, emotions, organizational relationships, and interpersonal relationships;~~

~~(ii) Any service for compensation involving the application of psychological methods or psychological procedures for interviewing, counseling, psychotherapy, behavior modification, or hypnosis; or~~

~~(iii) Any service for compensation involving the application of psychological methods or psychological procedures for constructing, administering, or interpreting tests of mental abilities, neuropsychological functioning, aptitudes, interests, attitudes, personality characteristics, emotions, or motivations.~~

~~(2) "Practice psychology" includes:~~

~~(i) The application of psychological principles and psychological methods in the diagnosis, prevention, treatment, and amelioration of psychological problems, emotional conditions, or mental conditions of individuals or groups;~~

~~(ii) The use of psychological methods to assist an individual in acquiring greater human effectiveness or to modify feelings, conditions, attitudes, or behavior that is emotionally, intellectually, or socially ineffectual or maladjusted; and~~

~~(iii) The use of biofeedback instruments that do not pierce or cut the skin to measure physical and mental functioning.~~

~~(3) "PRACTICE PSYCHOLOGY" DOES NOT INCLUDE THE PERFORMANCE OF A DELEGATED MENTAL HEALTH ACT WHILE PARTICIPATING IN THE MENTAL HEALTH VETERAN EMPLOYMENT PILOT PROGRAM ESTABLISHED UNDER § 1-706 OF THIS ARTICLE.~~

~~(4) In this subsection, "psychological methods", "psychological principles", and "psychological procedures" include the body of information that can be derived from a graduate program in psychology, and other education or training recognized by the Board as prerequisites for a license under this title, and that does not amount to the practice of medicine.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That on or before December 1, 2021, the Department of Veterans Affairs, the State Board of Physicians, the State Board of Professional Counselors and Therapists, and the State Board of Examiners of Psychologists jointly shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on:~~

~~(1) the number and categories of participants in the Mental Health Veteran Employment Pilot Program established under Section 2 of this Act;~~

~~(2) any recommended changes to the Program; and~~

1 ~~(3) any other information related to the Program that the Department or~~
2 ~~boards consider relevant.~~

3 SECTION ~~4~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2018. It shall remain effective for a period of 4 years and, at the end of September
5 30, 2022, this Act, with no further action required by the General Assembly, shall be
6 abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.